

# Public Document Pack

**Peak District National Park Authority**

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



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

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Our Ref: A.1142/3380

Date: 8 June 2023



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 16 June 2023**

Time: **10.00 am**

Venue: **Aldern House, Baslow Road, Bakewell**

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 12th May 2023** *(Pages 7 - 12)*
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 - Proposed agricultural 'L' shaped building to house livestock and store fodder and access track at Land south of B5056, Fenny Bentley - (NP/DDD/1222/1557 GB)** *(Pages 13 - 22)*  
Site Plan
6. **Conservation of Habitats and Species Regulations 2019 - Installation of 15 metres of steps and 45 metres of path resurfacing to improve public access to Thors Cave and to reduce erosion. Follow up work to a first phase of work under planning consent NP/SM/1121/1255 at Thors Cave, Wetton (NP/SM/0123/0048, ALN)** *(Pages 23 - 28)*  
Site Plan
7. **Full Application - Installation of 15 metres of steps and 45 metres of path resurfacing to improve public access to Thors Cave and to reduce erosion. Follow up work to a first phase of work under planning consent NP/SM/1121/1255 at Thors Cave, Wetton (NP/SM/0123/0048, ALN)** *(Pages 29 - 36)*  
Site Plan
8. **Full Application - Variation of Condition 2 (approved plans) of NP/DDD/1219/1298 at Former Dove Dairy, Stonewell Lane, Hartington (NP/DDD/0223/0156, MN)** *(Pages 37 - 50)*  
Site Plan
9. **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)** *(Pages 51 - 58)*  
Site Plan
10. **Conservation of habitats and species regulations 2019 - proposed restoration and extension of Thornseat Lodge and ancillary buildings to form holiday accommodation and guest facilities; erection of events venue; alterations to existing access including parking facilities; enhanced site landscaping, Thornseat Lodge, Mortimer Road, Sheffield (NP/S/1022/1300, JRS)** *(Pages 59 - 66)*  
Site Plan

11. **Full Application - Proposed restoration and extension of Thornseat Lodge and ancillary buildings to form holiday accommodation and guest facilities; erection of events venue; alterations to existing access including parking facilities; enhances site landscaping at Thornseat Lodge, Mortimer Road, Sheffield (NP/S/0622/1300, JRS) (Pages 67 - 108)**  
Site Plan
12. **Conservation of Habitats and Species Regulations 2019 - To repair Magdalen Road (private carriage road and bridleway). To replace a collapsed stone culvert with plastic pipe and repair the track using locally sourced sandstone. The final covering will be 20mm to dust. The wheel marks made during the work will be filled separately, leaving grass in the centre. Public Bridleway Meltham/50, Magdalen Road, Meltham Moor, Meltham (NP/K/0121/0026, JRS) - ITEM WITHDRAWN (Pages 109 - 114)**  
Site Plan
13. **Full Application - To repair Magdalen Road (private carriage road and bridleway). To replace a collapsed stone culvert with plastic pipe and repair the track using locally sourced sandstone. The final covering will be 20mm to dust. The wheel marks made during the work will be filled separately, leaving grass in the centre. Public Bridleway Meltham/50, Magdalen Road, Meltham Moor, Meltham (NP/K/0121/0026, JRS) - ITEM WITHDRAWN (Pages 115 - 130)**  
Site Plan
14. **Full Application - Change of use from domestic garden to camping pod site at Top Riley, Riley Lane, Eyam (NP/DDD/1121/1299, JS) (Pages 131 - 142)**  
Site Plan
15. **Full Application - Proposed annex to rear of dwelling and associated works at Heatherlea, Curbar (NP/DDD/0323/0314, EJ) (Pages 143 - 152)**  
Site Plan
16. **Full Application - Agricultural building at Rose Cottage, Hope Road, Edale, NP/HPK/1221/1308 (Pages 153 - 162)**  
Site Plan
17. **Full application - Reinstatement of Lower Holt Farm, Barber Booth, Edale for a new dwelling and associated works at Lower Holt Farm, Barber Booth Road, Edale (NP/HPK/0722/0910, WE) (Pages 163 - 176)**  
Site Plan
18. **Full Application - For the installation of solar powered car park machine and associated base, pedestrian area and signage at Derwent Overlook Car Park (NP/HPK/0323/0247, EJ) (Pages 177 - 184)**  
Site Plan
19. **Head of Law Report - Planning Appeals (Pages 185 - 188)**
20. **Planning Appeals Annual Report (Pages 189 - 194)**  
Appendix 1

## **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 M Chaplin	Ms A Harling
Cllr A Hart	Cllr I Huddlestone
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

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



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 12 May 2023 at 10.00 am

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

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 J Wharmby

Mr J W Berresford attended to observe and speak but not vote.

Apologies for absence: Cllr W Armitage, Cllr I Huddleston, Cllr K Richardson and Dr R Swetnam.

### **52/23 APOLOGIES FOR ABSENCE, ROLL CALL OF MEMBERS PRESENT AND MEMBERS DECLARATIONS OF INTEREST**

#### Item 6

All Members declared that the agent, Jane Newman, was known to them as a former Authority Officer.

#### Item 7

Cllr Chapman declared that the applicant, Mr White, was known to him, but they had not discussed the application.

Members thanked Cllr William Armitage, who had sent his apologies, for his service on the Authority, as he had lost his seat at the recent local election. It was agreed that his warmth and humour would be missed.

*The meeting adjourned for a short break at 10.05 due to a problem with the microphones and reconvened at 10.10*

### **53/23 MINUTES OF PREVIOUS MEETING OF 21 APRIL 2023**

The minutes of the last meeting of the Planning Committee held on 21<sup>st</sup> April 2023 were approved as a correct record, subject to the following amendment:

#### **Minute number 41/23**

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**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)**

Members requested that both times “height” was mentioned, “and clearance” should be added. Also an additional condition should be added to reflect the concerns that had taken place about to the effect that the current levels and clearance should be maintained.

**54/23 URGENT BUSINESS**

There was no urgent business.

**55/23 PUBLIC PARTICIPATION**

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

**56/23 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**

This item was withdrawn from the agenda.

**57/23 FULL APPLICATION - EXTENSION TO DWELLING AT PIPPIN COTTAGE, THE BARN, CHURCH STREET, EYAM (NP/DDD/0323/0260, WE)**

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:

- Jane Newman- Agent

Members requested clarification as to the heritage importance of the building. Officers advised that it was not listed but it was considered to be a non designated heritage asset due to being a traditional building of merit, therefore Authority policy supported its conservation and enhancement. Comments had not been provided from the Authority's Cultural Heritage Team as due to capacity issues they were only providing comments on listed (i.e. designated) properties.

It was noted that no comments had been received from the Parish Council.

Members discussed the proposed glazed link that would join the original building and the proposed extension. It was felt that this was a good solution which maintained the integrity of the original building. It was suggested that weight should also be placed on the socio economic contribution of the applicant and her business, to the village.

A suggestion was made, but not taken up, that the proposed French doors were not in keeping with the original building and that they should be replaced with windows.

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

**RESOLVED:**

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

- 1. Standard 3 year commencement period**
- 2. In accordance with specified plans**
- 3. More details to be provided of the junction of the link structure with the original building**
- 4. Materials to match existing**
- 5. Minor design details to match existing and a sample panel to be provided.**
- 6. Minor design details to match existing**

**58/23 FULL APPLICATION - PROPOSED ALTERATIONS AND NEW AWNING AT CAFE 19 AT SPAR, CALVER SOUGH, CALVER (NP/DDDD1022/1295, WE)**

A formal site visit was not held, however some Members viewed the site informally from the bus as it passed the site on the return to base from formal visits. 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:

- Edward White – Applicant

Members discussed the modern character of the current building and the need to give weight to the economic advantages of the proposed scheme, for the business. It was also noted that the site was outside the village conservation area at a busy road junction.

Members requested clarification as to what alternative proposals Officers would be likely to find acceptable. The Planning Officer advised that a retractable awning without posts, or free-standing umbrellas would be preferable.

Members requested that if the application was approved conditions should be added to provide details of disabled access and to prevent the awning being enclosed at the sides.

A motion to approve the application was proposed and seconded and carried.

**RESOLVED:**

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

- 1. Standard 3 year commencement period**
- 2. Colour of posts and awning to be agreed**
- 3. No enclosure or alteration of the awning to be permitted**
- 4. No lighting other than in accordance with details to be submitted and approved**
- 5. Details of disabled access to be provided.**

**59/23 FULL APPLICATION - ERECTION OF A NEW GARAGE AT DAINS MILL, ROACH ROAD, UPPER HULME (NP/SM/1022/1316, DH)**

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

Members noted that the applicant had not taken up the opportunity of further discussion and negotiation with Officers, which had been provided by the committee's previous deferral.

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

**RESOLVED:**

**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'**

**60/23 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)**

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

Members asked whether the ground source heat pump would protrude above the ground in the field and Officers advised it would be buried.

Members congratulated Officers for securing amendments through negotiation with the applicant. They also requested clarification as to why the commencement period was 2 years rather than 3. Officers advised that this was usual in this type of application where circumstances could change easily.

Members asked if Officers knew the size of the family that would be housed in the proposed property. Officers confirmed that they had not requested this information. Some Members expressed concerns that there may be an inconsistency between the planning policies governing agricultural workers dwellings and those governing local needs houses and floor space limits.

It was stated in the report that the Authority had received a solicitors' letter relating to the farm access, the contents of which were considered to be a civil matter and not a planning consideration. Members asked if this might result in the development not taking place. Officers advised that it was unlikely that it would prevent planning permission being issued, and only if it transpired that the land declaration was incorrect then this could leave the decision open to challenge. Officers had no reason to consider that this would be the case.

A motion to approve the application in accordance with Officer recommendation was proposed, seconded, voted on and carried.

Cllr Potter requested that her vote against the motion be recorded.

**RESOLVED:**

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

- 1. 2 year time limit for commencement**
- 2. Adopt amended plans**
- 3. Removal of Permitted Development rights for external appearance, extensions/alterations and outbuildings.**
- 4. Detailed design conditions**
- 5. Maintain parking and turning space**
- 6. Underground services**
- 7. Recommended highway measures to be implemented**
- 8. External lighting scheme to be approved**
- 9. Climate mitigation measures to be implemented**

**61/23 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)**

**RESOLVED:**

**The report was noted.**

The meeting ended at 11.20 am

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**5. FULL APPLICATION - PROPOSED AGRICULTURAL 'L' SHAPED BUILDING TO HOUSE LIVESTOCK AND STORE FODDER AND ACCESS TRACK – LAND SOUTH OF B5056 FENNY BENTLEY – (NP/DDD/1222/1557 GB)**

**APPLICANT:** MR R Wright

**Summary**

1. As submitted the proposals comprise the erection of a new agricultural building and apron on undeveloped land to the south of the B5056, approximately 750m east of Fenny Bentley. The proposed building is to provide storage and livestock shelter to a parcel remote from the main farm holding in Fenny Bentley. The site is remote from the host farm complex which is in Fenny Bentley village.
2. The parish council have supported the application, with no specific justification forwarded.
3. Officers are concerned about landscape impacts of the proposals on the special qualities of the national park whilst of intensification of use on the existing access to the site which meets the B5056 at an acute angle is a material consideration.
4. The application is recommended for refusal.

**Site and Surroundings**

5. The application site stands to the south of the B5056 on ground rising away from the road. The site is characterised by rough grazing over a weak field pattern, with a semi-scrub landscape with scattered trees and thorn, increasing with elevation away from the road. To the north of the road, outside the application site land falls markedly to the meandering course of the Bentley Brook.
6. The application site stands approximately 30m south of the hedgerow boundary to the road where ground levels are markedly higher than at the roadside. The site is part of a larger irregular field although any sense of its extent is highly limited by weak boundaries, scattered trees and thorn and significant variation in topography.
7. The proposed agricultural building would be remote from its parent farm complex. The site's setting is significantly characterised by an absence of built development within the field or in the immediate vicinity. Approximately 300m to the south, towards the top of the hillside is Bank Top Farm and caravan site. However, this is not readily perceptible from the application site consequent to slope profile. The closest building to the site is a small brick-built field barn which stands to the north-east across the main road and which sits slightly below the road level. 300m to the north-east within the valley floor of the Bentley Brook is Woodeaves Mill, with The Priory holiday cottage group beyond as land rises to the north. These buildings are generally well-screened along the partly wooded roadside and lower valley.
8. The B5056 experiences frequent traffic passing the site, including heavy goods vehicles associated with the minerals industry. At its nearest point views to the site are possible from the road due to the difference in elevation above the road. The roadside hedging and tree line is irregular and occasionally open with consequent views to the application site experiencing seasonal variations in screening by vegetation.
9. The site falls within the Derbyshire Peak Fringe Landscape Character Type and specifically within the Slopes and Valleys with Woodland Landscape Character Area. The National Park Landscape Strategy identifies the character of the area as undulating, in places steeply sloping topography with an interlocking pattern of fields and blocks of woodland both ancient and secondary. There are patches of semi-improved and acid

grasslands on steeper slopes with permanent pasture in small fields. Settlement is of scattered gritstone farms with loose clusters of dwellings within a network of sunken lanes.

10. No Public Rights of Way pass close to the site.

### **Proposal**

11. The proposed building would consist of two main components adjoining at right angles to form an L-shaped plan. The principal section would run parallel to the road and measure 21m x 9.1m footprint. A slightly lower section running north-west to south-east extends the western elevation to almost 23m with a 9m gable. An inner hardstanding to the south-east (away from the road) would be laid between the wings of the building.
12. To the north-west elevation, (which would be the predominant elevation from the nearest point on the B5056), eaves height would be 5.6m and 7m to the ridge from internal ground floor level. To the south-west elevation eaves would be at 4.1m and 5.35m to the ridge. The considerable slope across the site is stated to be around 3.3m at its greatest difference, although landform is irregular across the footprint area. Cut-and-fill would therefore be necessary with the north-western elevation subject to around a 1m raise in ground level, with consequent impact on perceived building height.
13. The building would be constructed from pre-stressed concrete panels to the lower walls with vertically ribbed box-profile sheeting in slate blue above and to the roof. The roof would be provided with 18 rooflights. A large 4.5m square access door is provided to the main section of the building to its north-east gable. The southern arm of the building would be partially open to the inner apron, with overhanging canopy.
14. The new building and apron would be served by a new twin-tyre channel track and turning area which would arc through 180 degrees from the existing field access point to the B5056 back to the north-east of the proposed building. The existing access point is at an acute angle to the road, and the track would markedly rise from the road to meet the proposed building.
15. Amended access plans have been received clarifying access arrangements and improved achievable visibility splay.

### **RECOMMENDATION:**

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

1. **By virtue of its isolated siting and scale the development would give rise to harm to the character to the landscape of the locality.**

### **Key Issues**

16. The principle of the development, its impact on the appearance of the landscape of the National Park, and considerations of highways safety.

### **History**

17. No planning history pertaining to the site.

### **Consultations**

#### **Derbyshire County Council Highways**

18. Requested further details to those of original submission in relation to achievable sightlines subject to removal or lowering of roadside vegetation, or for a case that no

intensification of use would arise from the proposed use. Amended details have been provided including in relation to the anticipated level of use of the access. On the basis of the access improvements indicated and being secured through condition, and at the level of use proposed, no objection to the proposal.

19. Fenny Bentley Parish Council – Supports the application. No expansion of support forwarded.
20. Derbyshire Dales District Council – No response.

### **Representations**

21. No representations received.

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, L1, E2.

Relevant Development Management policies: DM1, DMC1, DMC3, DME1.

### **National Planning Policy Framework**

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

### **Core Strategy**

25. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable

development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

26. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
27. 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.
28. Policy L1 requires that development must conserve and enhance valued landscape Character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
29. Policy E2 states that in open countryside new buildings for business use will not be permitted, and that proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.

#### Development Management Policies

30. Development Management policy DMC3 sets out that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
31. Development Management policy DME1 deals specifically with agricultural development and states:
  - A. New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:
    - (i) location and size of farm or forestry holding;
    - (ii) type of agriculture or forestry practiced on the farm or forestry holding;
    - (iii) intended use and size of proposed building;
    - (iv) intended location and appearance of proposed building;
    - (v) stocking type, numbers and density per hectare;
    - (vi) area covered by crops, including any timber crop;
    - (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
    - (viii) dimensions and layout;
    - (ix) predicted building requirements by type of stock/crop/other usage; and
    - (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.
  - B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:

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

## **Assessment**

### Principle of the development

- 32. Policy DME1 requires that before new agricultural buildings can be permitted they must be justified in terms of the scale and purpose of the operation at the site. This includes whether the purpose of the building is to provide landscape protection/management benefits.
- 33. The application material sets out that the parcel of land on which the application site stands is one of a number of separate parcels in and around Fenny Bentley, with the main farmstead located approximately 1.5 miles south of the application site. The sites together constitute Cottage Farm. The holding extends to 117 acres, of which 67 acres are owned. The application site itself stands in a parcel of 30 acres and is isolated from the main farmstead and currently is free of any built development. The application statement sets out that the applicant rears 50 ewes and followers and 25 suckler cows and followers. The statement clarifies that there are no larger livestock housing buildings at the main site.
- 34. The application material sets out that the site is used solely for grazing of sheep and cattle and for haylage crop. It notes that the site operation is inefficient due to the separation from the farmstead and need to transport feed and stock to and from the site, and in doing so using the difficult access and limited hardstanding at the access point.
- 35. The proposed building would be used for winter livestock shelter, with appropriate stocking densities and dry lying area. The building would also be used to store fodder and feed on the site and provide clean and hygienic conditions meeting Defra standards.
- 36. Officers recognise that there would be functional agricultural benefits arising from the proposed development, that the parcel would be more efficiently operated and that the enterprise is a growing farm operation. The proposals would reflect the scale of grazing at the site and provide animal welfare and modest access benefits. In these respects it is considered that the proposals would meet the requirements of DME1 in relation to agricultural justification.

### Effects on the Landscape and Special Qualities of the National Park

- 37. Core Strategy policies GSP3 and L1 require the special qualities of the national park to be conserved and enhanced through development decisions. DME1(B) sets out expectations for the siting of new agricultural buildings. It primarily requires new buildings to relate well and closely to existing buildings, to utilise local screening and topography effectively. Part B(ii) specifically requires new buildings not to be in isolated locations requiring obtrusive access tracks, roads or services. Criterion (iv) notes new agricultural buildings should avoid adverse effects on the area's valued characteristics

including important local views, making use of the least obtrusive or otherwise damaging possible location.

38. The proposal comprises a typically scaled modern L-shaped farm building, new access track and hardstandings on a site which is currently free from any other form of built development and is some distance from the main farmstead in Fenny Bentley. The character of the parcel in which it stands is of rough grassland with broken thorn and treescape across markedly rising and uneven ground away from the main road within the valley setting of the Bentley Brook to the north. Field boundaries in the immediate vicinity are of hedges in varying condition. Overall the parcel has significant landscape value as part of the Slopes and Valleys with Woodland Landscape Character Area
39. An amended landscaping plan has been submitted which comprises of additional tree planting (beech and oak) to the northern site boundary hedgerow, east of the access point. The intention of this is to reduce visibility of the building on the critical approaches from the north-east along the B5056 from where views to the building would be intermittent but possible.
40. The uneven topography at the application site would require a significant degree of cut-and-fill to be undertaken to provide sufficient level area on which the building, apron and hardstanding would be sited. This would effectively raise the perceived height and prominence of the building, and particularly the north-west elevation which is nearest to public viewpoints along the B5056. The leveling of the site alone would result in a marked change in the immediate semi-natural character of the land parcel. Whilst the rising ground to the south may partially frame the application site within a valley setting, the scale of the building and the elevated floor level over the roadside land surface would result in a perched appearance from the road, and would be likely to break the skyline to the south. Whilst fleeting on passage along the road, views to the north-east elevation (comprising the main gable, southern return section, turning area and apron) would also emphasise the alteration of the existing topography and landform, and introduce a significant, free standing built structure to the undeveloped character of the site.
41. Amended plans have been received in relation to the access alterations to the B5056. These would serve to lower or remove a short length of hedging to the boundary between the road and application site. These would be locally noticeable but result in relatively minor change to a short length of hedgerow. The rising and arcing access track, by way of its twin-tyre track design would have localised but overall limited landscape impacts, although it is questionable whether this arrangement would satisfactorily accommodate larger farm vehicles accessing the building. Highways safety considerations are covered separately below.
42. Officers consider that through introducing a modern farm building on this elevated site, standing close to and clearly above the B5056 within a parcel free from any built structures, the development would have a significant impact on the immediate character and visual amenity of the site. Visibility to the site is possible primarily from the main road and approaches from the north-east, and whilst this is mitigated to some degree by existing trees and hedgerow, it does not provide for a well-screened or contained site, particularly during winter months. Fundamental undeveloped character would be lost. The proposed planting scheme may in time strengthen that screening but would take a number of years to establish and would remain seasonal in effectiveness.
43. Policy DME1 seeks to resist isolated new agricultural buildings not related to existing buildings and facilities. Core Strategy policy seeks to conserve and enhance the special landscape of the national park. The proposals do not satisfy this component of the DME1 or the wider landscape protection policy suite. It is not considered that there are clearly preferable alternative sites within the parcel to accommodate a building of the proposed scale which would have a materially reduced landscape impact, particularly

given that any access track to alternative sites would be likely to be more extensive and that views from the western approaches would become material.

### Highway Safety and Access

44. The existing access to the site is at an acute angle to the B5056, which at this point is a road with fast moving traffic. Access to the site from the north-east is not possible due to the angle of the existing track and hardstanding. Access from the west is possible but visibility splays to the north-east on emergence from the site are highly limited.
45. Derbyshire Highways Authority requested further useage information and access layout in the course of considering the application. A standard 50mph visibility splay in the critical direction (north-east) cannot be achieved and the amended access plan only modestly improves the existing very poor visibility. The Highway Authority consultation response however accepts the applicant's position that the current twice-daily vehicular access to the parcel would not be intensified once the building was constructed. Furthermore, storage of a tractor at the site would then allow stored fodder to be spread at the site without a tractor using the access as frequently as is currently stated.
46. Consequently, despite the site access being considerably substandard, the limited visibility splay improvement and no material intensification of access use suggest the application should not be resisted on highway safety grounds.

### Conclusion

47. This proposed scheme would have a materially detrimental impact on the character and visual amenity of the application site, due to the isolation of the proposed building and the undeveloped nature of this part of the Bentley Brook valley. Whilst an agricultural justification for the building and track can be made, that need is not considered to outweigh the harm to the landscape which would arise, having regard to the mitigating effects of the landscaping scheme proposed. As a result, the application is contrary to policies L1, DME1, DMC3, and paragraph 176 of the NPPF.
48. It is therefore recommended that the application be refused.

### Human Rights

49. Any human rights issues have been considered and addressed in the preparation of this report.
50. List of Background Papers (not previously published) Nil
51. Planning Officer – Graham Bradford (consultant planner)

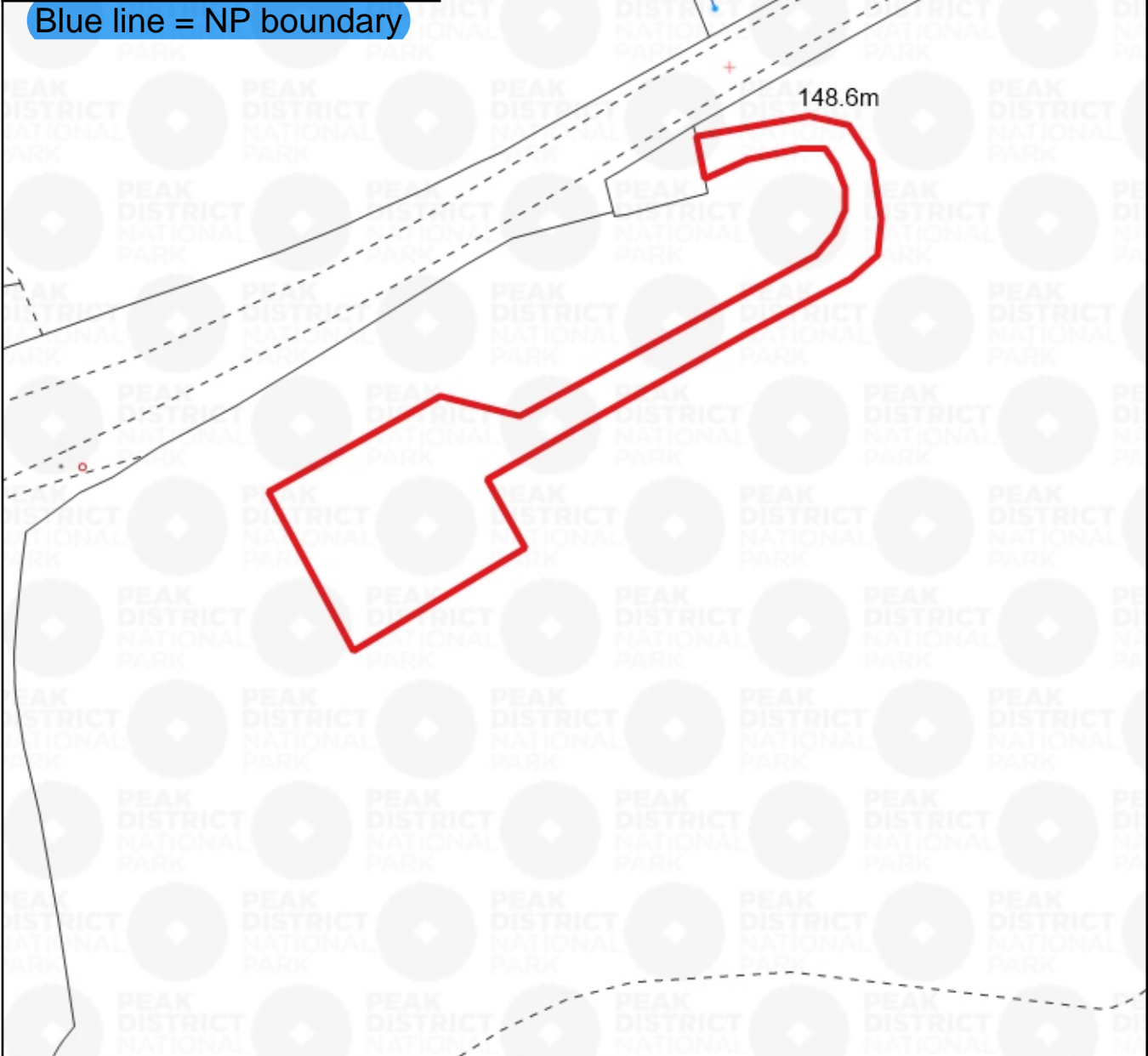
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Blue line = NP boundary



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Committee Date:	16/06/2023	<b>Title:</b> Land south of B5056, Fenny Bentley	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 5		
Application No:	NP/DDD/1222/1557		
Grid Reference:	418283, 350102		

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**6. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 - INSTALLATION OF 15 METRES OF STEPS AND 45 METRES OF PATH RESURFACING TO IMPROVE PUBLIC ACCESS TO THORS CAVE AND TO REDUCE EROSION. FOLLOW UP WORK TO A FIRST PHASE OF WORK UNDER PLANNING CONSENT NP/SM/1121/1255 - AT THORS CAVE, WETTON, (NP/SM/0123/0048, ALN)**

**APPLICANT: CHARLOTTE LEECH – CHATSWORTH SETTLEMENT TRUSTEES**

**Summary**

1. The application is for a scheme of additional Phase 2 works for a 15m long flight of steps that give access to the top of Thor's Cave. The proposed works follow the completion of footpath repairs and resurfacing under a previous planning permission granted in 2022.
2. Part of the land within the application site falls within the Peak District Dales Special Area of Conservation and the Hamps and Manifold Valleys SSSI.
3. It is considered that the development is necessary for the conservation management of the Special Area of Conservation and would not result in significant impacts to the SAC so **an appropriate assessment is not required.**

**Site and Surroundings**

4. Thors Cave is located in open countryside approximately 900m to the west of the village of Wetton. It is a natural cavern positioned within a limestone crag on the steeply sloping eastern valley side, approximately 80m above the river Manifold.
5. The cave is a very popular tourist destination. Public access is gained either from a public footpath that rises steeply from the Manifold trail in the valley bottom to the north, or along a concessionary path from Wetton (along Thor's Lane) to the east.
6. The application site edged red relates to the network of paths around the cave including the concessionary path from the western end of Thor's Lane that leads across fields towards the cave, and a further concessionary path proposed leading to the area above the cave from the east.
7. Part of the application site falls within the Natural Zone.
8. Part of the application site falls within the Hamps and Manifold Valleys SSSI and the Peak District Dales Special Area of Conservation.

**Proposal**

9. Planning permission is sought for the creation of a set of steps between points D and E on the submitted site drawing. This area is to the south east of the cave entrance and is currently used by visitors to gain access to the area of land above the cave entrance.
10. The steps would be 15m in length and approximately 1m wide. The risers would be constructed using timber sleepers and the tread would be surfaced with graded aggregate.
11. The proposals also include the addition of surfacing on an existing path between points A and C. These works are the same as those approved in the 2022 permission on this part of the footpath. A supporting statement states that permission is sought again for these works because although they were presented as part of the previous works

approved in 2022, they were marked as 'optional' on the plans, and have not yet been completed. For clarity, we did assess and approve the footpath works between points A and C as part of the 2022 application and so permission for those works is extant and they are not re-assessed here.

**RECOMMENDATION:**

- I. **That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) in relation to the current planning application at Thor's Cave.**
- II. **It is determined that the development is necessary for the conservation management of the Special Area of Conservation and would not result in significant impacts to the SAC, so an appropriate assessment is not required. Therefore, the development is not contrary to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and the EU Habitats Directive.**

**Key Issues**

12. Under Section 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) (the Habitats Regulations) any development that has the potential to result in a likely significant effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA).
13. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the National Park Authority) must make an appropriate assessment of the implications of the development for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site.
14. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
15. The Habitat Regulation Assessment (HRA) process involves several stages, which can be summarised as follows:
16. Stage 1 – Likely Significant Effect Test (HRA screening). This stage requires a risk assessment to be undertaken utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
17. Stage 2 - Appropriate Assessment. This stage involves consideration of the impacts on the integrity of the European Site with regard to the structure and function of the conservation site and its objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent

can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.

18. Stage 3&4 - Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test (IROPI). If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State because there are imperative reasons of overriding public interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

## **Assessment**

### **Stage 1 – Likely Significant Effect Test (Habitat Regulations Assessment Screening).**

19. The carboniferous limestone that is found within the SAC is cut by valleys, the ‘dales’, which contain a wide range of wildlife habitats, particularly woodland, scrub and grassland. This mosaic of habitats and the transitions between them are of exceptional interest for a wide range of characteristic, rare and uncommon flora and fauna. The habitats that are the primary reason for designation of the Peak District Dales SAC are semi-natural dry grasslands and scrubland facies on calcareous substrates and Tilio-Acerion forests of slopes, screes and ravines; mixed woodland on base-rich soils association with rocky slopes.
20. The conservation objectives of the SAC are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
- The extent and distribution of qualifying natural habitats and habitats of qualifying species.
  - The structure and function (including typical species) of qualifying natural habitats.
  - The structure and function of the habitats of qualifying species.
  - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.
  - The populations of qualifying species, and,
  - The distribution of qualifying species within the site.
21. The proposed steps would be located around 50m outside of the Peak District Dales Special Area of Conservation and within the Hamps and Manifold SSSI. Natural England’s response states that the proposed development has the potential to cause impacts on the SAC and the SSSI through the construction period from increased dust levels and noise disturbance, and to the SSSI only with regard to direct habitat loss.
22. If the whole proposal is for the conservation management of the habitats or species for which the European site has been designated, then an ‘appropriate assessment’ does not need to be carried out.
23. The area affected by the proposed steps is small in area. Due to the high level of footfall and associated erosion, the location of the steps is entirely devoid of vegetation and has become a smoothed earth surface across a widening area of trampled earth. The steps would occupy a narrower width, providing a stable surface route that can withstand the pressures that this area receives. The works would be undertaken largely with hand

tools, with materials brought to site across an adjacent improved field, using a mini dumper and mini excavator where necessary. Consequently the potential for noise and dust levels affecting the SAC and SSSI would be minimal. The works are expected to take less than one week and will be undertaken outside the breeding bird season. The ash tree on the wall boundary will be unaffected by works, no works will be undertaken within the root zone.

24. Natural England have taken the view that the development is not necessary for the management of the SAC, however having visited the site and reviewed the proposals in detail, we are of the view that the development is in fact necessary for the conservation management of the SAC, because the proposed footpath improvements are required in order to contain visitor footfall onto the designated route and in turn to prevent further damage to the surrounding area and to facilitate the conservation objectives of the SAC. Consequently it is not necessary to further screen the development for the likely significant impacts upon the designated site and an appropriate assessment is not required.
25. Even if that was not the case, harm to the landscape and ecological interest of the area is currently occurring by virtue of the extent of the erosion that has taken place as a result of poaching of the land by visitors using the increasingly eroded and (in places) impassable footpath. The proposed works are in an area that is already used extensively by walkers and so they are unlikely in themselves to cause any significant ecological impacts over and above those that are already taking place, and the provision of surfaced steps, within a narrower area, will result in a longer term landscape improvement as the poached land becomes less trodden and is able to recover. Consequently we are of the view that overall the proposals are not only essential for the management of the SSSI but would also result in a net benefit to the ecological value of the area, and as such the works would not result in significant impacts to the SAC and would not require appropriate assessment.

## **Conclusion**

26. At stage 1 of the HRA, in view of the fact that the development is necessary for the conservation management of the Special Area of Conservation and the proposals would not alone, or in combination with other projects, be likely to have a significant adverse impact upon its qualifying features, **an appropriate assessment (Stage 2) is not required** and the development is not considered to be contrary to the provisions of the Conservation of Habitats and Species Regulations 2019.

## **Human Rights**

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

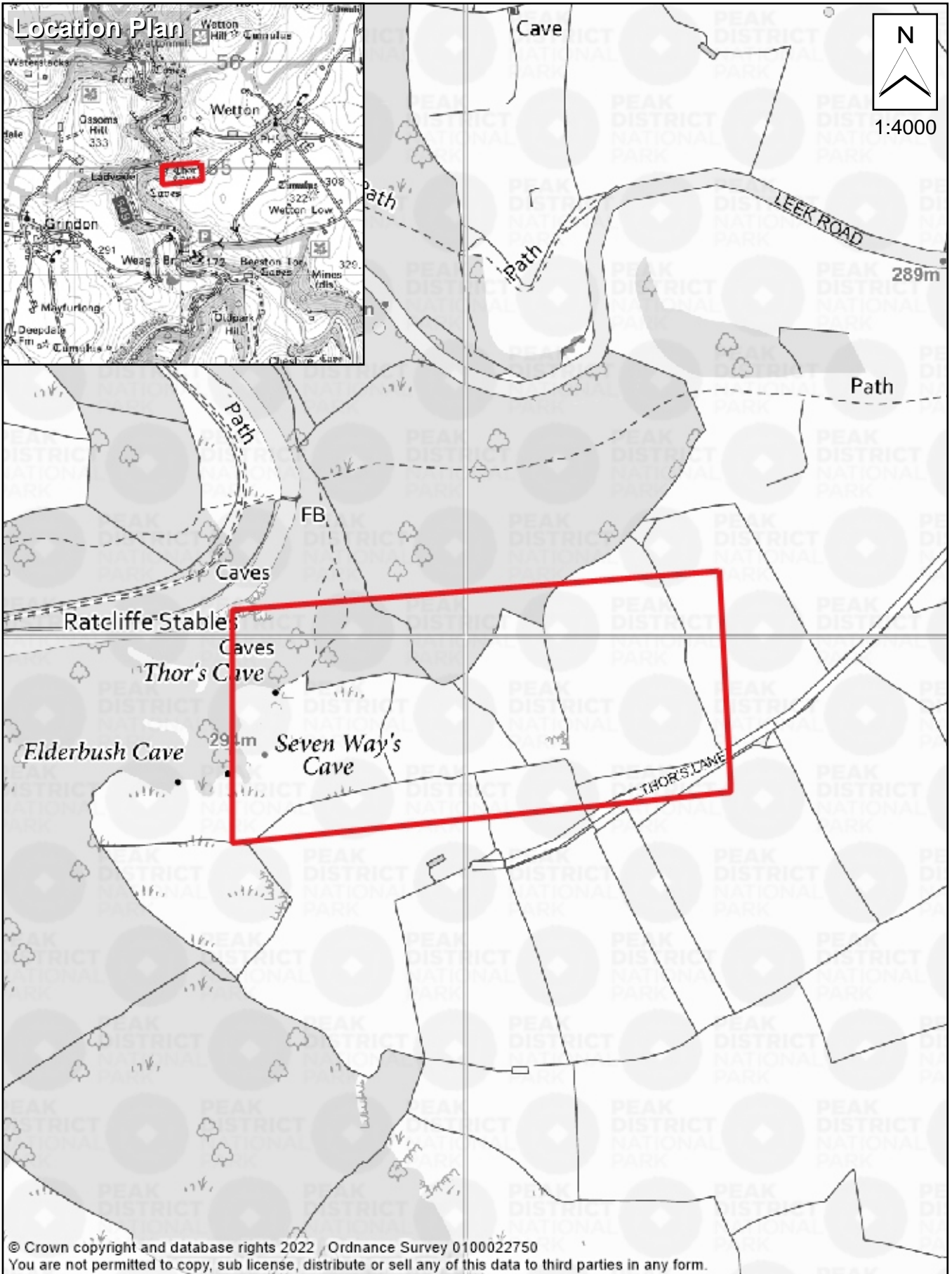
## **List of Background Papers** (not previously published)


28. Nil

## **Report Author and Job Title**

29. Andrea Needham – Senior Planner - South





Committee Date:	16/06/2023	<b>Title:</b> Agricultural Land And Concessionary Footpaths Near Thors Cave, Wetton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 6 & 7		
Application No:	NP/SM/0123/0048		
Grid Reference:	410006, 354949		

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**7. FULL APPLICATION - INSTALLATION OF 15 METRES OF STEPS AND 45 METRES OF PATH RESURFACING TO IMPROVE PUBLIC ACCESS TO THORS CAVE AND TO REDUCE EROSION. FOLLOW UP WORK TO A FIRST PHASE OF WORK UNDER PLANNING CONSENT NP/SM/1121/1255 - AT THORS CAVE, WETTON, (NP/SM/0123/0048, ALN)**

**APPLICANT: CHARLOTTE LEECH - CHATSWORTH SETTLEMENT TRUSTEES**

**Summary**

1. The application is for a scheme of additional Phase 2 works for a 15m long flight of steps that give access to the top of Thor's Cave. The proposed works follow the completion of footpath repairs and resurfacing under a previous planning permission granted in 2022.
2. In accordance with policies L1 and DMC2, the development is considered to be essential for the management of the Natural Zone.
3. The development would enhance the landscape character of the area and the ecological value of the site.
4. The application is recommended for conditional approval.

**Site and Surroundings**

5. Thors Cave is located in open countryside approximately 900m to the west of the village of Wetton. It is a natural cavern positioned within a limestone crag on the steeply sloping eastern valley side, approximately 80m above the river Manifold.
6. The cave is a very popular tourist destination. Public access is gained either from a public footpath that rises steeply from the Manifold trail in the valley bottom to the north, or along a concessionary path from Wetton (along Thor's Lane) to the east.
7. The application site edged red relates to the network of paths around the cave including the concessionary path from the western end of Thor's Lane that leads across fields towards the cave, and a further concessionary path proposed leading to the area above the cave from the east.
8. Part of the application site (including the site of the proposed steps) falls within the Natural Zone.
9. Part of the application site falls within the Hamps and Manifold Valleys SSSI and the Peak District Dales Special Area of Conservation.

**Proposal**

10. Planning permission is sought for the creation of a set of steps on a steep area of land between points D and E on the submitted site drawing. This area is to the south east of the cave entrance and is currently used by visitors to gain access to the area above the cave entrance.
11. The steps would be 15m in length and approximately 1m wide. The risers would be constructed using timber sleepers and the tread would be surfaced with graded aggregate.

12. The proposals also include the addition of surfacing on an existing path between points A and C. These works are the same as those approved in the 2022 permission on this part of the footpath. A supporting statement states that permission is sought again for these works because although they were presented as part of the previous works approved in 2022, they were marked as 'optional' on the plans, and have not yet been completed. For clarity, we did assess and approve the footpath works between points A and C as part of the 2022 application and so permission for those works is extant and they are not re-assessed here.

**RECOMMENDATION:**

- 13. That the application be APPROVED subject to the following conditions:**

- 1. 3 year implementation time limit.**
- 2. Adopt submitted plans.**
- 3. Construction environmental management plan (CEMP) to be submitted and agreed.**
- 4. No mud or other deleterious material shall be deposited on the highway. Any that is shall be immediately removed.**
- 5 Works to take place outside of the bird breeding season (March to August inclusive)**

**Key Issues**

14. The key planning issues relating to the development are:

- Principle of development in the natural zone.
- Impact on the landscape character of the area.
- Impacts on ecology.

**History**

15. April 2022 – planning permission granted for creation of steps and improvement of surfacing to a very heavily used right of way. Installation of new access furniture (NP/SM/1121/1255).

**Consultations**

16. **Highway Authority** – no objections subject to a condition that no mud or other deleterious material to be deposited on the public highway
17. **District Council** – no response
18. **Parish Council** – no response
19. **Natural England** – in summary no objections subject to mitigation. *'We consider that without appropriate mitigation the application could:*
- *have an adverse effect on the integrity of Peak District Dales Special Area of Conservation*
  - *damage or destroy the interest features for which Hamps and Manifold Valley Site of Special Scientific Interest has been notified.*

*In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:*

*- An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site'*

20. **Authority's ecologists** – recommends a condition for a construction environmental management plan (CEMP)

21. **Authority's archaeologist** – *'I have reviewed the proposals and confirm that these are away from areas of known or potential archaeological sensitivity, so there are no archaeological concerns or need for a conditioned scheme of works for this second set of access works'*

22. **Authority's Landscape Architect** – *'No landscape objections'*

### **Representations**

23. None received

### **Main Policies**

24. Relevant Core Strategy policies: GPS1, GSP2, GSP3, L1, L2, T1, T6

25. Relevant Local Plan policies: DMC2, DMC3, DMC12, DMT3, DMT5

### **National Planning Policy Framework**

26. 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.

27. In particular, paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

28. Section 16 of the NPPF sets out guidance for conserving the historic environment.

29. Paragraph 199, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

30. In the National Park, the development plan comprises the Authority's Core Strategy and the 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.

### **Main Development Plan Policies**

#### Core Strategy

31. 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.
32. 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.
33. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
34. 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.
35. L2 – *Sites of biodiversity or geo-diversity importance*. States that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact on any site, features or species of biodiversity importance or their setting.
36. T1 – *Reducing the need to travel and encouraging sustainable transport*. States that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics will be promoted.
37. T6 – *Routes for walking, cycling and horse riding, and waterways*. States that the Rights of Way network will be safeguarded from development and wherever possible enhanced to improve connectivity, accessibility and access to transport interchanges.

#### Development Management Policies

38. 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.
39. DMT5 – *Development affecting a public right of way*. Where development occurs opportunities will be sought to provide better facilities for users of the rights of way network. The development of new routes for walking, cycling and horse riding will be supported, provided they conserve the and enhance the valued character of the area and provided they are constructed to an appropriate standards in keeping with its setting.

40. 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.
41. DMC12 – *Sites, features or species of wildlife, geological or geomorphological importance*. For site of national importance (e.g. SSSI's) confirms that exceptional circumstances are those where development is essential for the management of those sites or for the conservation of valued character of where the benefits of development outweigh the impacts on the site.

### **Assessment**

#### **Background and Principle of Development in the Natural Zone**

42. A supporting statement submitted with the previous application at the site explained that Thor's Cave has always been a popular tourist attraction, but during the pandemic in 2020 and 2021, visitor numbers and the associated pressures increased rapidly. As a result, a scheme of works to repair, improve and re-surface a number of key paths around the cave was submitted to the Authority in 2022 and approved. These works are largely complete and it is reported that they have been successful in improving access in the areas where they were carried out.
43. However visitors continue to want to access the head (top) of Thor's Cave, which is open access land. The access is steep and visitors do not keep to the designated routes. It was hoped that in this area, vegetation cover would be sufficient to manage the pressure of footfall without additional surfacing, however erosion has continued and it has become apparent that surfacing is required. A large scar of erosion has formed and it is reported that there have been numerous cases of walkers sustaining injuries.
44. Consequently the proposals seek to provide a set of steps in order to provide safe access, to contain the footfall, and to protect the ecological interest of the area.
45. The area where the steps would be located is within the Natural Zone. The Natural Zone is made up of areas of the National Park that are particularly important to conserve because of qualities such as wilderness, natural beauty and wildlife value. There is a general presumption against development in these areas and policy L1 states that it will only be allowed in exceptional circumstances. Policy DMC2 sets out these circumstances, which include development that is essential for the management of the Natural Zone or for the conservation and/or enhancement of valued character.
46. At their visit to the site officers observed that the ground erosion in the steep area in question is severe. The area is entirely devoid of vegetation and has become a smoothed earth surface across a widening area of trampled earth. It is eroding down to limestone substrate. This is harmful to the landscape quality of the area and is inevitably having a detrimental impact on the ecological interest of the area. We are therefore satisfied that a scheme of works to resolve the erosion issues is essential for the management of the Natural Zone.
47. In the light of this and the fact that in principle Core Strategy policy T6 and Development Management policy DMT5 support improvements to walking routes, the principle of the proposed development is acceptable.

#### **Impact on the Landscape Character of the Area**

48. The steps would be 15m in length and approximately 1m wide. The risers would be constructed using timber sleepers and the tread would be surfaced with graded

aggregate. The Authority's Landscape Architect has previously confirmed that the surfacing material is appropriate for the locality.

49. The more 'engineered' treatment of a set of steps would be visible in the landscape, especially in wider views looking across from the open field when approaching from Wetton, However we consider that the benefits of reducing the extensive erosion and the landscape harm that it is causing outweighs any detrimental visual impacts of more formal surfacing.

### **Impact on Ecology**

50. The proposed steps would be located around 50m outside of the Peak District Dales Special Area of Conservation and within the Hamps and Manifold SSSI. We are satisfied that harm to the ecological interest of the area is inevitably occurring by virtue of the extent of the erosion that has taken place. The steps would occupy a narrower width, than the large eroded area and would provide a stable surface route that can withstand the pressures that this area receives. The proposed works are in an area that is already used extensively by walkers and so are unlikely in themselves to cause any significant impacts over and above those that are already taking place.
51. The works would be undertaken largely with hand tools, with materials brought to site across an adjacent improved field, using a mini dumper and mini excavator where necessary. Consequently the potential for noise and dust levels affecting the SAC and SSSI would be minimal. The works are expected to take less than one week and will be undertaken outside the breeding bird season. Consequently we are of the view that overall, subject to a condition to submit and agree and Construction Environmental Management Plan, the proposals would result in a net benefit to the ecological value of the area in accordance with policies L2 and DMC12.

### **Conclusion**

52. This second phase of proposed footpath improvements are essential in order to secure the effective management of this area of the Natural Zone and would improve the footpath in question in accordance with policies T6 and DMT5.
53. Overall the scheme of works would enhance the landscape quality and ecological value of the area.
54. Consequently the application is recommended for conditional approval.

### **Human Rights**

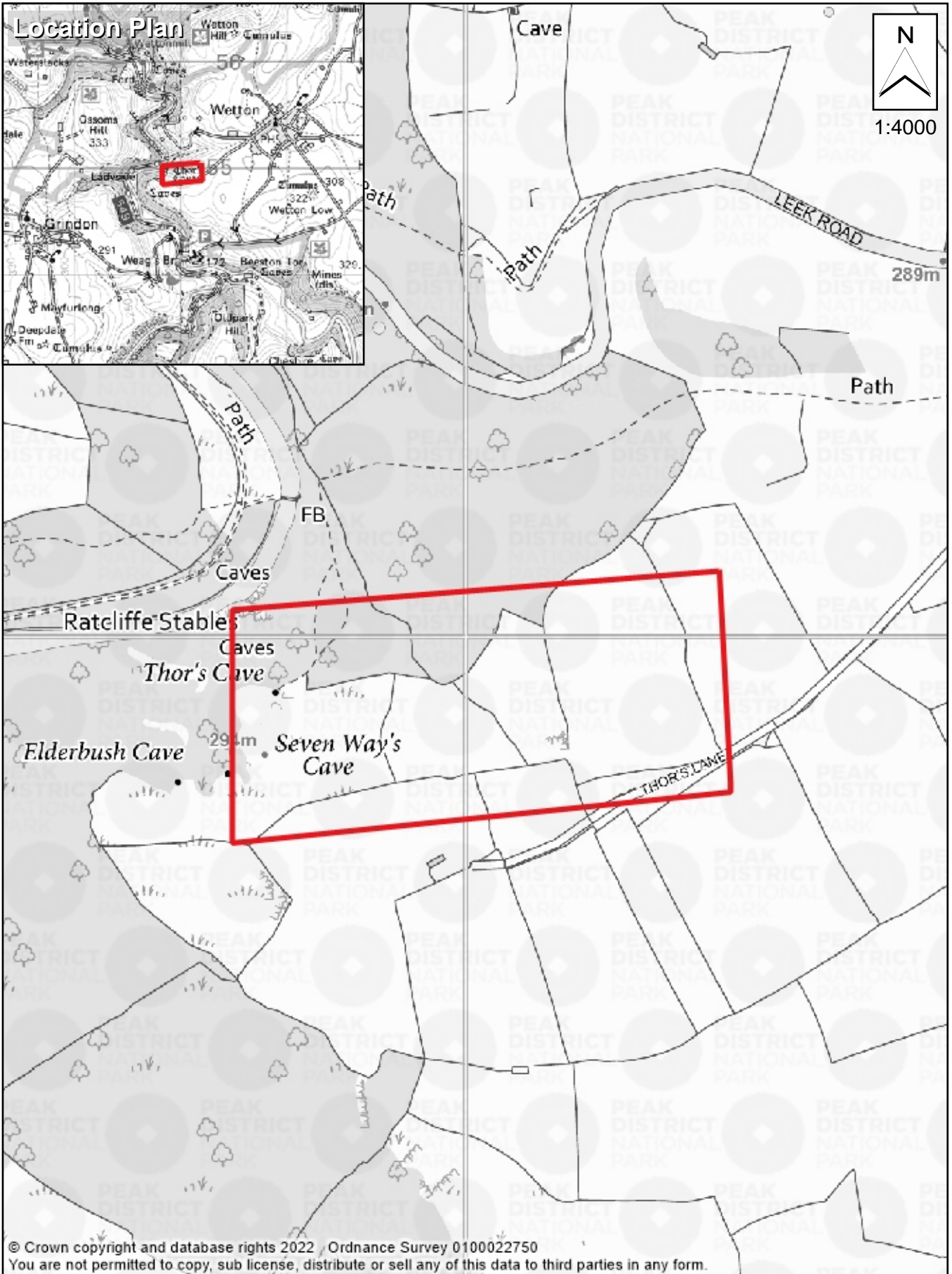
55. Any human rights issues have been considered and addressed in the preparation of this report.

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


56. Nil

### **Report Author and Job Title**

57. Andrea Needham – Senior Planner - South



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Committee Date:	16/06/2023	<b>Title:</b> Agricultural Land And Concessionary Footpaths Near Thors Cave, Wetton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 6 & 7		
Application No:	NP/SM/0123/0048		
Grid Reference:	410006, 354949		

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**8. FULL APPLICATION – VARIATION OF CONDITION 2 (APPROVED PLANS) OF NP/DDD/1219/1298 – FORMER DOVE DAIRY, STONEWELL LANE, HARTINGTON (NP/DDD/0223/0156, MN)**

**APPLICANT: AMOS HOMES (HARTINGTON) LIMITED**

**Summary**

1. A development comprising 26 dwellings is currently under construction on the application site following the grant of permission for a housing development to enhance a former factory site on Appeal in 2016, and the subsequent approval of variations to that permission by the Authority in both 2018 and 2021.
2. This application seeks to vary the approved plans to make changes to the design and appearance of the property to Plot Z only.
3. We conclude that the proposed changes would conserve the appearance of the development subject to conditions and would also comply with planning policy in other regards.
4. The application is therefore recommended for approval subject to conditions, and to securing the proposed affordable housing by legal agreement.

**Site and surroundings**

5. The application site lies to the west of the village of Hartington and consists of land to the north of Stonewell Lane. To the north of Stonewell Lane the application site includes brownfield land associated with the former cheese factory operations at Hartington. This land was formerly occupied by a disused modern factory building, two disused stone built buildings, areas of car parking and hardstanding, and infrastructure associated with the former industrial use.
6. Following permission being granted on Appeal in 2016 to redevelop the site for 26 new dwellings including 4 affordable housing units and conversion of two former factory buildings to dwellings the site was largely cleared, with only the stone built buildings retained as part of the scheme of redevelopment.
7. Since that time, an application to vary conditions that included some changes to the layout and design of several properties fronting Stonewell Lane has been approved by the Authority in 2018, and further changes were then approved to the scheme as a whole in 2020. The approved development has commenced, with the construction of the majority of the dwellinghouses largely completed.
8. The majority of the site is bounded to the north, west and east by a bund planted with a thin and unmanaged belt of woodland. This woodland was planted approximately 25 years ago in an attempt to mitigate the landscape impact of the factory buildings.
9. The application site is situated approximately 23m away from Hartington Conservation Area at the site's eastern edge, to the south of Stonewell Lane.
10. The closest residential housing is along Stonewell lane to the east of the site, approximately 50m away, where a row of four existing houses are oriented at 90 degrees to the road.
11. The Grade II listed Charles Cotton Hotel lies approximately 160m to the south east.
12. To the north, west and south of the application site is agricultural grazing land.

13. Approximately 300 metres (on average) to the far west of the site is the River Dove.
14. A public right of way runs from Stonewell Lane in a north-south direction close to the eastern boundary of the site. A farm access track runs from Stonewell Lane in a north westerly direction through the former factory car park and through the western part of the application site.
15. To the south of Stonewell Lane the site is currently used for agriculture. A drainage ditch runs through the fields adjacent to Stonewell Lane in an east-west direction.

### **Proposal**

16. This application seeks to vary condition 2 of the 2020 permission to make changes to the approved plans to change the design and materials of the dwellinghouse approved on Plot Z, as well as re-positioning it within its plot.

### **RECOMMENDATION:**

**That the application be APPROVED subject to securing the affordable housing units by legal agreement and to the following conditions:**

1. **The development hereby permitted shall be carried out in accordance with the approved plans (numbers to be specified on any decision notice)**
2. **No more than 26 dwellings including the two units within the retained stone barns are hereby permitted to be constructed within the application site.**
3. **The field immediately to the east of the proposed housing site shall not be used for the storage of materials, spoil, or as a builder's compound.**
4. **Notwithstanding the approved plans, the chimneys of plots G through M, P through W, and of plot Z shall be constructed of natural stone to match the stonework of the property to which they are attached.**
5. **Notwithstanding the approved plans, prior to the installation of any of the windows of the dwellinghouses occupying plots G or P, plans that show amended window opening details to provide for larger windows as sliding sash and that omit any top-opening lights shall be submitted to and approved in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details and shall be so maintained throughout the lifetime of the development.**
6. **The home office accommodation shown at plot J shall be for private home office use only, and shall remain ancillary to the occupation of the dwellinghouse occupying plot J.**
7. **The existing stone built buildings occupying plots X and Y as shown on the approved plans shall not be demolished, and the conversions shall take place within the shell of the existing buildings with no rebuilding.**
8. **All material from the demolition works associated with the development – other than that re-purposed in on-site construction works – shall be removed from the site upon completion of construction of the development or within two months of the cessation of construction works on site, whichever is the sooner.**

9. The buildings hereby permitted shall be constructed of natural stone and limedash render (where specified on the approved elevation drawings) with natural blue slate, Staffordshire blue natural plain clay tiles or red natural plain clay tiles for roofs as specified on the approved plans, and with roofing materials matching the appearance of those approved under NP/DIS/1217/1223.
10. Prior to the construction of the external walls of plot Z, a sample panel of no less than 1m<sup>2</sup> of gritstone shall be constructed on the site. The National Park Authority shall be informed on the completion of the sample panel which shall then be inspected and approved in writing. All subsequent walling be of the type specified on the approved elevation plans for each plot and shall match the relevant approved sample panels in terms of stone/render colour, stone size, texture, and coursing and pointing in the case of the limestone and gritstone walling, subject to whatever reasonable modifications may be specifically required in writing by the Authority. If necessary the Authority shall request the construction of further sample panels incorporating the required modifications
11. Prior to the construction of the external walls of plot Z, details of the proposed air source heat pump (including appearance and position) shall be submitted to and approved in writing by the Authority. Thereafter the development shall be carried out in accordance with the approved details, with the pump installed prior to the occupation of the building.
12. All external gritstone walls of plots J and P shall be natural gritstone to match the appearance approved under NP/DIS/0221/0207.
13. All external limestone walls of plots F and G shall be natural limestone to match the appearance approved under NP/DIS/0721/0836.
14. All external limestone walls of plots H, I, Q, T, U, V, and W shall be natural limestone to match the appearance approved under NP/DIS/0322/0426.
15. The garage of plot Y shall be natural limestone to match the appearance approved under NP/DIS/0221/0207.
16. All lintels, sills, jambs, copings and quoinwork in the development hereby permitted shall be in natural gritstone and shall be provided as shown on the approved elevations drawings and retained as such thereafter.
17. All pointing in the development hereby permitted shall be bag brushed and slightly recessed and shall be retained as such thereafter.
18. All external doors and windows in the development hereby permitted shall be of timber construction and shall be retained as such thereafter.
19. All door and window frames in the development hereby permitted shall be recessed a minimum of 75mm from the external face of the wall and shall be retained as such thereafter.
20. All rainwater goods in the development hereby permitted shall be of cast metal and painted black and shall be retained as such thereafter.
21. Where coped gables are not approved in the development hereby permitted, roof verges shall be flush pointed with no barge boards or projecting timberwork and shall be retained as such thereafter.

- 22. The boundary treatments in the development hereby permitted shall be as shown on the approved site plan – landscaping layout. Boundary treatments that are to be a dry stone wall shall be made of natural rubble limestone. The dry stone walls shall be capped with half-round natural limestone coping stones and shall be between 900mm and 1000mm in height in the case of those adjacent to driveways (identified with the letter N on the approved site plan (landscaping layout)) and between 1000mm and 1200mm in all other cases (identified with the letter O on the approved site plan (landscaping layout)). Where walls identified with the letter N on the approved site plan (landscaping layout) transition in to walls identified with the letter O on the approved Landscaping Layout plan, any difference in height shall be addressed through a gradual sloped transition, not a stepped transition. The boundary treatments shall be completed before the dwelling to which it relates is first occupied, and the boundary treatments shall be retained thereafter.**
- 23. None the dwellings hereby permitted shall be first occupied until any car parking (including garages) and vehicle manoeuvring areas relating to them have been laid out/constructed and made available in accordance with the approved plans. These car parking spaces (including garages) and vehicle manoeuvring areas shall be used solely for the benefit of the occupants of the dwelling to which it relates. The car parking (including garages) and vehicle manoeuvring areas shall be retained thereafter and kept available for their respective purposes at all times.**
- 24. The areas annotated ‘Area Returned to Greenfield’ on the approved site plan (landscaping layout), shall be restored to grassland in accordance with the details specified on that same plan. The area to the west of the built development marked for returning to greenfield on the approved plan shall be restored to grassland upon completion of construction of the development or within two months of the cessation of construction works on site, whichever is the sooner. The remaining areas marked for grassland restoration shall be restored prior to the first occupation of the open market houses hereby permitted.**
- 25. Demolition or construction works shall not take place outside 07:30 hours to 19:00 hours Mondays to Fridays and 09:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.**
- 26. The development shall be carried out only in accordance with the Construction Method Statement approved under NP/DIS/0221/0207.**
- 27. Development shall proceed only in complete accordance with the contamination mitigation measures approved under NP/DIS/0918/0836.**
- 28. Trees shall be protected during demolition/construction works as approved under NP/DIS/0221/0207.**
- 29. Development shall proceed only in complete accordance with the mitigation measures for protected species approved under NP/DIS/1217/1223.**
- 30. The provision of residential estate roads and footways shall be carried out in full accordance with the details approved under NP/DIS/0721/0836.**
- 31. The undergrounding of all service lines within the development hereby permitted shall be carried out in accordance with the details approved under NP/DIS/0721/0836.**

32. **External lighting (including any floodlighting) shall be installed in accordance with the scheme of lighting approved under NP/DIS/0721/0836 onl. No additional lighting shall be installed without the prior permission of the Authority.**
33. **Within 6 months of the date of this decision details of proposed land restoration relating to the approved flood attenuation measures approved under NP/DIS/0221/0207 shall be submitted to and approved in writing by the Authority. Within 6 months of the land restoration details being approved, the approved flood attenuation measures and land restoration shall be fully implemented.**
34. **The surface water drainage measures approved under NP/DIS/0221/0207 shall be implemented as approved.**
35. **The hard and soft landscaping works shall be carried out in full accordance with the details approved under NP/DIS/0721/0836, which shall be implemented within the timescales detailed within the approved documents.**
36. **Notwithstanding the provisions of condition 35, prior to the erection of the external walls of the property occupying Plot Z full details of hard and soft landscaping within its curtilage shall be submitted to and approved in writing by the Authority. Thereafter the works shall be carried out in full prior to the first occupation of the dwelling.**
37. **All new metal estate fencing, shall be between 1000mm and 1200mm in height, from the adjacent ground level, and shall have a black painted finish at the time of installation.**
38. **The development shall be carried out only in accordance with the Landscape Management Plan approved under NP/DIS/0721/0836, and the Plan shall thereafter continue to be implemented throughout the lifetime of the development.**
39. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development permitted by Classes A B C D E H of Part 1 and Class A of Part 2 of Schedule 2 of the order shall be carried out other than that expressly authorised by this permission.**

### **Key Issues**

- Whether the proposed revisions to the design of the property would conserve the appearance of the development and wider built environment
- Whether there have been any other material changes since the last permission was granted that requires the revision or inclusion of any further conditions

### **History**

17. **January 2012** – Outline planning permission refused for 39 new dwellings including six affordable housing units, thirty three open market housing units, and employment and community development plus ancillary landscaping and infrastructure elements.  
**March 2013** – Appeal against the 2012 decision dismissed. The Inspector concluded that, on balance having had regard to local and national policy, the material considerations in this case would not amount to the exceptional circumstances necessary to justify major development in this National Park. The scheme would not be in the public interest and would not fit with the patterns of sustainable development promoted by the Framework.

**February 2015** – Full planning permission refused for 26 new dwellings including 4 affordable housing units and conversion of two former factory buildings to dwellings.

**October 2016** – Appeal against the 2015 decision allowed, subject to conditions.

**August 2017** – Conditions discharged relating to a programme of archaeological work

**February 2018** – Planning permission refused for the variation of conditions to allow changes to the design of the property approved by the 2016 Appeal decision on Plot 1.

**March 2018** – Conditions discharged relating to a construction method statement, a programme of archaeological works, tree protection, mitigation for protected species, and building materials

**June 2018** – Conditions discharged relating to archaeology, undergrounding of services, external lighting, and landscaping

**June 2018** – Planning permission refused for the construction of a flood alleviation channel to the south of Stonewell Lane and limited re-profiling of the lane [related to the development approved by the 2016 (Appeal) permission.]

**June 2018** – Planning permission granted for the variation of conditions to the 2016 (Appeal) permission, allowing changes to the design and layout of several properties.

**October 2018** – Appeal against the 2018 decision relating to the design of the property on Plot 1 dismissed, on the basis that it was not accompanied by a unilateral undertaking to secure the affordable housing and landscape management previously secured by the unilateral undertaking associated with the original 2016 (Appeal) permission.

**November 2018** – Conditions discharged relating to site investigation, estate roads and a scheme for the disposal of surface water and sewage and flood attenuation measures

**December 2020** – Planning permission granted for the variation of conditions to the 2018 permission, allowing changes to the design and layout of the site. This is the extant permission, with development having commenced.

**2021-22** Various non-material amendment and discharge of conditions applications determined, relating to works across the development.

### **Consultations**

18. Hartington Town Quarter Parish Council – The council support the removal of the wing to the north but strongly oppose the change of building material from limestone to gritstone. This is the most prominent house on the estate and all former iterations of the plans have used limestone as the building material. In fact the complete estate was approved by the Inspector with all houses in limestone. We believe limestone is less intrusive from a number of viewpoints including public footpaths and more in keeping with the majority of houses in the village.

19. Derbyshire County Council – Highways – No response at time of writing.

20. Derbyshire Dales District Council – No response at time of writing.

21. PDNPA – Archaeology – No comments to make.

### **Representations**

22. 1 letter of representation has been received from the Ramblers Derbyshire Dales Group. This raises no objection providing that rights of way remain unaffected.

### **Main policies**

23. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, HC1, CC1, CC2

24. Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMH1, DMH2, DMH3, DMH11, DMT8

### National Park purposes

25. 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

26. 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

27. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was updated and republished in July 2021. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 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.

28. Paragraph 17 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

### Development plan

29. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.

30. Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

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

32. Policy L3 requires that development must conserve and where appropriate enhance heritage assets.

33. Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail; policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
34. It goes on to state that any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:
35. III. it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
36. IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution will be required towards affordable housing needed elsewhere in the National Park.
37. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
38. Core Strategy policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.
39. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
40. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
41. Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquillity, dark skies, or other valued characteristics.
42. Policy DMH1 addresses new affordable housing, stating that affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements (of which Hartington is one), either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that there is a proven need for the dwellings and that any new build housing is within specified size thresholds, the upper limit of which is 97m<sup>2</sup> for 5 person dwellings.



43. Policy DMH2 considers the first occupation of any new affordable housing, requiring that in all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
44. (i) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
45. (ii) a person (and his or her dependants) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
46. (iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.
47. Policy DMH3 leads on from this, addressing second and subsequent occupation of affordable housing (called 'the occupancy cascade'). This states that each and every time a previously occupied affordable home becomes vacant, owners and managers of affordable housing must, as stated in the Section 106 Agreement that it is necessary to enter in to when obtaining planning permission for affordable housing, follow the cascade mechanism until an eligible occupant is found.
48. For privately owned and managed affordable housing including self-build units, the cascade mechanism requires that owners and managers must:
49. (i) sell or rent an affordable home to a person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the Parish or an adjoining Parish; or
50. (ii) a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the Parish, the essential need arising from infirmity.
51. (iii) after a minimum period of 3 months, widen the search to include (in order of preference) those in the Parish or an adjoining Parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining Parishes.
52. (iv) after a further month (minimum 4 months total) widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
53. (v) after a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural Parish lying outside the National Park or rural Parishes entirely outside the Park but sharing its boundary.
54. DMH3 also states that the property should be advertised widely at the price advised by the District Valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The Parish Council, Housing Authority and Housing Associations working in the area should be advised of the vacancy as soon as houses become vacant.
55. Finally, it notes that where a Parish is split by the National Park boundary, only those people living within the National Park part of the Parish should be eligible initially.
56. Policy DMH11 addresses legal agreements in relation to planning decisions, as provided for by Section 106 of the Town and Country Planning Act 1990. As a result, these are known as Section 106 Agreements. The policy states that in all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 Agreement, that will:
57. (i) restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and

58. (ii) prevent any subsequent development of the site and/or all affordable property(ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity.
59. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.
60. Detailed advice on building design is provided in the PDNPA's 1987 and 2007 Design Guides.

## **Assessment**

### **Introduction – application for variation of conditions**

61. The current application proposes changes to the layout and appearance of a property on a single plot of the development subject to the extant permission. We are satisfied that it remains within the scope of that permission and can therefore be dealt with as a variation of conditions application under the provisions of Section 73 of the the Town and Country Planning Act (1990).
62. When assessing an application made under Section 73 of the Act the Authority must consider only the question of the conditions subject to which planning permission should be granted. It must decide if planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or whether planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted – in which case they should refuse the application.
63. For this reason, this report does not revisit the principle of the development that have already been established by the extant permission.
64. Instead, the report focuses on the changes proposed to that permission, and whether these are acceptable as submitted or could be made acceptable by way of the imposition of varied or additional conditions to those imposed on the previous permission.

### **Property design and layout**

#### **Plot Z – design**

65. As approved, the layout of the property comprises the main two storey body of the house, with a single storey element projecting from the side gable that then returns to the rear, forming an L-shaped arrangement.
66. The proposed layout simplifies this form. Whilst maintaining similar massing to the main body of the house, the single storey element is shortened and the rear-projecting return is removed. This improves the appearance of the building, reducing the squat and elongated appearance of the single storey element.
67. In terms of design detailing, the front elevation becomes somewhat over-windowed, but the improvement of form set out above is concluded to result in sufficient enhancement that overall the changed appearance remains an improvement on that already approved.

68. In addition to the changes to the building itself, the house would be positioned slightly further south in its plot. This would not undermine the intent of the overall site design, with the property still providing a visual ‘stop’ to the development on its western edge.

#### Plot Z - materials

69. It is now proposed for this property to be constructed with gritstone walls; rather than limestone as previously approved.

70. Initially, the whole of the development was previously approved to be constructed from limestone with render to some walls. The introduction of some gritstone properties (plots J and P) in to the housing mix was approved by Members when determining the application to vary conditions in 2020.

71. This was approved on the basis that there are multiple examples of gritstone buildings throughout the village – many of those are buildings of some status and differing character to those surrounding them. That rationale supported the use of gritstone for plots J and P, which are two of the larger properties within the site and are of differing design to those adjacent to them. That helped to avoid the gritstone appearing incongruous.

72. Similarly, the property approved to occupy plot Z is the largest on the estate by some degree, and is also more removed from other dwellings by virtue of being positioned on the edge of the estate and separated from it by the north-south access road.

73. In that context, the use of an appropriately detailed gritstone walling would not, in our view, have a harmful impact on the overall character and appearance of the built environment or the landscape setting of the site, complying with policy DMC3.

74. This would be subject to the appearance of the gritstone walling being secured by condition.

75. Overall, when taken as a whole, it is concluded that the proposals would result in improvements to the appearance of the building, according with policy DMC3.

#### Highway matters

76. The property would continue to include a sufficient number of parking spaces for its size to comply with current parking standards, according with policy DMT8. Access would also remain sufficient for domestic use.

#### Climate change mitigation

77. Plot Z was not subject to change as part of the 2020 permission that introduced additional climate change mitigation measures to affected plots. As a result, the property currently permitted on this plot remains unchanged from that approved on Appeal in 2016 and includes no renewable energy provisions.

78. The applicant advises that the property as now proposed would incorporate high levels of insulation, and air source heating. The air source heating is not shown on the submitted plans however, and so details would require reserving by condition.

79. Subject to this, and in the context of the extant permission that provides a wider range of climate change mitigation measures, the proposals are considered to make acceptable provisions under the terms of policy CC1.

## **Conclusion**

80. Overall, the proposed changes to the development are concluded to conserve its design and appearance in accordance with planning policy.
81. It is therefore recommended that conditions are varied to allow the development to proceed in accordance with the proposed plans, subject to securing details of materials proposed for use in construction of the property and the landscaping of the plot by condition.
82. This is subject to the re-imposition of all those conditions remaining relevant from the extant permission – as are detailed in full at the beginning of this report.
83. There have been no other material changes that necessitate variation or addition of any other conditions.
84. It would also be necessary to re-secure the four affordable housing units through legal agreement prior to the issue of a decision granting permission for the development.

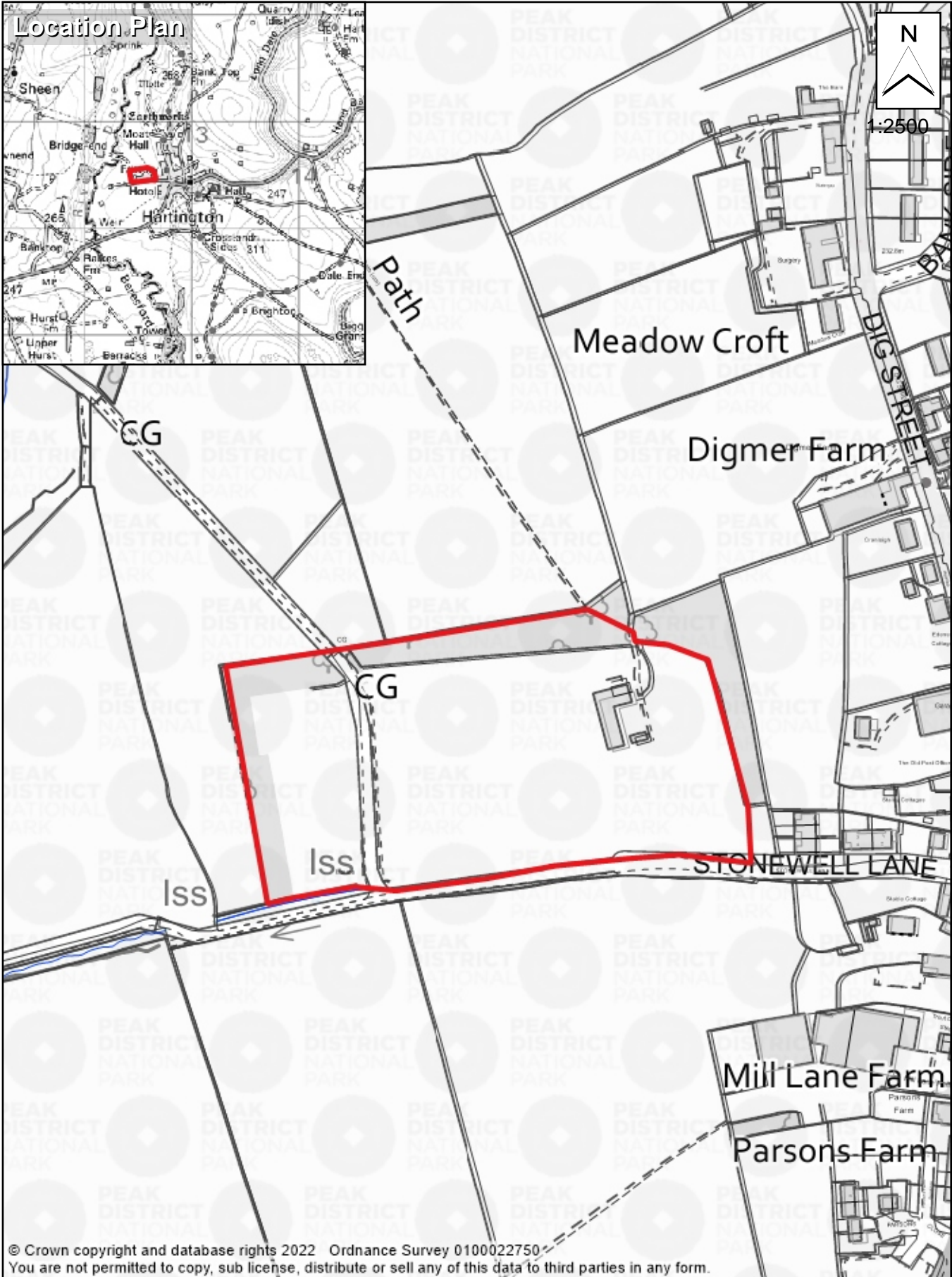
## **Human Rights**

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

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

2. Nil

Report Author: Mark Nuttall, Area Team Manager (South)



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Committee Date: 16/06/2023  
 Item Number: Item 8  
 Application No: NP/DDD/0223/0156  
 Grid Reference: 412521, 360497

**Title:** Former Dove Dairy,  
 Stonewell Lane, Hartington



**PEAK  
 DISTRICT  
 NATIONAL  
 PARK**

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**9. 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)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. The application is for the installation of a solar powered car park machine and associated base, pedestrian area and signage at the car park in the centre of the village of Alstonefield.
2. The site is an existing operational car park within the Peak District National Park owned and operated by the National Park Authority, which currently is free to use by members of the public.
3. The National Parks and Access to the Countryside Act 1949 (Section 12) gives the Authority powers to provide and operate parking places, and may for the purposes of such arrangements erect such buildings and carry out such work as may appear to them to be necessary or expedient.
4. The existing use and character of the site is not altered, and the harm to the wider setting of the car park is minimal as the development is against the backdrop of the existing development on the site. the application is therefore recommended for approval.

**Site and Surroundings**

5. The application site is located off the south side of The Rakes, in the centre of Alstonefield, a named settlement in policy DS1.
6. The site is within the Alstonefield Conservation Area. There is a listed building 5m away from the west corner.
7. The site comprises a hard-surfaced car park with a public conveniences block in the middle. The north-west half of the car park is bounded by drystone walls, the south-east half is for coach parking and has an open front to the road, with stone walls to the south-east and south-west boundaries, in front of which is a grass strip round the hard-surfaced area protected by timber posts. The car park has trees to all sides other than the north-east (road) side.
8. The public toilets which stand between the two parking areas stand gable end on to the road and 4.4m back from the edge of the highway. The single storey building has a pitched roof massing and is constructed from traditional materials.
9. The nearest neighbouring properties are Manifold Cottage, which is listed Grade II, to the west, The Mount to the north-west, and Homestead Cottage to the south-east.

**Proposal**

10. The proposal is for the erection of a solar powered car park machine along with associated signage and two posts in front of the machine to create a safe area for people using it. The application was originally submitted with the address incorrectly stated, and has subsequently been re-consulted upon with the corrected details.

## **RECOMMENDATION:**

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

1. **Statutory time limit**
2. **The development to be in accordance with the submitted specifications received 17/11/2022, and the amended site plan received 16/01/2023**

## **Key Issues**

12. The key issues are:

- Whether the proposals 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
- Public safety; and
- Whether the proposals would harm the amenities of nearby neighbouring properties.

## **History**

13. 1977 – Planning permission to provide a car park for 16 cars and 3 coaches and the erection of a toilet block was granted subject to conditions under NP/SM/0677/58.
14. 1978 - The provision of a septic tank for the public toilets was granted by NP/SM/0278/16.

## **Consultations**

15. Staffordshire County Council (Highway Authority) – No objections.
16. Staffordshire Moorlands District Council – No response to date.
17. Alstonefield Parish Council – Objects to the proposal, for the following reasons:
  - *Strong concerns that (it) will impact negatively on road safety*
  - *Increased levels of roadside parking*
  - *Impact on residents' frontages*
  - *Congestion in the village*

## **Representations**

18. During the publicity period the Authority has received two representations regarding the proposal, which are both objections, citing the following reasons:
  - *The charges board would be a blot on the landscape of the conservation area*
  - *More car parking on the road would be detrimental to the landscape of the conservation area*
  - *Cars parked on the road would make the village less safe*
  - *It would be unsightly if tourists parked on the roads, pavements and verges*
  - *It would be dangerous if pathways are restricted and people have to go on the roads*
  - *It would be inconvenient to the normal life of the village of people delivering, dropping off and visiting*
  - *It seems entirely antisocial*
  - *Tourists will park elsewhere rather than pay*
  - *If the Authority does not police the site they will park without paying*
  - *Policing the site would cost more than income generated*



- *Maintenance and vandalism challenges*
- *The car park should be sold or leased to the Alstonefield Parish Council or some other community group*

### **Main Policies**

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, CC2, DS1, L1, L3, T1, T3 & T7
20. Relevant Local Plan policies: DM1, DMC3 & DMC8
21. National Planning Policy Framework

### **Wider Policy Context**

22. 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**

23. 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.
24. 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.'*

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

25. 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
26. 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.

27. 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.
28. CC2 - *Low carbon and renewable energy development*. CC2 states that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting the landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.
29. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
30. 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.
31. L3 – *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. L3 states that development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings; other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset. It goes on to say that proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets.
32. T1 – *Reducing the general need to travel and encouraging sustainable transport*. T1 (E) says that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics, will be promoted.
33. T3 – *Design of transport infrastructure*. T3 (B) requires particular attention to be given to using the minimum infrastructure necessary.
34. T7 – *Minimising the adverse impact of vehicles and managing the demand for car and coach parks*. T7 (C) refers to the management of non-residential parking.

#### Local Plan Development Management Policies

35. 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.
36. 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.
37. DMC8 – *Conservation Areas* – Policy DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas.

## **Assessment**

### Principle of the development

38. The proposal contributes to the Authority's statutory purposes and is acceptable in principle.
39. The provision of car parking ticket machines could help to encourage car sharing, thereby reducing travel, which policy T1 seeks to promote.
40. Policy DS1 states that renewable energy infrastructure is acceptable in principle provided that they can be accommodated without adverse visual impact and do not raise any amenity issues.

### Visual Impacts

41. The siting for the proposed car park ticketing machine and the associated tariff signage is to the north-east gable of the public toilet building. In this position it would be facing to the road between the opening to the coach park and the entrance to the car park.
42. In terms of the wider visual impact the development, it is acknowledged that in the proposed position it would be visible from outside the car park itself. However, it would be seen in the context of the site, against the backdrop of the existing building on the site.
43. The proposed machine is a functional structure comprising a solar panel measuring 475mm by 378mm, on top of a pedestal whose dimensions are 290mm by 274mm. The overall height of the machine is 1.714m. The machine has a black finish, which is a recessive colour.
44. The machine is on a concrete pad with a small tarmac standing area and two posts are provided to ensure the safety of the area when members of the public are using the machine.
45. The tariff sign measures 850mm across, by 1.2m in depth. It is mounted on poles with its highest edge at 1.5m. The sign has a dark green background with lettering and symbols in Peak District National Park colours. The smaller advisory signs, measuring 290mm by 425mm (approximately A4 size), are also green.
46. Although the design of the proposed infrastructure does not reflect or harmonise with the natural environment or local building traditions, the development is a modest scale, recessive colour. The siting, which utilises existing features and screening makes the impact negligible. Within the existing car park it is screened from wider viewpoints, and in the context of the car park, is not incongruous and does not have a detrimental impact on the site.
47. The proposals are considered to have a minimal impact on the character and appearance of the existing site and a negligible impact on the wider setting of the car park.
48. Therefore, it is concluded that the proposal is compliant with Core Strategy policies GSP3, L1, L3 and Development Management policies DMC3, and DMC8, and also in line with policies CC1, CC2, T3 and T7.

### Amenity Impacts

49. Due to the location of the site in relation to neighbouring properties, it will not have an adverse effect upon any neighbouring properties.
50. As noted above, the proposed installations will not have a detrimental effect on the character and appearance of the site, or its wider setting.
51. The Highway Authority have no safety concerns, and the proposed posts to keep the immediate area to the front of the machine protected means there are no public safety issues.
52. In terms of amenity issues the proposal is in line with the Authority's policies and national planning policy.

### Sustainability

53. 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. The solar powered infrastructure is inherently sustainable and therefore complies with the requirements of CC1.

### Conclusion

54. The proposed development does not have an adverse impact on the character and appearance of the existing site.
55. As such, it is concluded that the proposal is compliant with policies GSP3, L1, CC1, CC2, T3, T7, DMC3, and national planning policy.

### Human Rights

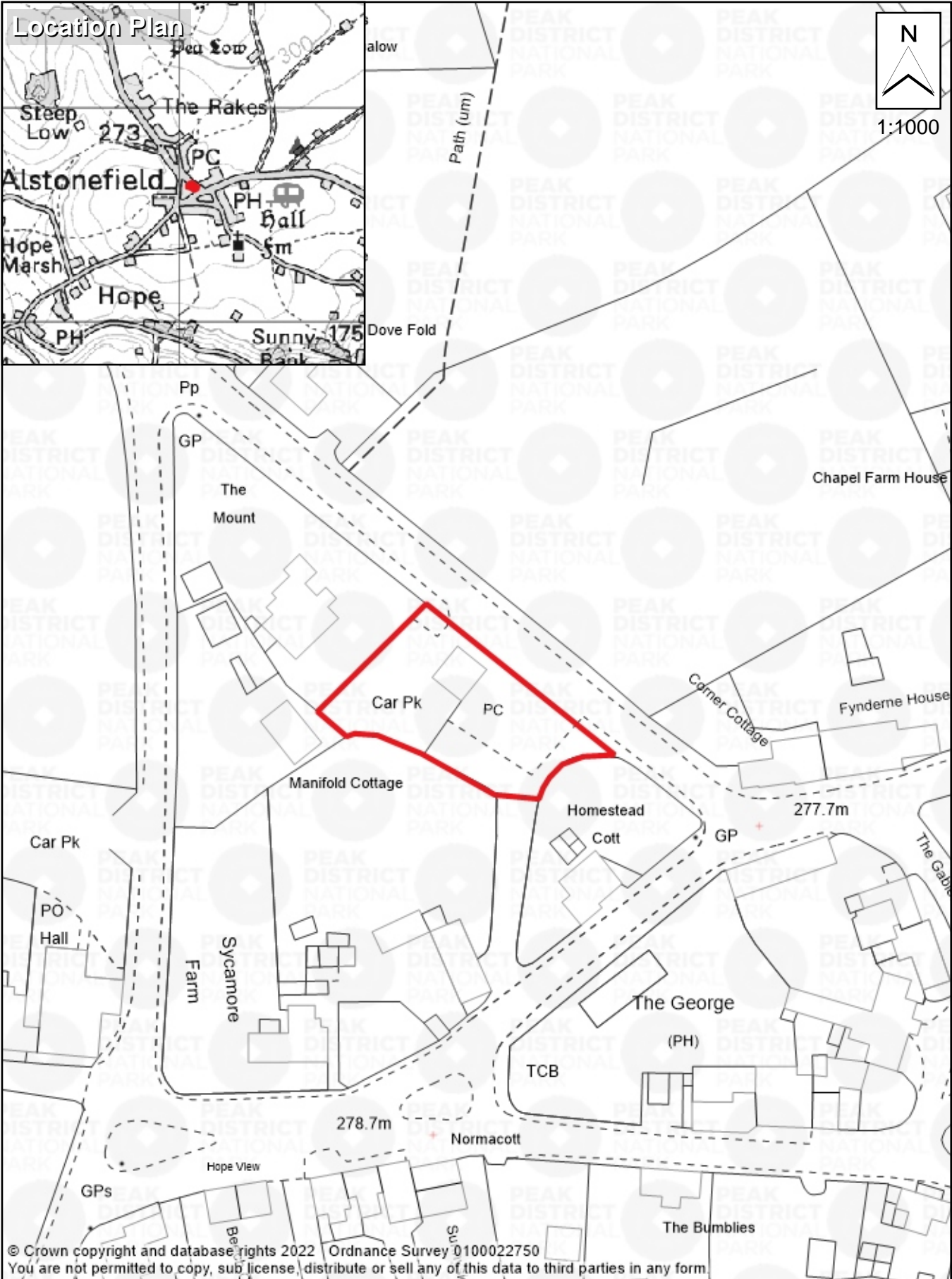
Any human rights issues have been considered and addressed in the preparation of this report.


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

Nil

### Report Author and Job Title

Denise Hunt – Planner – South Area



Committee Date:	16/06/2023	<b>Title:</b> Public Convenience and Car Park, Alstonefield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 9		
Application No:	NP/SM/1122/1439		
Grid Reference:	413053, 355630		

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**10. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 – PROPOSED RESTORATION AND EXTENSION OF THORNSEAT LODGE AND ANCILLARY BUILDINGS TO FORM HOLIDAY ACCOMMODATION AND GUEST FACILITIES; ERECTION OF EVENTS VENUE; ALTERATIONS TO EXISTING ACCESS INCLUDING PARKING FACILITIES; ENHANCED SITE LANDSCAPING, THORNSEAT LODGE, MORTIMER ROAD, SHEFFIELD (NP/S/1022/1300, JRS)**

**APPLICANT: THORNSEAT LODGE LTD**

**Summary**

1. Thornseate lodge is located in open countryside adjacent to Bradfield Moors 2.2km west of Low Bradfield.
2. The application proposes the conversion and extension of the Lodge to create six units of holiday accommodation and the erection of a wedding venue and bunkhouse along with alteration to the existing access, creation of internal driveways, car park and associated landscaping.
3. Land to the west of the site is within the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and the South Pennine Moors Special Area of Conservation (SAC). It is therefore necessary to consider whether the proposed development is likely to have a significant effect on designated sites and therefore an appropriate assessment is required.
4. We agree with the conclusions of the submitted Shadow Habitats Regulations Assessment (sHRA) that, taking into account proposed mitigation, there would be no adverse effects upon the integrity of designated sites either alone or in combination with other plans or projects. The sHRA was adopted by the Authority, at the Planning Committee in October 2021 when the first application was considered. As the key impacts of the proposed development are essentially the same in this revised application, the SHRA applies equally to this application (NP/S/1022/1300).

**Site and Surroundings**

5. Thornseate Lodge is located in open countryside approximately 2.2km west of Low Bradfield and adjacent to Bradfield Moors. The site was originally built and occupied as a shooting lodge and later occupied as a children's home. The building has been unoccupied for the past thirty years and the condition of the building has deteriorated significantly.
6. To the south west of the Lodge is the remains of a former stable block set within woodland comprising conifer plantation and self-set deciduous trees.
7. Land to the west of the site is within the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and the Dark Peak Site of Special Scientific Interest (SSSI).

**Proposal**

**Lodge accommodation**

8. Restoration and extension of Thornseate Lodge and ancillary buildings to form holiday accommodation and ancillary guest facilities.
9. The plans show that the south-east elevation (front), north-east elevation (side), south – west elevation (side) and part of the north-west (rear elevation) would be retained. The

remaining elevations and roof structure would be re-built and a new floor plan and two-storey rear extension would be constructed. New and replacement window and door frames would be provided.

10. The extension would be two storey projecting from the rear of the lodge. The extension would have two projecting gables and connecting flat roof structure reflecting the elevation behind and the roof and walls would be clad with natural stone and slate.
11. The lodge would be sub-divided internally to provide six holiday cottages, five with three bedrooms and one single bedroom.
12. The existing pool to the rear of the lodge would be removed / filled in. The existing modern garage to the rear of the lodge would be retained for storage.

#### Wedding venue

13. The application states that the development would restore a historic stable block. However, the stable block buildings no longer exist. Therefore, the application proposes the erection of a new building in the location of the former stable block to be used as a wedding venue.
14. The wedding venue would have a total floor space of 868m<sup>2</sup> and include a dining area, stage, external courtyards, meeting rooms, catering area, entrance foyer, toilets and storage. The building would have a square plan form with one and two storey stone buildings with pitched roofs around the perimeter of an internal 'courtyard'. The internal courtyard would be provided with a glazed roof.
15. To the south west of the proposed wedding venue, an external courtyard would be created with stone retaining walls and stone steps down to the access road and car park.
16. An existing building known as the 'engine room' would be converted or re-built to create an open space with mezzanine above for use associated with the wedding venue.
17. A new detached building forming two-storey bunkhouse accommodation would be constructed on the ruins of a former building. This building would provide four bedrooms with 13 sleeping spaces, bathrooms, living room and kitchen.

#### Access, parking and landscaping

18. A landscaping scheme has been submitted. This shows that the existing access would be altered. The existing driveway to the lodge would be retained with the existing stone setts. Two new internal access roads would be created from the main access and existing drive to a proposed parking area. The new access roads along with hardstanding around the Lodge would have a tarmac surface.
19. The car park would provide 80 spaces for cars along with an additional overflow parking area. The car park would be surfaced with a mixture of tarmac and grass reinforcement mesh. Outside patio areas would be surfaced with paving flagstones.

#### Sustainable building, climate change and utilities

20. The application states that conversion of existing buildings is a sustainable form of development. The development will be built to meet modern standards of insulation, heating, lighting, glazing and draught-proofing. A new building housing a biomass boiler to provide heating and hot water for the site is proposed.
21. The application states that foul drainage will be to a package treatment plant.



22. Surface drainage would be dealt with by a sustainable urban drainage strategy (SUDS). This would include cellular trench soakaways, oversized pipes, and storage with a restricted outfall managing runoff from surfaces and connecting downpipes to water butts.

**RECOMMENDATION:**

23. **That this report be adopted as the Authority’s assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) in relation to the current planning application at Thornseat Lodge.**

**Key Issues**

24. Under Section 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) (the Habitats Regulations) any development that has the potential to result in a likely significant effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA).
25. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the National Park Authority) must make an appropriate assessment of the implications of the development for that site, in view the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site.
26. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
27. The Habitat Regulation Assessment (HRA) process involves several stages, which can be summarised as follows:
28. Stage 1 – Likely Significant Effect Test (HRA screening). This stage requires a risk assessment to be undertaken utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
29. Stage 2 - Appropriate Assessment. This stage involves consideration of the impacts on the integrity of the European Site with regard to the structure and function of the conservation site and its objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
30. Stage 3&4 - Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test (IROPI). If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State because there are imperative reasons of overriding public interest as to why the project must proceed. Potential compensatory

measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

### **Assessment**

31. A 'Shadow Habitats Regulations Assessment' (sHRA) has been submitted with the revised planning application; it is unchanged from the previous application as the key aspects of the proposed development are the same. This document sets out a summary of the law, the conservation objectives of the relevant designated sites, assesses likely significant effects of the proposals and undertakes an appropriate assessment. The sHRA report is supported by breeding bird and bat survey reports.
32. The development is not directly connected with or necessary for the conservation management of the designated sites. Therefore, it is necessary to screen the development for likely significant impacts upon the designated sites.
33. The possible pathways for likely significant effects are:
  - Noise, illumination and visual disturbance impacts
  - Recreational disturbance impacts; and
  - Impacts related to fire / arson.
34. Given the proximity of the development to the designated sites, likely significant effects from noise during construction and from noise and light disturbance during operation of the wedding venue cannot be screened out.
35. There is no direct access from the development site to the designated sites. Access is available from footpaths on Mortimer Road and Thompson House, a short walk from the site. Visitors solely to the wedding venue would be unlikely to visit for recreation in the designated sites. Visitors to the holiday accommodation would be more likely to visit for this purpose, however, given the small scale of the holiday accommodation and absence of a direct route from the site there would be no significant increase in visitor pressure compared to the background level.
36. Therefore, likely significant effects from recreational activities that could lead to disturbance of birds, trampling or disturbance of habitats, littering or impacts from pet dogs can be screened out.
37. Given the proximity of the development to the designated sites, the potential release of fireworks or sky lanterns related to celebrations could lead to a risk of wild fire at the heathland habitats of the sites, which are particularly susceptible to combustion. Likely significant effects in relation to the risk of fire cannot be screened out.
38. The screening stage cannot rule out likely significant effects. Therefore, an appropriate assessment of the potential impacts needs to be carried out.
39. The sHRA proposes a package of on-site mitigation measures to mitigate the impacts of the proposed development. These are intended to mitigate the potential for noise spill from the site (during construction and operation) and eliminate the risk of impacts from noise, illumination and fire by fireworks and lanterns and from the venue itself. The proposed mitigation measures are:
  - The release of fireworks or sky lanterns, or any other such devices that cause short-term but significant noise and light disturbance, and fire risk, will not be permitted during any function held at Thornseat Lodge, at any time of the year. Guests of the holiday apartments will also be subject to the same restriction during their stay.

- Acoustic insulation will be used in renovations and extensions at all site buildings where loud music could be played during functions, to reduce the level of noise that punctuates the outside space from internal function rooms.
  - An upper-decibel limit on any PA music system that may be generated from the outdoor and terrace spaces at the wedding venue between the hours of operation (13:00 to 00:00) will be implemented during the bird breeding season (March to August, inclusive).
  - Finally, the existing woodland buffer at the western site boundary will be strengthened with new planting of a well-vegetated boundary of native fruiting species, maintained during and post construction to help minimise disturbance of birds using nearby habitat, and managed for biodiversity and nature conservation through a Management Plan.
40. Natural England were consulted when the original application was submitted and they agreed with the conclusions of the sHRA report that taking into account the proposed mitigation that there would be no adverse effects upon the integrity of designated sites either alone or combination with other plans or projects.
41. We agreed with Natural England that provided mitigation is secured by planning condition or planning obligation (as appropriate) that any potentially significant impacts upon the SAC and SPA can be avoided and that the pre-mitigation assessment of 'likely significant effect' can be revised to no likely significant effect.

### **Conclusion**

42. At stage 1 of the HRA, that in view of potential impacts of the development during construction and operation that an appropriate assessment is required.
43. At stage 2 of the HRA, we conclude that provided mitigation is implemented in full that any potentially significant impacts upon the SAC and SPA can be avoided and that the development would have no likely significant effect. Mitigation can be secured by planning condition or obligation (as appropriate).
44. The sHRA was adopted by the Authority, at the Planning Committee in October 2021 when the first application was considered. As the key impacts of the proposed development are essentially the same in this revised application, the sHRA applies equally to this application (NP/S/1022/1300). The application proposal is therefore not considered to be contrary to the provisions of the Conservation of Habitats and Species Regulations 2019.

### **Human Rights**

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

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

46. Nil
47. Report Author: John Scott, Consultant Planner

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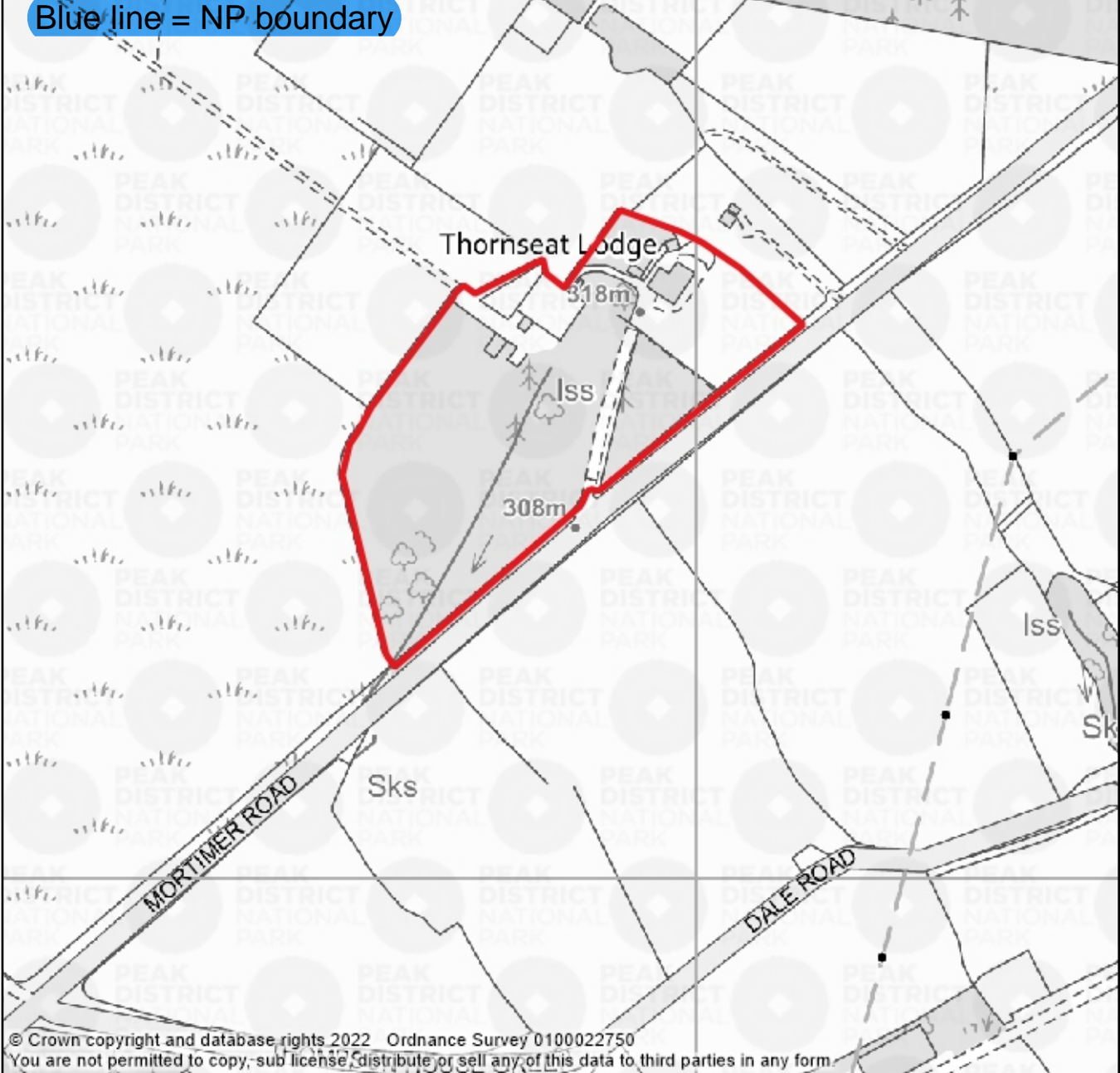


Location Plan



1:3500

Blue line = NP boundary



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Committee Date:	16/06/2023
Item Number:	Item 10 & 11
Application No:	NP/S/1022/1300
Grid Reference:	423910, 392260

**Title:** Thornseat Lodge, Mortimer Road, Sheffield



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**11. FULL APPLICATION – PROPOSED RESTORATION AND EXTENSION OF THORNSEAT LODGE AND ANCILLARY BUILDINGS TO FORM HOLIDAY ACCOMMODATION AND GUEST FACILITIES; ERECTION OF EVENTS VENUE; ALTERATIONS TO EXISTING ACCESS INCLUDING PARKING FACILITIES; ENHANCED SITE LANDSCAPING, THORNSEAT LODGE, MORTIMER ROAD, SHEFFIELD (NP/S/0622/1300, JRS)**

**APPLICANT: THORNSEAT LODGE LTD**

**Summary**

1. Thornseate Lodge is located in open countryside adjacent to Bradfield Moors 2.2km west of Low Bradfield.
2. The application proposes the conversion and extension of the Lodge to create six units of holiday accommodation and the erection of a wedding venue and bunkhouse in the former courtyard, along with alteration to the existing access, creation of internal driveways, car park and associated landscaping.
3. The proposed development would result in the restoration of the original lodge, an important non-designated heritage asset, but with some significant rebuilding and it would also involve the erection of a new courtyard of buildings to provide the wedding venue. By virtue of its scale and nature, the wedding venue would result in unacceptable harm to the valued characteristics of the area, particularly in terms of tranquillity and quiet enjoyment. Consequently, the development would not deliver the public benefits required to justify major development and would result in harm to the landscape and cultural heritage of the National Park.
4. The application is therefore recommended for refusal.

**Site and Surroundings**

5. Thornseate Lodge is located in open countryside approximately 2.2km west of Low Bradfield. It sits above Mortimer Road, the main route through this part of the National Park, connecting the A57 and A616, via the Bradfield and Ewden valleys. Bradfield and Strines Moors lie above the site, with fields below the road extending down to Dale Dike reservoir. The site was originally built and occupied as a shooting lodge and later occupied as a children's home. The building has been unoccupied for the past thirty years and the condition of the building has deteriorated significantly. It is not a listed building but it is considered to be a regionally important non-designated heritage asset and it is a locally prominent building.
6. Thornseate Lodge sits within a site of approximately 3.2 hectares, with a further 7.3 hectares of land to the north also within the applicant's ownership. The site comprises the Lodge and a number of ancillary buildings which are set within an extensive area of woodland which is made up of conifer plantation and self-set deciduous trees. The setting of the lodge was originally enhanced by the ornamental planting of Scots pines and rhododendrons which provided areas of increased privacy and allowed the principal façade to be viewed from Mortimer Road to the east. The vegetation is now very overgrown and unmanaged and the building has suffered from vandalism and theft of materials so it has security fencing around it. The original drive to the Lodge runs through the woodland from the south-west, off Mortimer Road. There are a number of public footpaths off Mortimer Road and open access land on the moors to the north of the site.
7. Land to the west of the site is within the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and the Dark Peak Site of Special Scientific Interest (SSSI).

8. Access to the site is from Mortimer Road along the historic driveway. The nearest neighbouring property is Warden's House located 25m to the northeast of the Lodge.

9. The supporting Planning Statement provides the following useful background information on the site:

*"The building is of regional architectural and historical interest as a fine example of mid to late Victorian architecture, its association with the Jessop family (of Jessop's Hospital fame) and a reflection of the growing fashion for grouse shooting at its time of construction. The Lodge is associated with a number of extant and ruined buildings which primarily relate to its earlier periods of use and which draw significance from their association with the main house.*

*At the outbreak of the Second World War in May 1939 it was announced that Thornsett Lodge would house infants from Herries Road Nursery 'in case of emergency' (Sheffield Daily Telegraph 4th May 1939). It was the start of a long association with children and when peace returned Thornsett Lodge was used as an adjunct to Sheffield Corporation's cottage homes at Fulwood. It was also around this time that the name appears to have been changed to Thornseat Lodge. Several photographs survive from its time as a Children's Home which also show the building prior to its more recent collapse. A swimming pool was built at the rear of the house and in 1973 it was described as a mixed sex home for 16 emotionally disturbed or 'difficult' children of all ages. By 1978 it was listed as an Intermediate Treatment Centre accommodating 12 young people, however, in 1980 it was closed down. It had limited use after this, as in the early 1990s it was used by the Sheffield Gingerbread Group as a place for families on low incomes to go and stay.*

*In 1994 Sheffield City Council sold the site at public auction. The site was then occupied by a caretaker until the late 1990's. The site was at the time of becoming vacant bounded by stone walls on all boundaries and iron gates to the bottom of the drive secured by padlock, the Lodge building itself was alarmed, however such technology did not exist as to secure the entire site boundary with alarms. However, despite these efforts the Lodge, and the other vacant buildings on site were repeatedly the victim of architectural theft, arson and general antisocial behaviour.*

*In 2017 the site was acquired by the present owners and had a new site boundary wide technological alarm/ CCTV system installed to detect intruders, warn intruders to leave immediately with audible tannoy alarms, and alert their presence to fulltime guards."*

### **Proposal**

10. In summary, the application proposes the restoration and extension of Thornseat Lodge and ancillary buildings to form holiday accommodation and guest facilities to provide a wedding and events venue, with associated access and parking works. The various elements are set out in more detail below. The resubmitted application now includes some additional details and revised plans which seek to address some of the concerns raised on the previous application. These include a revised Viability Appraisal report, a Travel Plan, a Transport Statement, an Energy and Sustainability statement, a Shadow Habitats Regulations Assessment, a revised Flood Risk Assessment, a revised Landscape and Visual Appraisal, an updated Ecological Appraisal and the associated protected species reports, a Heritage Statement, a Noise Impact assessment, a Structural Report and addendum, a woodland management plan, and lighting scheme product schedule.

### **Lodge accommodation**

11. The application proposes the restoration and extension of Thornseat Lodge and ancillary buildings to form holiday accommodation and ancillary guest facilities.

12. The plans are very similar to those submitted for the previous application, but with some important changes. They show that the south-east elevation (front), north-east elevation



(side), south-west elevation (side) and part of the north-west (rear elevation) would be retained. The remaining elevations and roof structure would be re-built and a new floor plan and two-storey rear extension would be constructed. New and replacement window and door frames would be provided.

13. The extension would be two storey projecting from the rear of the lodge. The extension would have two projecting gables and connecting flat roof structure reflecting the elevation behind and the roof and walls would be clad with natural stone and slate. The design and appearance of the rear extension would have a more contemporary appearance than the original lodge, particularly in terms of window design.
14. The lodge would be sub-divided internally to provide six holiday cottages, five with three bedrooms and one single bedroom. Each holiday cottage would have bathroom(s), kitchen/living room and a separate external access. A shared lounge/sitting room would be provided at ground floor.
15. The existing pool to the rear of the lodge would be removed/filled in and incorporated into the garden.
16. The existing modern garage to the rear of the lodge appears to be retained for storage.

#### Wedding venue

17. The application states that the development would restore a historic stable block. However, the stable block buildings no longer exist, so the scheme is based on an interpretation of what was thought to be there. Therefore, the application proposes the erection of new buildings in the location of the former stable block to be used as a wedding venue.
18. The wedding venue would have a total floor space of 868m<sup>2</sup> and include a dining area, stage, external courtyards, meeting rooms, catering area, entrance foyer, toilets and storage. The buildings would be arranged within the walls of a courtyard, with one and two storey stone buildings with pitched roofs around the perimeter. The majority of the internal courtyard would be provided with a glazed roof.
19. To the south west of the proposed wedding venue, an external courtyard would be created with stone retaining walls and stone steps down to the access road and car park.
20. An existing building known as the 'engine room' would be converted for use as ceremony space, keeping an open space with mezzanine above.
21. A new detached building forming two-storey bunkhouse accommodation would be constructed on the ruins of a former building, described in the application as a cottage. This building would provide four bedrooms with 13 sleeping spaces, bathrooms, living room and kitchen.
22. The former Game Larder would be retained as existing to use as storage.
23. The application proposes the erection of a building to house a biomass boiler to provide a renewable energy heat source across the site.

#### Access, parking and landscaping

24. A car park providing for car/ minibus/ cycle parking would be set within the wooded area adjacent to the events venue. The car park would provide 80 spaces for cars along with an additional overflow parking area. The car park would be surfaced with a mixture of tarmac and grass reinforcement mesh. It proposes 8 dedicated EV charging spaces and capacity

for 8 more to be provided. Three disabled spaces would be provided for cars. A landscaping scheme and woodland management plan has also been submitted.

25. The existing driveway to the lodge would be retained with the existing stone setts. Two new internal access roads would be created from the main access and existing drive to a proposed parking area. The new access roads along with hardstanding around the Lodge would have a tarmac surface.
26. Outside patio areas would be surfaced with paving flagstones.

#### Sustainable building, climate change and utilities

27. The application states that conversion of existing buildings is a sustainable form of development in that it seeks to re-use existing buildings. It says that the development will be built to meet modern standards of insulation, heating, lighting, glazing and draught-proofing. The application includes a biomass boiler, housed in a separate building, to provide heating for the development. Following the concerns raised in the consideration of the previous application, other measures have been discussed with the applicants and are referred to in this report.
28. Surface drainage would be dealt with by a sustainable urban drainage strategy (SUDS). This would include cellular trench soakaways, oversized pipes, and storage with a restricted outfall managing runoff from surfaces and connecting downpipes to water butts. The application states that foul drainage will be to a package treatment plant discharging to a drainage field or ditch. A detailed drainage report has now been submitted which addresses the concerns initially expressed by the Sheffield Local Lead Flood Authority (LLFA).

#### **RECOMMENDATION:**

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

- 1 The development would be major development in the National Park. The development should only be allowed in exceptional circumstances and in the public interest. Whilst it would result in some restoration of a non-designated heritage asset, this benefit is outweighed by the harm caused by the proposed development. The proposed development is therefore contrary to policies GSP1, DS1, RT1, E2 and the National Planning Policy Framework.**
- 2 The development would result in harm to the character and setting of Thornseat Lodge, which is a non-designated heritage asset of regional importance contrary to policies L3, DMC3, DMC5, DMC10 and the National Planning Policy Framework.**
- 3 The development would harm valued landscape character, as identified in the Landscape Strategy and Action Plan, particularly through the impact on tranquillity and dark skies. The development is therefore contrary to policies L1, DMC1, DMC3, DMC14 and the National Planning Policy Framework.**
- 4 The development would not be sited in a sustainable location and has not been designed to mitigate the impacts of climate change. The development does not encourage sustainable transport and would exacerbate the impact of traffic in the local area. The development would not encourage behavioural change or achieve a reduction in the need to travel. The development is therefore contrary to policies CC1, T1, T2, DMT6 and the National Planning Policy Framework.**

## **Key Issues**

- Whether there is a justification for the proposed major development
- The impact of the proposed development upon the valued characteristics of the National Park
- Whether the development is acceptable in all other respects.

## **Relevant Planning History**

29. 2008 – 2013: Four enquiries received about the dilapidated condition of the building.
30. 2018: ENQ 34312: Pre-application enquiry about current proposals. Officers advised that the proposal would be major development and normally contrary to our development plan. Therefore, exceptional circumstances would need to be demonstrated to justify enabling development that achieved the restoration of the lodge. Concerns were raised about the impact of the proposals upon the lodge. Officers also provided advice on information required to support the planning application.
31. 2020:NP/S/0620/0511: Planning application refused for the *“Restoration and extension of Thornseat Lodge and ancillary buildings to form holiday accommodation and ancillary guest facilities. Restoration of historic stable block for wedding venue, restoration of existing access and creation of new car park and associated landscaping and management”*.
32. The reasons for refusal were:
1. *The development would not be in the public interest and therefore exceptional circumstances do not exist to justify the proposed major development. The proposed development is therefore contrary to policies GSP1, DS1, RT1, E2 and the National Planning Policy Framework.*
  2. *The development would result in very significant harm to Thornseat Lodge, which is a non-designated heritage asset of regional importance contrary to policies L3, DMC3, DMC5, DMC10 and the National Planning Policy Framework.*
  3. *The development would harm valued landscape character, as identified in the Landscape Strategy and Action Plan and tranquillity and dark skies. The development is therefore contrary to policies L1, DMC1, DMC3, DMC14 and the National Planning Policy Framework.*
  4. *The development would not be sited in a sustainable location and has not been designed to mitigate the impacts of climate change. The development does not encourage sustainable transport and would exacerbate the impact of traffic in the local area. The development would not encourage behavioural change or achieve a reduction in the need to travel. The development is therefore contrary to policies CC1, T1, T2, DMT6 and the National Planning Policy Framework.*

## **Consultations**

33. Parish Council - *“Due to further information having been received by Bradfield Parish Council from the applicant regarding the parking and other issues surrounding Thornseat Lodge, Bradfield Parish Council would like to withdraw its comments previously submitted on 10-11-22. This will in effect remove any prior concerns we may have raised”*.  
The Parish Council’s initial comment was: *“Councillors have concerns given the planning history in the local area and problems in relation to previous nearby wedding venues. If this application is granted Councillors would wish to see parking restricted to on-site with no road-side parking allowed.”*
34. Highway Authority – No response to date.

35. Sheffield City Council – No response to date.
36. Environmental Health – No response to date.
37. Lead Local Flood Authority – No objection. Recommend that full details of the proposed surface water management for the site are secured by an appropriate condition.
38. Environment Agency – No objections.
39. Historic England – On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.
40. Natural England – No objection subject to appropriate mitigation being secured:
41. *“We consider that without appropriate mitigation the application would:*
42. *Have an adverse effect on the integrity of Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Special Area of Conservation.*
43. *Damage or destroy the interest features for which Dark Peak Site of Special Scientific Interest has been notified.*
44. *In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:*
45. *mitigation measures should be as put forward in the Habitats Regulations Assessment with actions during the construction and operation phases agreed and established in a Construction Environmental Management Plan (CEMP) and / or Landscape and Ecology Management Plan (LEMP) and the Bird and Bat Mitigation Plan.*
46. *We advise that appropriate planning conditions or obligation is attached to any planning permission to secure these measures.*
47. *Natural England acknowledges receipt of ‘Thornseat Lodge, Strines Shadow Habitats Regulations Assessment’ (May 2021) and agrees with its conclusion that, taking into account the proposed mitigation, it has been possible to conclude that there would be no adverse effects upon the integrity of designated sites either alone or in combination with other plans or projects. The mitigation measures being:*
  - a. *the release of fireworks or sky lanterns, or any other such devices that cause short-term but significant noise and light disturbance, and fire risk, will not be permitted during any function held at Thornseat Lodge, at any time of the year. Guests of the holiday apartments will also be subject to the same restriction during their stay at Thornseat Lodge.*
  - b. *acoustic insulation will be used in renovations and extensions at all site buildings where loud music could be played during functions, to reduce the level of noise that punctuates the outside space from internal function rooms.*
  - c. *an upper-decibel limit on any PA music system that may be generated from the outdoor and terrace spaces at the wedding venue between the hours of operation (13:00 to 00:00) will be implemented during the bird breeding season (March to August, inclusive).*
  - d. *the existing woodland buffer at the western site boundary (see Figure 9 of the Bird and Bat Mitigation Plan) will be strengthened with new planting of a well-vegetated boundary of native fruiting species, maintained during and post construction to help minimise*

*disturbance of birds using nearby habitat, and managed for biodiversity and nature conservation through a Management Plan.*

48. *We note that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As the competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide this advice under the assumption that your authority intends to adopt this HRA to fulfil your duty as a competent authority. the release of fireworks or sky lanterns, or any other such devices that cause short-term but significant noise and light disturbance, and fire risk, will not be permitted during any function held at Thornseat Lodge, at any time of the year. Guests of the holiday apartments will also be subject to the same restriction during their stay at Thornseat Lodge.*
49. *The CEMP, LEMP and Bird and Bat Mitigation Plan should address the potential impacts of fire, noise, illumination, and visual disturbance which, if unmitigated, could lead to a likely significant effect or an adverse effect on the integrity of the designated sites. We therefore advise that appropriate planning conditions should be attached to any planning permission to secure these measures.*
50. *Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence."*
51. PDNPA Archaeology – Makes detailed comments (available in full on the Authority's website) and summarises the response as follows:

Assessment Summary and Recommendation:

- *The development represents a use of the Lodge building and wider site that would secure some heritage benefit, and secure the future of a heritage asset (the lodge) that is in very poor and deteriorating condition.*
- *The proposals for the site will result in some harm to the archaeological and historic interest of its heritage assets.*
- *The development claims to achieve the 'restoration' of a number of structures of which very little remains. There is so little standing fabric left at the site of 'The Cottage' and at the Stable Yard, that the development as proposed is not a 'restoration' of these structures, but rather entirely new buildings on the site of these historic structures. The core significance of these structures lies in the archaeological and historic interest, and siting new buildings over their footprint will result in the complete loss (or almost complete loss) of this interest and significance.*
- *As non-designated heritage assets NPPF para. 203 requires a balanced judgement needs to be made that has regard to the scale of the harm and the significance of the heritage asset affected by the proposed development.*
- *Should the planning balance be favourable conditions are recommended.*

52. PDNPA Conservation Officer – Largely repeats her comments on the previous application, to which she objected, but notes the following changes. Firstly, the rear extensions in traditional materials - sandstone and Welsh slate - are an improvement on the previous proposals, more sympathetic to the non-designated heritage asset and reflecting the historic enlargements to the original Lodge, which were in stone. However, as previously commented, these extensions are still large and dominant. Secondly, more of the south-west elevation is being retained than previously, and some sections of timber panelling and the plasterwork cornices and door architraves are now being retained and replicated, which is welcomed. However, as previously commented, internally the historic plan-form would

still be largely lost, in particular to the earliest 1853 Lodge. Her comments on the previous application were as follows:

53. *“Thornseat Lodge is an important non-designated heritage asset, noted in the Heritage Statement as a building of regional architectural and historical interest: as a fine example of mid to late Victorian architecture; for its association with the Jessop family (of Jessop’s Hospital fame); and as a reflection of the growing fashion for grouse shooting at its time of construction.*
54. *Both the exterior and interior of the Lodge are of historic interest, illustrating both the mid-19th century ‘shooting box’ and late-19th century gothic enlargements (including ornate timber bargeboards etc.). To the rear, the latter were of subservient single-storey form (at least one of the two wings with a low inset hipped roof). Internally, the plan form (despite more recent collapse of internal walls) still reflects the stages of development of the Lodge. Decorative internal architectural features including skirtings, cornices, door and window architraves and moulded panelling beneath windows still survive in places.*
55. *The external form and detailing, the surviving internal decorative features and the internal plan-form therefore make an important contribution to the significance of this historic non-designated heritage asset and are integral to its historic integrity.*
56. *The current proposals would effectively result in the retention only of the south-east and north-east facing façades to the Lodge. Internally the historic plan-form would be lost, including the central and south-west chimneybreasts, and the original external 1850s walls between the earliest and later building phases to the rear and adjacent to the later tower.*
57. *The total loss of the interior, including plan-form and any original decorative features, together with the retention of only 2 facades (and potentially the loss of much of the historic external detailing would fail to conserve or enhance this regionally important heritage asset, harming its significance.*
58. *The proposed new rear extensions would not respect the architectural hierarchy of the principle building, unlike the existing rear extensions (which are considerably lower, and more subservient), but would instead be dominant structures, visible from both rear and side elevations.*
59. *No details of proposals for windows and doors to the Lodge have been provided. Some of the remaining windows appear to be of historic interest (particularly to the rear). In order to better conserve or enhance the non-designated heritage asset, a comprehensive window schedule should be drawn up, identifying the significance of those windows which remain, to form a basis for the any new windows proposed.*
60. *Insufficient information has been provided, as identified above. This is required in order to provide a more detailed understanding of the alterations proposed to the Lodge, and to enable a full assessment of their impact on its significance.*
61. *However, based on the information submitted to date I consider that the proposals would result in an unacceptable level of harm to the significance of this regionally important heritage asset, and would not result in either its conservation or enhancement.”*
62. PDNPA Ecology – No further written comments have been received on the current application but on the previous application the Authority’s Ecologist raised no objection to the scheme on the basis of potential impact upon birds associated with the nearby SSSI and SPA, taking into account the revised comments from Natural England.

63. PDNPA Landscape – No further written comments have been received on the current application but objected to the previous application and made the following comments:
64. *Insufficient information has been submitted with the application and the application is in conflict with policy L1. The submitted Landscape and Visual Impact Assessment (LVA) does not describe how the scheme is sensitively located or designed to avoid or minimise impact upon the landscape and there is no mention of an iterative design process.*
65. *While it is accepted that the site contains detracting features, it is not correct to state the landscape of the site has a medium value – it is still a positive landscape feature within the National Park. In terms of susceptibility, the trees are an integral feature of this site and the loss of these could result in a significant level of adverse effect – I consider that the site has a high susceptibility to the form of change proposed (which would result in tree loss and extensive areas of new car parking and access roads). I consider the sensitivity of the site therefore to be high.*
66. *The LVA states that effects on the character of the site would be negligible beneficial at Year 1 and minor beneficial at Year 15 – I fundamentally disagree and think that effects would be moderate-minor adverse at Year 1 and reduce to minor adverse at Year 15. The LVA considers effects on the surrounding Landscape Character Types (LCT) to be neutral – this is probably fair when the LCTs are considered in their entirety, but the LVA does not identify a local landscape character area. I would consider that effects on the surrounding landscape (within a 1 km radius) would be minor adverse at Year 1. The LVA does not consider the effects of increased vehicle movements on the local road network.*
67. *I do not consider the supplied LVA to be a robust or accurate assessment of the potential effects of the application scheme. While the derelict nature of Thornseat Lodge is not a positive feature in this part of the Park, I object to this application. This is partly on the grounds of insufficient information supplied with the application (the lack of robustness in the LVA) and partly on the grounds that the application shows clear conflict with Policy L1 that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.*
68. PDNPA Tree Officer – No objection subject to compliance with submitted Tree Protection Plan, Tree Survey and Tree Constraints Plan and Woodland Management Plan.
69. PDNPA Policy – No response on the current application, but objected to the previous application for the following reasons:
70. *“This planning application is for substantial alteration, extension and new build. I’m classing the engine room as new build given there is nothing left. The main house will have a new 2 story extension and is to be used for holiday accommodation. The stables are largely ruinous - to be significantly rebuilt, altered and extended and used as a wedding venue. Please refer to the draft Conversion of historic buildings SPD which has been out for public consultation. This SPD sets out 6 guiding principles for converting historic buildings for new uses.*
71. *I have no objection to the principle of reusing the main house for holiday accommodation. However, the level of overall rebuild and intensification of use proposed across the site would, in my opinion, have an unacceptable impact in the open countryside. This is an isolated, quiet location.*
72. *The intensification of use required for the wedding venue, as a result of the substantial rebuilding of curtilage buildings, would adversely impact on the open countryside, contrary to policy RT2 of the Local Plan. Some of the proposal is new build and would also be unacceptable under policy RT2 of the Local Plan.*

73. *I consider policy E2 to be relevant and in particular para 13.16. Businesses are encouraged to re-use existing traditional buildings of historic or vernacular merit wherever possible. However, in line with national policy statements, more modern agricultural buildings may be re-used if development management criteria are satisfied. It may be possible to replace an existing building with a smaller new building, if siting and design can achieve enhancement.*
74. *However, business use in existing or new isolated buildings in more remote areas of the countryside will not be permitted. Decisions will take full account of factors including the character of the surrounding landscape, the degree of separation from other buildings or settlements, and the nature of road access. Proposals to redevelop a business site or building in the open countryside for other uses are not likely to be acceptable unless enhancement can be achieved (see policy GSP2). I do not consider there to be any enhancement to the wider landscape as a result of this proposal and therefore it would fail to accord with policy E2.*
75. *In addition to the above, there is a lack of effort by the applicant to embrace the purpose of policy CC1, and as such the proposal fails to accord with the Local Plan policies on climate change.”*
76. PDNPA Transport Policy Planner: Makes the following comments:
77. The current application includes the document ‘Transport Statement 19-10-2022’. These comments largely addressed a lack of information provided within the original Transport Statement and Travel Plan submitted as part of application NP/S/0620/0511. The current Transport Statement and Travel Plan have been prepared in a way which addresses the majority of points raised by the Transport Policy Planner in response to the previous consultation. The resulting outline Travel Plan is acceptable as a means of encouraging modal shift from the private car by employees of and visitors to the site, should planning permission be granted.
78. Outstanding items – Traffic flows: There is however, one point within the Transport Assessment that appears to have not been fully considered. Paragraph 3.5.2 refers to another venue operated by the applicant, stating: - “Typically, events begin at 12pm and end at 11.30pm. It is reasonable to assume that the proposed use of the Site will operate in a similar manner and therefore any traffic generation will be outside traditional network peak hours and predominantly at weekends.” As stated within the previous comments provided, it is important to recognise that Mortimer Road offers a link between a number of popular Peak District visitor destinations including the Upper Derwent Valley, Strines and Langsett. As such, the road is likely to be busy at weekends with a mix of local, visitor and venue-bound traffic. We would have expected some analysis of existing weekend traffic flows to accompany this Transport Statement, based around likely periods of busyness for the venue.
79. Overspill parking: In commenting on the previous application, the following information was provided: “There is a reference to the provision of overflow parking, this is a sensible approach, however, this should not be seen as a permanent additional car park. Rather this is land that can be used for overspill parking for a limited number of days each year (currently 56 under the emergency Covid-19 measures). Parking should not form a primary use of the land, nor should it require additional development to support such use.” It should be noted that the emergency Covid-19 measures are no longer applicable and that the maximum number of days for which the overspill parking could be used under the General Permitted Development Order would be 28.



## **Representations**

80. The applicant has carried out a 'neighbour survey' and submitted 48 responses. The survey includes several pre-written statements which respondents have ticked in agreement and in some cases added additional comments. The survey responses are available to read in full on our website. The statements set out in the survey and on which people commented in the survey can be summarised as:
81. Do you agree with the proposal; will it create jobs; will the project reduce vandalism and anti-social behaviour; do the current state of the buildings pose a danger; will the plans bring more visitors to the benefit of the local economy; are the plans in the public interest in terms of improving the landscape; is the site conveniently located for wedding parties and tourism?
82. We have also received 26 representations. 23 support the application, one makes a general comment and two object, including a letter from the CPRE. These are summarised below:

### **General comment:**

83. One representation has been made making the following general comment:
84. Regarding consultation comments made by LLFA, regarding a purported watercourse crossing the site, as shown on the old plan where the proposed car park is to be located, I can categorically state (having been intimately acquainted with the site for the last past 30 years) that there is no open water course. I imagine, many years ago before the wood was planted there may have been one but there is no sign of it now and it was likely filled prior to the wood being planted. The existing access to the engine room and access to the moor crosses this point. There is no open water course in this area and a simple site visit would be able to see this. It is frustrating that LLFA Officer did not consider carrying out a site visit or speaking with the applicant on the matter.

### **Support:**

85. 23 representations have been received in support of the application, making the following points (the full response scan be seen on the website)
86. Thornseat Lodge needs a new life. It is an important building in the national park and it needs a new life. This applicant not only invests a LARGE amount of money in the building it also invests in jobs for the Community. I applaud this application.
87. We have suffered the loss of too many buildings in the Peak Park due to the lack of development meaning fabulous buildings like Thornseat Lodge have disappeared. I fully support this application and look forward to the saving of this building.
88. The development is expected to create jobs which will pay an annual total combined salary of £500,000.
89. As a local business owner, a farmer and somebody who has lived in the area a long time, I know the Lodge well and can only ever recall it as it is now, which is a sorry state. I feel it is very important that the members making decisions on this planning application realise that unless there is some action taken to secure the buildings future there will soon be no lodge left. A project like this will cost a not inconsiderable sum to realise, however we should feel pleased that there are people out there who want to take on such a big project and will see it to completion. The Lodge wants a great sum of money and time spending on it and I think that the carefully considered proposals put forward should be approved by the planning authority.

90. I notice that a noise consultant has been involved in the design and layout of the plans and their comments have led to design changes being necessary such as a fully glazed roof across the courtyard (design changed in July 2021) in order that there is no chance of noise disturbance from the venue. This is a real bonus as many old antiquated venues are working within the historic fabric of the buildings and cannot therefore install noise reducing glazing etc, whereas the process here means that cutting edge solutions can be employed from the start to make the venue work harmoniously for guests, staff and residents nearby.
91. I cannot see a problem with traffic or access, as the Lodge is set on a busy main road, Mortimer Road, this road actually is the same road that my own farm is located on so I am well aware of it, and the fact that it can carry high volumes of traffic, I do not feel that the extra traffic attending the holiday cottages or weddings there will see any real impact on that road.
92. This site is located off the main road, Mortimer Road, and as such offers excellent transport links to Sheffield, Barnsley, and Manchester. We agree that the majority of journeys to and from the site will be made by private cars or likely minibus shuttles as this is often a popular option for bridal parties held at the Village Hall. We do feel that cycling is not likely to ever be a mode of transport for staff hosting the functions, although it may be for those guests hiring the holiday cottages. The unsociable hours posed by working late night functions should detract planners from trying to push cycling or even car sharing as it can be a dangerous place for single women to be alone in cars with others or for anybody cycling and it should not be pushed as a necessity for the owners to explore further.
93. The design of the entire site appears well thought-out the plans submitted detail the use of high-quality materials such as natural stone, yorkstone flags, slates and hardwood joinery.
94. I am pleased with the sustainable measures that have been added especially the biomass district heating system across the whole development and the parking measures will be adequate for the operation of the entire business model with 80 spaces along with disabled provision and electric vehicle charging ports which is expressly important nowadays with more vehicle owners converting to this. The landscaping scheme has been well thought out with protection measures for nesting birds and landscaping buffers. In summary I am wholly in support.
95. The lodge is tucked away in an inconspicuous place and renovation and wedding use will not cause a major problem. I am aware that local people have been consulted on the project and there has been overwhelming support with the surveys. The plans for Thornseat Lodge are both realistic and achievable. The team that I am a part of is more than capable of realising the plans. These proposals are a way to satisfy public demand for the site to be restored to its former glory.
96. The proposal will be good for other local businesses.

### Object

97. A representation has been received from a local landowner, supporting the restoration of the Lodge but objecting to the extension on the rear of the lodge and the proposal for the wedding venue, on the basis that they would be out of keeping with the landscape and that Mortimer Road carries too much traffic at high speeds especially at weekends and in the evenings.
98. A letter of objection has been received from the CPRE. The letter sets out the CPRE's objection, the key points of which are set out below; a full copy is available on the Authority's website:

99. *“The previous 2020 application for restoration and extension of Thornseat Lodge was refused as it failed the test of major development in a National Park; would significantly harm Thornseat Lodge; would harm valued landscape character; and would be in an unsustainable location. Whilst the aspiration to restore this crumbling Victorian Gothic manor is welcome, the impacts of the accompanying development for a wedding/event/function facility for 150 guests on the edge of Bradfield moors remains substantial and insensitive to its location. We find that the grounds on which refusal of the previous application was based apply to this current application. We therefore object to the development and ask that it is refused.*
100. *Restoration of Thornseat Lodge In principle we would support the proposed restoration and conversion of Thornseat Lodge to six holiday lets as an important non-designated heritage asset of ‘regional level architectural interest’ [Heritage Assessment page 28]. This was once a fine and imposing building which has been long neglected and fallen into a ‘very poor structural condition at severe risk of further collapse’. However, ‘The present ruinous condition of the building has significantly affected the architectural interest of the building, with the degree of loss being such that it makes no more than a moderate contribution to its significance’. In our view the historic structure and what remains internally is unlikely to survive. The new use for 6 holiday lets is unlikely to be visually intrusive or have an adverse impact on tranquillity, dark skies or other valued characteristics. However, the restoration would require unacceptable enabling development in order to be viable in the form of the event facility.*
101. *Proposed wedding/event/function facility We object in principle to the proposed wedding/event/ function venue on the footprint of the former stables and its courtyard, conversion of the ruins of an old cottage to a 4- bedroomed bunkhouse for up to 13 wedding guests and 80 car parking spaces in adjacent woodland, with overflow parking arrangements. The viability assessment shows that restoring the Lodge alone to market housing or holiday lets is not financially viable. Only when ‘enabled’ by significant development relating to the other buildings on site is it viable to restore the Lodge.*
102. *They would create a massive area of development out of a currently dispersed and fragmented cluster. The proposed intensification of use adjacent to significant and sensitive natural assets is unacceptable. Recommendations have been made, to adequately control music noise breakout at appropriate acoustic levels within and beyond the site (Noise Assessment). Control of noise breakout would require some practical measures that rely on rigorous controls when loud music is playing, such as doors closed and guests using the main entrance, no openings in the glazed roof, windows closed behind the stage and music reduced to background levels at 23.00hrs.*
103. *Travel and Transport The number of guests would be limited to 150 with up to 10 staff. For the 10 staff the Travel Plan has proposed cycling to work, a lift share car scheme and a minibus. Although e-bikes would enable longer journeys by bike, it is the intimidation by speeding traffic that inhibits many people from using cycles. However, it is the events at the venue that would generate the greatest impact on sustainability and on minor rural roads. The Transport Assessment assumes the majority of guests would arrive by car. The generated traffic is assumed to be negligible but the frequency of use of the venue is not given, except to say it would occur predominantly at weekends.*
104. *There is no attempt to reduce the need to travel, to encourage sustainable transport (except for several EV charging points), or discourage car use. The distance of the venue from any public transport would mean guests (and probably some staff) would have to drive to and from the venue, which would make the proposal unsustainable.*
105. *The approach from urban areas on all points of the compass would require vehicles negotiating country lanes. These lanes should be protected from intimidating traffic both for*

*their valuable role in improving people's quality of life and to enhance their character and tranquillity*

106. Energy Sustainability *The approach towards energy and sustainability remains unsatisfactory. It does not fully consider all the options and concludes without explanation with 'Provision of a Biomass boiler system to provide heating and hot water to all properties within the development.' There is enough surrounding land within which to bury a ground source heat pump which would have less impact on tranquillity, nor require regular deliveries of wood fuel or the erection of an ancillary building to house it.*
107. Ecology: *The Bradfield Moors are an extremely important habitat for wild birds and other species. The boundary of the designated habitats SSSI/SPA/SAC and of open access land are within 250metres of the development site which lies within the Dark Peak SSSI Impact Zone. A venue accommodating 150 people is inappropriate on the edge of the SPA/SAC/SSSI, and would prejudice the quiet informal enjoyment of the National Park.*
108. Events at the venue would generate unacceptable increases in traffic on minor rural roads. *The approach from urban areas on all points of the compass would require vehicles negotiating country lanes, all of which are steep and narrow with blind bends, and passing through villages such as High and Low Bradfield. This network of quiet lanes covering Bradfield Dale and extending to the Sheffield boundary is hugely popular and important to cyclists and walkers, especially Sheffield residents for whom it provides easy and quick access to tranquil and beautiful countryside. The lanes around Damflask Reservoir are also part of a PDNPA Miles without Stiles route for the less mobile. With the Covid-19 crisis the use of these lanes for recreation has intensified greatly. On most stretches there is room for only one vehicle and impatient motorists often take risks overtaking other users. These lanes should be protected from intimidating traffic both for their valuable role in improving people's quality of life and to enhance their character and tranquillity.*
109. The development fails the test of major development in a National Park (NPPF 2021, 177). *There is no need for the development in terms of national or local considerations. There is already a wedding venue in the vicinity and the claimed benefits to the local community should be accruing at Foxholes Farm; re-location adds no further economic benefit except for the 6 holiday flats. Whilst restoration of the Lodge would provide short-stay breaks within the Dark Peak, the enabling development would be contrary to policy in this location. Three of the special qualities for which the PDNP was designated - internationally important and locally distinctive wildlife and habitats; undeveloped places of tranquillity and dark night skies within reach of millions; an inspiring space for escape, adventure, discovery and quiet reflection, would be harmed by this proposal”.*

### **Main Policies**

110. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, RT1, RT2, CC1, CC5, E2, T1, T2 and T7
111. Relevant Development Management policies: DMC1, DMC3, DMC5, DMC10, DMC11, DMC12, DMC13, DMC14, DMR3, DMT3, DMT6, DMU1 and DMU2.

### **National Planning Policy Framework**

112. 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.
113. 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.'
114. Paragraph 177 states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
  - b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
115. Paragraph 180 says that when determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
116. Paragraph 194 says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

117. Paragraph 195 says that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
118. Paragraph 196 says that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
119. Paragraph 197 says that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
120. Paragraph 203 says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
121. Paragraph 208 says that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
122. Paragraph 84 says that planning policies and decisions should enable:
  - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - b) the development and diversification of agricultural and other land-based rural businesses;
  - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
123. Paragraph 85 says that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
124. Paragraph 113 says that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

125. Paragraph 185 says that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
126. Paragraph 157 says that in determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
127. Paragraph 169 says that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

#### Peak District National Park Core Strategy

128. Policy DS1 sets out the Development Strategy for the National Park. DS1 C. says that in countryside outside of the Natural Zone conversion or change of use for housing, community facilities and business uses including visitor accommodation, preferably by re-use of traditional buildings is acceptable in principle. Other development and alternative uses needed to secure effective conservation and enhancement is also acceptable in principle.
129. Policy GSP1 requires all development to be consistent with the National Park's legal purposes and duty. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.
130. GSP1 E says that in securing national park purposes major development should not take place other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy. GSP1. F says that where a proposal for major development can demonstrate a significant net benefit to the national park, every effort to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics would be expected to be secured.
131. GSP2 says that opportunities for enhancing the national park will be identified and acted upon. Proposals must demonstrate that they offer significant overall net benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other core policies.

132. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide, impact on living conditions of communities, impact on access and traffic levels and use of sustainable modes of transport.
133. L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
134. L2 says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.
135. L3 says that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance. Other than, in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.
136. RT1 says that proposals for recreation, environmental education and interpretation must conform to the following principles: The National Park Authority will support facilities, which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park and are appropriate to the National Park's valued characteristics.
137. RT1 B says that new provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. In the open countryside, clear demonstration of need for such a location will be necessary. RT1 C says that wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable.
138. RT1 D says that development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.
139. RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles. The change of use of a traditional building of historic or vernacular merit to holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
140. CC1 says that in order to build in resilience to and mitigate the causes of climate change all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and reduce overall risk from flooding; achieve the highest possible standards of carbon reductions; achieve the highest possible standards of water efficiency and non-residential major development above 1000m<sup>2</sup> floor space must achieve a Buildings Emissions Rate at least 10% less than the Target Emissions Rate.



141. CC5 C says that development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.
142. E2 says that proposals for business development in the countryside outside of the Natural Zone and named settlements must take account of the following principles:
- A. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided there is no scope for further enhancement through a more appropriate replacement building.
  - B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
  - C. Business use in an isolated existing or new building in the open countryside will not be permitted.

E2 goes on to say that beyond this policy and our recreation policies there is no scope for setting up new businesses in the countryside.

143. T1 aims to reduce the general need to travel within the National Park and encourage sustainable transport. T2C says that modal shift to sustainable transport will be encouraged. T2E says that impacts of traffic within environmentally sensitive locations will be minimised. T2F says that sustainable access for the quiet enjoyment of the National Park, who does not cause harm to the valued characteristics, will be promoted.
144. T2F says that sustainable transport patterns will be sought that complement the development strategy. Travel plans will be used to encourage behavioural change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.
145. T7 B says that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements. T7. C says that non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity.

#### Development Management Policies

146. DMC1 A says that in countryside beyond the edge of designated settlements any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account: the overall strategy for the relevant Landscape Strategy and Action Plan area, any cumulative impact and the effect of the proposal on the landscape.

147. Policy DMC3 A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
148. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
149. Policy DMC5 says that applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset and proposals likely to affect archaeological and potential archaeological interest should be supported by appropriate information.
150. DMC5 E says that if applicants fail to provide adequate or accurate detailed information the application will be refused. DMC5 F says that development of a non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
151. Policy DMC10 says that conversion of a heritage asset will be permitted provided that: it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision, other alterations, and major rebuilding); and the building is capable of conversion; the changes brought about by the new use and any associated infrastructure conserves or enhances significance and landscape character; and the new use will not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.
152. Policy DMC11 A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.
153. DMC11 B says details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by the development must be provided, in line with the Biodiversity Action Plan and any action plan for geodiversity sites, including provision for the beneficial future management of the interests. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:
  - i. an assessment of the nature conservation importance of the site; and
  - ii. adequate information about the special interests of the site; and
  - iii. an assessment of the direct and indirect effects of the development; and
  - iv. details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and

- v. details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.
154. DMC11 C says that for all sites features and species development proposals must also consider cumulative impacts and the setting of the development in relation to other features of importance, taking into account historic, cultural and other landscape context.
  155. DMC12 A says that for Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
  156. DMC12 B says that for sites, features or species of national importance, exceptional circumstances are where the development is essential for the management of those sites, features or species; or for the conservation and enhancement of the National Park's valued characteristics; or where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
  157. DMC12 C says that for all other sites, features and species, development will only be permitted where significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.
  158. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees and hedgerows which positively contribute which should be protected during the course of the development.
  159. Policy DMC14 says that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.
  160. Policy DMR3 A says that where self-catering accommodation is acceptable outside of designated settlements, its use will be restricted to no more than 28 days per calendar year by any one person.
  161. DMT3 B says that development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.
  162. DMT6 is relevant for business parking and says that new or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown. Additional parking should be of a limited nature, whilst being appropriate to the size of the development and taking account of its location and the visual impact of parking.
  163. DMU1 says that new or upgraded service infrastructure for new development will be permitted subject to the requirement that full details are provided in the planning application and it: does not adversely affect the valued characteristics of the area; and any new land use does not commence prior to the appropriate delivery of the services.

164. DMU2 B says that infrastructure services to new development or improved services to existing uses should be placed underground.

#### Supplementary planning documents (SPD) and other material considerations

165. The adopted climate change and sustainable building SPD provides detailed guidance on construction methods and renewable technologies along with a framework for how development can demonstrate compliance with policy CC1.
166. The adopted design guide SPD and supporting building design guide provides detailed guidance on the local building tradition within the National Park and how this should be utilised to inform high quality new design that conserves and enhances the National Park.
167. The adopted transport design guide SPD provides detailed guidance on the design of transport infrastructure including access layouts, parking and future technology such as electric vehicle charge points and autonomous vehicles.
168. The Conversion of Historic Buildings SPD was adopted in April 2022. This SPD sets out guiding principles for converting historic buildings for new uses to support policy DMC10.
169. Historic England has produced guidance on enabling development (Enabling Development and Heritage Assets Historic Environment Good Practice Advice in Planning Note 4, June 2020), including the need for market testing, expert reporting of a schedule of repair costs and appropriate viability assessment establishing the conservation deficit.

#### Assessment

##### Principle

170. The application proposes the conversion and extension of the former lodge to create holiday accommodation along with the erection of a wedding venue, further holiday accommodation and associated landscaping, access drives and car parking on the site.
171. This is a resubmitted application following the refusal of a similar proposal in October 2021. The application is accompanied by an extensive range of documents which support the proposal and which seek to address the objections raised when the previous application was refused. Officers have engaged with the applicants and their agents to establish “common ground”. For clarity, the supporting Planning Statement sets out the following changes or additional information that has been provided in response to the refusal of application NP/S/0620/0511 (these are repeated without comment at this point in this report):
- *Information on visitor accommodation demand in the Peak District National Park and identifying an opportunity for maximising the tourism offer in the Peak District (addressing Reason for Refusal 1 concerning the proposals being in the public interest).*
  - *Amendments to increase the degree of retention of existing fabric, historic floorplan, and incorporation of building remnants into the proposed scheme, as well as updated heritage assessments and recommendations for actions/conditions to best preserve Thornseat Lodge’s heritage value (addressing Reason for Refusal 2 concerning Thornseat Lodge’s heritage status).*
  - *Further supporting information to provide assurances regarding the acceptable degree of impact that the proposals would have on the landscape character within and beyond Thornseat Lodge (addressing Reason for Refusal 3 concerning impact on landscape character).*

- *A suite of measures to be introduced and maintained upon commencement of the construction and subsequent operation of the proposed new use of Thornseat Lodge, pursuant to encouraging sustainable transport choices and offsetting concerns regarding the sustainability of the site including, the use of sustainable construction methods and materials, the installation of a biomass district heating system and EV points (addressing Reason for Refusal 4 concerning site location and sustainable development objectives).*
172. A total of seven residential units are proposed through conversion and new building which would be occupied as holiday accommodation (six in the lodge and one in another building). The holiday accommodation is intended to be operated separately from the wedding venue but would be available to be booked by members of the public attending a wedding and it is likely that they will be booked together when there is an event.
173. The wedding venue would be built in the location of a former stable block. The former stable block has been demolished for a long time, with only the external walls of the yard remaining. The wedding venue would therefore be within a range of new buildings which would reinstate the former courtyard massing, but with a glazed roof over the central area of the yard between the buildings. The wedding venue would have capacity for up to 150 guests. New internal driveways and an 80-space car park would be created for the wedding venue.
174. The site is located in open countryside on the edge of Bradfield Moor and 2.2km west of Low Bradfield. The site is adjacent to the Peak District Moors Special Area of Conservation (SAC), Peak District Moors Special Protection Area (SPA) and Dark Peak Site of Special Scientific Interest (SSSI).
175. Given the scale of the development and the potential impact upon the landscape, biodiversity and cultural heritage of the National Park, it is considered that the development falls with the definition of “major development” within the National Park.
176. Core Strategy policy GSP1 E says that major development should not take place other than in exceptional circumstances and will only be permitted following rigorous consideration of the criteria in national policy.
177. National policy is set by paragraph 177 of the NPPF which states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
  - b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
178. Policy DS1 allows for other development and alternative uses to secure effective conservation and enhancement but policy GSP2 says that proposals intended to enhance the National Park should not undermine the achievement of other Core Policies such as RT1, RT2 and E2.
179. Paragraph 208 of the NPPF says that we should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which

would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

180. The primary justification for the proposed development relates to the poor condition of the former lodge building and that the development is required to achieve the conservation and enhancement of the lodge and its former stable block.
181. Local and national policies make a clear presumption against the proposed major development unless exceptionally the development meets the tests set out by the NPPF and can be justified on the basis that overall it is in the public interest. A development of this scale and nature should only be accepted if it can be seen to provide benefits such as the conservation and/or restoration of historic assets without causing unacceptable harm. This requires a balancing of the various aspects of the proposed development. The key issues therefore are the impact of the proposed development upon the landscape, biodiversity and cultural heritage of the National Park and whether the development would be acceptable in all other respects.
182. Core Strategy policy DS1 and policy RT2 allow in principle for the change of use of a traditional building to holiday accommodation. However, policy RT2 states that new build holiday accommodation (such as the proposed bunkhouse) will not be permitted.
183. Core Strategy policy RT1 allows for recreation development. However, development proposals must encourage understanding and enjoyment of the National Park and be appropriate to the National Park's valued characteristics. New development for a wedding venue in open countryside would therefore not be in accordance with our adopted recreation strategy.
184. The Authority's development strategy seeks to direct new business development to named settlements within the National Park but makes exceptions for small scale business development in smaller settlements, farmsteads or groups of buildings in sustainable locations. These exceptions are set out by policy E2. The proposal is for major development and is therefore not small scale business development envisaged by policy E2.
185. Furthermore, this site is located in open countryside with the nearest public transport link being bus connections to Sheffield from Low Bradfield a 3km walk away along Dale Road or Windy Bank which are narrow lanes with no pavement for pedestrians. Therefore, new business development on this site would not be in accordance with policy E2 A or E2 C which says that business use in an isolated existing or new building in the open countryside will not be permitted.

#### Justification for enabling development

186. Paragraph 208 of the NPPF says that we should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
187. Historic England has produced guidance on enabling development (June 2020) and this is a relevant material consideration in the assessment of the proposals. The advice is that the case for enabling development rests on whether a conservation deficit can be established. This is the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.

188. The advice says that market testing is required to explore the possibility of different owners or different uses providing an alternative to enabling development, thereby reducing the need for or scale of enabling development needed. Evidence is also required as to whether public or charitable grant funding or ownership could displace or at least reduce the need for enabling development.
189. The harm done by enabling development contrary to other planning policies is likely to be permanent and irreversible. After consideration of all reasonable alternative means to secure the future of the asset, enabling development is therefore likely to be a last resort.
190. The sums of money generated through enabling development are provided to directly solve the conservation needs of the place. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the asset.
191. Historic England advise that an enabling development proposal can only be considered for approval if it provides benefits that outweigh the disbenefits, and where we are confident that the scheme would secure the conservation of the heritage asset. This involves assessing the position now and considering the asset's future. It is good practice to take the decision in the light of a realistic view of the consequences of refusal. Equally, a proven conservation deficit may not automatically lead to a grant of planning permission, where the disbenefits of failing to comply with other planning policies are considered to outweigh the benefits of conserving the heritage asset. This is particularly important in the proposals for Thornseat Lodge.
192. In assessing the proposals, officers have concluded that the proposed development would result in harm to the significance of the heritage asset, albeit at a reduced level from the previously refused scheme, particularly in respect of the main building. If permitting the proposed development would not secure the future conservation of the Lodge then there is no justification for granting planning permission for development that otherwise conflicts with planning policies.
193. Notwithstanding this conclusion, it is necessary to examine the case for enabling development.
194. The applicant has not carried out any market testing. The property has not been marketed for sale and therefore the possibility of different owners providing an alternative to the proposed development has not been explored. The applicant has not explored whether public or charitable grant funding or ownership could displace or at least reduce the need for enabling development. This has been discussed with applicants and their position is that they have experience in carrying out this type of development and although the building was bought by the applicant's family many years ago, it is now owned by a different business in their ownership. They believe that the viability appraisal report sets out the options and their respective viability, regardless of the ownership.
195. The Planning Statement explains that the conservation deficit assessment has been informed by the conservation structural survey that was undertaken in support of previous application. An extract of the viability assessment is included below to demonstrate the outcome of the respective assessments. The assessment appraises a total of twelve development options, as follows:
  - Option 1 Holiday lets - Full restoration of the lodge as it currently exists externally and internally (walls to follow 1979 floor plan issued by SCC as far as possible + historic features retained/restored as far as possible).
  - Option 2 Holiday lets - Full external restoration of the lodge; internals rebuilt.
  - Option 3 Holiday lets - Full external restoration of the lodge; internals rebuilt + single storey rear extension.

- Option 4 Holiday lets - Full external restoration of the lodge; internals rebuilt + two storey rear extension.
  - Option 5 Full external restoration of the lodge; internals rebuilt + two storey rear extension +stables wedding venue.
  - Option 6 Full external restoration of the lodge; internals rebuilt + two storey rear extension +stables wedding venue + bunkhouse conversion.
  - Option 7 Full external restoration of the lodge; internals rebuilt + two storey rear extension+stables wedding venue + bunkhouse conversion + engine room conversion.
  - Option 8 Full external restoration of the lodge; internals rebuilt + two storey rear extension +stables wedding venue + bunkhouse conversion + engine room conversion + poolhouse + beauty parlour conversion.
  - Option 9 Market housing - Full restoration of the lodge as it currently exists externally and internally (walls to follow 1979 floor plan issued by SCC as far as possible + historic features retained/restored as far as possible).
  - Option 10 Market housing - Full external restoration of the lodge; internals rebuilt.
  - Option 11 Market housing - Full external restoration of the lodge; internals rebuilt + single storey rear extension.
  - Option 12 Market housing - Full external restoration of the lodge; internals rebuilt + two storey rear extension
196. These were appraised to identify an optimum viable use. The Planning Statement says that the combination of the appraisals serves as a sequential approach to determining the viable use of the site that is closest to that preferred by policy/officers, i.e. the optimum viable use. The deduction of the estimated construction costs from the estimated Gross development Value (GDV) helps to establish the conservation deficit that will guide the optimum viable use for Thornseat Lodge. The conservation deficit is defined in Enabling Development and Heritage Assets Historic Environment Good Practice Advice in Planning Note 4, produced by Historic England, as the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs.
197. When the previous application was considered, officers were concerned that we did not have enough information to determine if there is a conservation deficit or whether the proposed enabling development is the minimum amount required to address the deficit. Therefore, it was not possible to accept that the application would justify enabling development, taking into account the advice on enabling development from Historic England.
198. That issue has now been addressed, to some extent, by the submission of the Viability Assessment report, but it is important to see this as a consideration to take into account rather than the sole determining factor; the fact that the report considers one option to be the only viable option does not necessarily mean that it is acceptable from a planning policy perspective. Whilst the Planning Statement concludes "*that the principle of the proposed scheme is acceptable on the grounds of facilitating, at a minimum, the conservation of the Lodge without compromising the valued character of the wider area*", officers consider that there are still sufficiently strong concerns about the impact of the proposed development that the decision cannot be driven solely by the viability report conclusions.
199. In a recent meeting with the applicants and their agent there was a discussion about the assessments made in the Viability report. Officers acknowledged the report and did not challenge the assumptions on which the conclusions were based; it would be possible for the Authority to commission its own viability assessment, but it is considered that this



would only be necessary if there were significant concerns about the accuracy assumptions or analysis in the submitted report. The officers' approach was that the viability report provides a useful basis for understanding the options and the relative viability, but as noted above, it does not necessarily lead to the conclusion that this application must be approved. It was noted that although the report concludes that a single dwelling, or a small number of apartments have been ruled out as not being viable, experience elsewhere in the National Park has shown that there are developers or individuals who are prepared to take on buildings without seeking to meet their costs in the short or medium term, particularly with regard to single houses, seeing them as rare opportunities to acquire historic properties in desirable locations. That can only be tested by marketing Thornseat Lodge.

200. At that meeting, officers also discussed with the applicants an alternative scheme that is more likely to be supported. This is set out in more detail below, after the consideration of impacts.
201. Finally on this issue, when the previous application was considered, the report set out the recent history of the site, referring to paragraph 196 of the NPPF which says that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The Lodge was last occupied as a children's home, which closed around 1980. It is understood that it was used by a local group as a place for families on low incomes to stay in the early 1990s. Photographs on Sheffield City Council's website dated 1986 show the Lodge in good condition with all elements including roofs, windows and the rear extensions intact.
202. However, it is clear that after the building was no longer in use it began to deteriorate. Photographs on our file show that by 2005 the roof to the single storey element had collapsed along with parts of the rear projecting two-storey element, although the decorative copings to the single storey element and many windows and doors remained intact, as was the main roof. We subsequently received enquiries from concerned members of the public about the deteriorating state of the building and photographs on file from 2008 to 2019 show continued deterioration including continued collapse of the main roof, loss of the decorative copings to the single storey element and damage to most windows and doors
203. The site appears to have been sold by Sheffield City Council in 1994 to Hague Plant Excavations Limited. It is not clear what the condition the building was in 1994 but given photograph evidence from 1986 and evidence that the building may have continued to be occupied in the early 1990s it is likely that the building was in a better condition than shown on photographs taken in 2005.
204. The site was sold to the applicant Thornseat Lodge Limited in 2018. Two of the active directors of Thornseat Lodge Limited were active directors of Hague Plant Excavations Limited in 1994.
205. The submitted planning statement says that after many years of neglect the building has become derelict to the extent that not only is its appearance enormously degraded, but also many elements have structurally failed. Considering the evidence set out above, we agree with this assessment.
206. It is clear that the building has significantly deteriorated. This is primarily due to lack of regular maintenance that a viable long-term use would provide. The building also appears to have been a target of theft and vandalism. It is unclear what the intentions of the previous owners of the site were or what measures have been put in place to secure or maintain the structure. Some temporary structural interventions appear to have been attempted but the continued deterioration of the building has not been arrested.

207. We did not receive any planning applications or pre-application enquiries for development until shortly after the applicant purchased the site in 2018. Security fencing and cameras have been erected on the site to deter any further theft or vandalism.
208. It is clear that the building has been neglected for a considerable amount of time and this has contributed to the deteriorated state of the heritage asset. It is not possible to ascertain the intentions of the previous owners of the site, but it is clear that there have only been limited attempts to maintain or secure the building or to seek planning permission for a viable use for the site (until the applicant purchased the site).

#### Impact on former lodge and its setting

209. Thornseat Lodge is a 19th century shooting lodge set in a designed ornamental landscape. The lodge is in very poor structural condition and has partially collapsed and the remains of several outbuildings, including a stable yard that served the main house are located within its grounds. These outbuildings are in varying state of survival from complete ruin with very little surviving above ground level, to almost complete standing buildings. The whole complex is considered to be a non-designated heritage asset of regional significance.
210. The application is supported by a Heritage Statement that describes the significance of the heritage assets and includes appropriate background research, consultation of the historic environment record and map regression. The Heritage Statement meets the requirements of policy DMC5 and paragraph 194 of the NPPF in relation to the supporting information required.
211. The site and a number of its buildings are in very poor condition and it is important to state that in principle a development providing a viable use that secured the conservation and enhancement of this heritage asset and its long-term future would comply with the Authority's policies and would be welcome.
212. The exterior and interior of the Lodge are of historic interest because they illustrate both the mid-19<sup>th</sup> century 'shooting box' and the later gothic enlargements carried out in the late 19<sup>th</sup> century (including the tower and timber bargeboards etc.). To the rear, the extensions were of subservient single-storey form. Internally, the plan form (despite more recent collapse of internal walls) still reflects the stages of development of the Lodge. Decorative internal architectural features including skirtings, cornices, door and window architraves and moulded panelling beneath windows still survive in places.
213. Therefore, the external form and detailing, the surviving internal decorative features and the internal plan form of the Lodge make an important contribution to the significance of the building and are essential parts making up its historic integrity.
214. Given the condition of the building, it is inevitable that parts of the structure will need to be demolished and re-built to facilitate conversion. The application is supported by a structural report which concludes that the building is in structurally poor condition and needs a detailed and sequenced strategy of temporary works to remove failed elements and stabilise fabric and that these works are urgent to prevent further loss and deterioration.
215. When the previous application was refused, Officers had concerns that the proposals would retain only the south-east (front), north-east (side), north-west (side) and part of the north-west (rear) facades of the Lodge. The remaining external and internal walls, floor and roof would have been demolished and re-built. Internally the historic plan-form would have been totally lost, including the central and south-west chimneybreasts, the original

external 1850s walls between the earliest and later parts of the building and some significant internal decorative features.

216. The revised application has sought to address some of these concerns and the plans show that more of the original internal walls and features, such as architraves and skirting boards. As a result, the scheme is now considered to be more sympathetic and, given the condition of the building, it would probably retain as much of the original building as possible. The Authority's Senior Archaeologist acknowledges these revisions, noting that these changes are welcomed, and represent a greater retention of the features and fabric that contribute to the significance of the building. This reduces the level of harm to the historic interest of the building. She adds that some minor change to external elevations of the building to allow new access arrangements are still required, with a small number of additional doors/windows. This, along with the loss of most of the interior, will result in some harm to the historic and architectural interest of the building.
217. A rear extension is still proposed, but with a change in materials to what was originally proposed. She concludes that this represents a high level of change to this elevation and its historical form and appearance, but it is acknowledged that the affected elevation, as a rear elevation with considerable alteration and less architectural interest, this elevation is of lesser significance relative to the quality of the front and side elevations of the building, so although some harm will result, it is an elevation where there is more capacity for change. Given its current condition, it is difficult to see how more of its layout could be retained.
218. It is acknowledged that because of the current condition of the building, the development would result in retention of only the main facades, but this includes the main elevation facing Mortimer Road. The rear elevation would be significantly rebuilt and extended. The proposed two storey rear extensions would have a more contemporary appearance which does not follow the architectural style of the historic lodge. The existing rear elements are low, subservient elements, but the proposed extensions would be relatively dominant additions and the proposed fenestration would not complement the historic character and appearance of the Lodge. Although there is a case for making an architectural distinction between the new and the old, if Members are minded to accept the application in principle, officers would recommend further discussions with the applicant/agent to provide a more traditional detailing.
219. With regard to the new courtyard development to provide the wedding venue, the Heritage Statement demonstrates that the buildings of the stable yard were demolished before the 1962 Ordinance Survey (OS) map. Therefore, these buildings have not been present on the site for at least 58 years.
220. The application describes the proposed development as restoration of historic stable block. However, the proposed development is for an entirely new building on the site of the historic stable yard, together with a glazed roof over the yard itself.
221. The Heritage Statement suggests that the new wedding venue building would help to reinstate its context as part of a larger complex rather than being an isolated villa, and so would have a limited positive effect on the setting and significance of the lodge. The Authority's Senior Archaeologist disagrees with this conclusion. She advises that the remains of the stable block and the other historic structures across the site are clear evidence that the lodge was at the core of the wider complex and is not simply an isolated villa. The archaeological and historic evidence and interest of the site attest directly to this. The ruins of the former stable yard are an authentic historic element of the Lodge site. Other than the remains of the building at the site, there is no evidence of the historic massing and scale of the buildings. The proposed development is for a new building that is conjectural, albeit partly based upon other historic examples.

222. She concludes that replacing an authentic historic element of the Lodge which retains the legibility of its historic function and relationship to the Lodge, the historic massing and scale of which is unknown with a conjectural modern structure would fundamentally compromise the core significance of the remains of the stable yard. The groundworks associated with the proposed new building on the site would result in the complete loss of archaeological interest of the historic remains. This is the highest possible level of harm to a feature, which contributes to the significance of a heritage asset of regional significance, which is fundamental to understand the historic development and function of this heritage asset.
223. The proposal to erect a new bunkhouse building on the ruinous structure to the south west of the stable yard would have a similar impact resulting in the complete loss of archaeological interest of the historic remains. The historic function of this ruinous structure is unknown. The development would also incorporate standing outbuildings including a historic garage / grain store, the 20th century engine house and a modern garage to the rear of the Lodge. The proposal is to retain the relatively modern garage structure which has no heritage significance or value. It detracts from the historic form and interest of the site, and its removal would be considered to be a benefit.
224. The plans show that there would be alterations to the existing building known as the Engine House for conversion into a ceremony space, working with the existing building envelope and apertures. This would result in only very minor changes to fabric and character and very minor harm to its significance.
225. In general design terms, the proposed wedding venue has been designed using single and two storey buildings constructed from stone with pitched roofs around the former yard. However, the whole of the formerly open yard would have a glazed roof formed by a series of parallel roofs abutting the flat roof of the entrance foyer, which would give an urban appearance unrelated to the historic yard.
226. The Senior Archaeologist notes that changes within the grounds of Thornseat Lodge will result in both harm and enhancement. The infilling of the swimming pool, restoration of the historic access drive and maintenance of the grounds are all positive outcomes and will enhance the significance of and experience of the site. The creation of a new access drive and the car park would change the original design of the grounds, and change how they were intended to be utilised and experienced and will therefore result in a degree of harm to the significance of the site, but overall this is minor in scale.
227. Generally, taken together, the proposal for the courtyard and ancillary buildings, the proposed tarmac driveways, and surfaced car park would be significant new or altered features within the designed landscape surrounding the Lodge which would cause some level of harm to the significance of the Lodge, its outbuildings and the grounds contrary to policies GSP3, L3, DMC3, DMC5, DMC10 and the NPPF. Whilst some change would be acceptable to achieve an appropriate restoration and beneficial use of the lodge, the current scheme goes beyond what is considered to be acceptable in terms of its scale.

#### Landscape impact

228. The proposal is for a significant development on a site in a relatively isolated location on the edge of Bradfield Moor, this location being a consequence of the original use of the building as a shooting lodge. The development has the potential to have a harmful landscape impact not only due to the potential visual impact of new development and activity but also due to the potential impact upon dark skies and tranquillity, which are both important characteristics of the local landscape and underpin the defined special qualities for the National Park.

229. Policy L1 is clear that development must conserve and enhance valued landscape character and DMC1 A requires applications to provide a landscape assessment with reference to the Landscape Strategy and Action Plan. A landscape assessment (LVA) was submitted with the last application but our Landscape Officer raises significant concerns and disagreed with its conclusions. The application was subsequently refused and reason for refusal 3 stated: *“The development would harm valued landscape character, as identified in the Landscape Strategy and Action Plan and tranquillity and dark skies. The development is therefore contrary to policies L1, DMC1, DMC3, DMC14 and the National Planning Policy Framework.”* The revised application includes a revised LVA, which now includes an additional viewpoint (PV10) following the clear felling of a substantial area of woodland to the south-east of Dale Dike reservoir. The LVA provides a detailed assessment of the site and its setting in the landscape. It concludes that the landscape sensitivity of the site is derived from a combination of value and susceptibility and is considered to be medium for the site overall. The Zone of Theoretical Visibility and viewpoint analysis concludes that the site is identifiable by its tree canopy from all distances, but that the rising topography, boundary drystone walls, shrub and tree canopy prevent views into the site from all but the immediate short-range views. Thornseat Lodge is partially visible from a variety of ranges but does not form a dominant visual component in any view.
230. The site is located within the Dark Peak and specifically within the moorland slopes and cloughs as defined by our adopted landscape strategy. Land to the north and east of the site is improved grassland quickly becoming open moorland, which is open access land and designated as Natural Zone.
231. This landscape is characterised by steep slopes and cloughs rising to open moorland on the high plateau above, with widespread rough grassland and heather moor, grazed by sheep. This is a wild unsettled landscape with exposed views over lower ground.
232. The land to the west and north of the site reflects this character but the former lodge while originally created to facilitate shooting on the adjacent moorland was designed with landscape grounds and there is woodland within the site to the west of the lodge comprising conifer plantation, mature broadleaf trees and dense rhododendron.
233. The applicant’s LVA concludes that overall, the proposed development would be contained and sit discreetly within the existing site and long-term visual effects would be neutral. Initially there would be very localised negligible adverse visual effects on the immediate views from vehicles passing the site entrance on Mortimer Road and the nearby public right of way. Protection and enhancement of the most significant landscape features and sensitive design would result in long-term negligible beneficial effect on landscape features, a long-term neutral effect on landscape character, a long-term minor beneficial effect on the sites character.
234. In response to this, officers acknowledge that the majority of new development including the wedding venue, internal access roads and car park would be contained within the existing wooded area which would visually contain the development viewed from the road. However, there would be more open views from open access land on higher ground to the north-west where the mass of the proposed wedding venue and car park would be more noticeable.
235. In addition to this, there is still an outstanding concern about the potential impact of the use of the proposed wedding venue in this highly sensitive location. Tranquillity and dark skies are a particularly valued characteristic of the National Park, especially in the more remote wilder parts, such as moorland edges. This is an issue which is highlighted in the response from the CPRE, which has commissioned research into the importance of tranquillity in the countryside. In these sensitive locations even relatively low levels of

noise can be subjectively intrusive. The proposed wedding venue would have an intended capacity of 150 people. Gatherings of this number of people have the potential generate noise from celebrations and vehicle movements even if music can be contained.

236. The applicant has submitted a noise impact assessment with this revised application. The assessment recommends various modifications which have been implemented, regarding noise to the courtyard/stableyard including: the fitting of timber doors to the archway, a solid roof to the whole of the main dining room/ stage/ bar area, and a glazed roof to the internal courtyard. Whilst these are all necessary, together with active noise management measures, it is inevitable that a use of this scale and nature will create noise disturbance in an otherwise very quiet area. This will often be at night, but also during the days and at weekends, when others are visiting the area for the purposes of quiet enjoyment. This is a problem inherent in the use and one which would be exacerbated by vehicle movements and the disturbance associated with that.
237. The landscape is also relatively undeveloped with dark skies, a valued characteristic of the landscape, and very little light pollution. In response to this concern, the application includes a detailed lighting scheme has been submitted. However, given the scale and nature of the proposed wedding venue it is still considered highly likely that the development could generate light pollution, especially from the glazed courtyard, outside lighting to the terrace and car park and from vehicle movements during times of darkness. Given the current very low levels of light in this area, this would be harmful.
238. Given the potential impact of the development, we consider that the application would fundamentally conflict with the established landscape character of this part of the National Park contrary to policies GSP3, L3, DMC1 and DMC3.
239. As set out earlier in the report a range of works within the grounds of the Lodge are proposed to facilitate the proposed development. These include alterations to the existing access and drive, the creation of new access drives and car park. No detailed existing site plan has been submitted and therefore it is not possible to make an informed assessment of the proposed works.
240. The submitted landscape plan outlines how the site would be treated but no detailed proposals of how the woodland and grassland would be managed have been provided. Even within the existing wooded setting and with additional planting, the proposed driveways and surfaced car park would be expansive, intrusive and urbanising additions within the designed landscape surrounding the Lodge, as would the terracing around the wedding venue and the tarmac hardstanding around the Lodge itself.

#### Impact upon trees

241. A key aspect of the site is the existing woodland and our landscape strategy and action plan states that the management and enhancement of woodlands is a priority within this landscape.
242. A tree survey has been carried out and the report submitted with the application. The report identifies that the site is largely covered by plantation woodland, mature broadleaf trees and dense rhododendron. The plantation woodland is mostly conifer species with self-sown native and naturalised broadleaf species distributed throughout. The rhododendron, a non-native invasive species is found in a large area to the northern end of the site.
243. The scheme is supported by a landscape framework. A Woodland Management Plan has also been prepared, to ensure enhancements which are proposed to the wider woodland can be successfully delivered. The proposed development would involve the removal of a

number of existing trees to form a new access road and car parking to the south-west of the stable block. 23 category C (low value) trees are proposed for removal, many which are suppressed, leaning or with other defects, with low life expectancies resulting from being within a plantation which has not been thinned or managed. No category A (high value) or category B (moderate value) are proposed for removal and these are retained and protected on site. A further 17 U category (unsuitable for retention) trees are to be removed. It would also provide an opportunity to remove Rhododendron. The scheme includes planting of native trees, shrubs, and understorey planting. The LVA states that the design aims to minimise the impact on the existing vegetation, improve the character of the site and provide screening for the proposals.

244. The Authority's Tree Officer has no objection to the proposal relating to trees, based on the submitted plans.
245. If permission were granted, we would recommend that replacement planting, removal of invasive species and on-going management of the woodland on site forms part of a Landscape and Ecology Management Plan (LEMP), which is discussed in more detail in the next section of the report.

#### Impact upon biodiversity

246. The application site is in close proximity the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and the Dark Peak Site of Special Scientific Interest (SSSI).
247. The proposal development is not directly connected with or necessary for the management of the European Site. Therefore, due to the proximity of the application site to European Sites we are required by regulation 63 of the Habitats and Species Regulations to determine whether the proposal is likely to have a significant effect on any European site and proceed to the Appropriate Assessment stage of the regulations where significant effects cannot be ruled out. This is also a requirement of policy DMC12.
248. The application is supported by a shadow habitat regulation assessment (sHRA), bat and bird surveys and noise assessment. The sHRA concludes that subject to mitigation measures to mitigate potential impacts from noise (during construction and operation) and illumination impacts and risk of fire from fireworks and sky lanterns that the development would not have a likely significant effect upon the SAC and SPA.
249. Natural England agreed with the conclusions of the sHRA submitted with e previous application and concluded that the development would not have a likely significant effect upon the SAC and SPA. We have undertaken an assessment of likely significant effects under the Habitats Regulations and recommend that this is adopted by the Authority (this is the subject of a separate report).
250. For the same reasons it is concluded that the proposed development would not damage or destroy the interest for which the SSSI has been notified. If planning permission is granted, we would recommend that planning conditions were imposed to require the submission and approval of a Construction Environment Management Plan (CEMP) and a bat and bird mitigation plan before development commences along with planning conditions to prohibit the release of fireworks of sky lanterns (and similar devices) and to require noise mitigation measures to be implemented and complied with.
251. We would also require a Landscape and Ecology Management Plan (LEMP) to be submitted, approved and implemented. This would cover longer term management of the site and therefore would need to be secured by a planning obligation entered into by the applicant before planning permission was granted.

252. Subject to these planning conditions and planning obligation we are satisfied that the development would not harm designated sites in accordance with DMC12 A.
253. The survey reports submitted with the application do identify habitat and protected species within the application site that would be affected by the development including bats, birds and a loss of bracken bed where the car park would be located.
254. The surveys propose mitigation in the form of integrating bat and bird boxes into the development and the wider site. The reports also propose mitigation in the form of additional tree and hedge planting around the proposed car park and buildings, the implementation of a CEMP and a management plan for trees, reducing rhododendron and providing deadwood habitat, which could form part of the LEMP.
255. The reports provide detail about mitigation for bats and birds and recommends that the CEMP and landscape management plan be subject to planning conditions requiring submission and implementation.
256. DMC11 B states that development will not be permitted if applicants fail to provide adequate information including details of any mitigating or compensatory measures and details of provisions for the beneficial future management of the nature conservation interests of the site. We are concerned about the level of detail provided but on balance consider that suitable mitigation and enhancement could be secured through the approval of a CEMP and LEMP, along with provision of bat and bird boxes.
257. Therefore, the application demonstrates that the development if appropriately managed and operated would conserve and enhance biodiversity on site and at nearby designated sites. The application is therefore in accordance with policies L2, DMC11, DMC12 and the National Planning Policy Framework.

#### Justification for major development

258. The application falls within the definition of major development by virtue of its scale and potential impact. Core Strategy policy GSP1 says that major development should only be allowed in exceptional circumstances following the criteria set out in national policy. Paragraph 177 of the NPPF says that permission should be refused for major development in the National Park other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
259. The justification for the development is primarily advanced on the basis that it is required to restore and enhance the Lodge and its former stable yard. In principle this could be a justification for allowing what is otherwise major development. However, we have established that the development would result in harm to the significance of the Lodge, its former stable yard and their setting and that the development would harm the landscape character and tranquillity of the National Park. Although the revised scheme has addressed some of the concerns set out in the previous refusal, particularly in respect of the main lodge, there are still significant concerns about the impact of the development of the former courtyard/stable yard area and some of the ancillary buildings and about the scale of the wedding/events use.
260. Consequently, the application does not establish an overriding need for the development in this location or demonstrate that the creation of the proposed wedding venue is the only means of achieving conservation and enhancement of the site and the key buildings. It should be acknowledged that the revised application has sought to address the objections that led to the refusal of the previous application and that in respect of the retention of more of the original Lodge it is much more sympathetic. The development would also



result in benefits to the local economy both during construction and operation; however, local businesses and the general public benefit significantly from the valued characteristics and recreation opportunities that the National Park affords so any harm to these is a negative consideration.

261. In accordance with paragraph 176 of the NPPF we must give great weight to the conservation of the valued characteristics of the National Park. Having considered this case against the criteria set out in national policy, it is concluded that, on balance, the development would not be in the public interest and therefore that exceptional circumstances do not exist to justify the proposed major development.

#### Sustainable building and climate change

262. Core Strategy policy CC1 and our adopted climate change and sustainable building SPD are relevant. CC1 makes clear that in order to build in resilience to and mitigate the causes of climate change all development must make the most efficient and sustainable use of land, buildings and natural resources, take account of the energy hierarchy and achieve the highest possible standards of carbon reductions and water efficiency. CC1 E says that non-residential major development above 1000m<sup>2</sup> must achieve a Buildings Emission Rate at least 10% less than the Target Emissions Rate.
263. Paragraph 154 of the NPPF says that new development should be planned for in ways that can help to reduce greenhouse gas emissions such as through its location, orientation and design. Paragraph 157 of the NPPF says that local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
264. The proposed wedding venue would have a capacity for up to 150 people and the development has been designed with an 80 space car park. The site is located in open countryside and a significant distance from any public transport links, the closest being hourly bus routes in Low Bradfield approximately 3km walk from the site. The location of the site and the quantity of parking proposed indicates that the majority of visitors, if not all, would visit the site by private car.
265. The location of the development would therefore be inherently unsustainable, reflecting part of the reasoning why our policies direct economic development to named settlements and only allow for major development in exceptional circumstances. The location of the development would not help reduce greenhouse gas emissions contrary to CC1 A and paragraph 154 of the NPPF.
266. The revised application now provides an energy and sustainability report. It provides details of design measures that would help to meet the policy requirements in this respect. In relation to the renewable and low carbon technologies, it is recommended to combine the fabric first approach with the addition of a biomass boiler for this development. Initial energy SAP calculations based upon the outline design has been undertaken. The addition of the biomass boiler combined with the fabric first approach gives the development a very low carbon emission figure.
267. The biomass boiler would be housed in a new building. The applicants are providing a similar installation to provide heating at the Low Bradfield water treatment works development, which they are currently carrying out. When officers met the applicants recently it was agreed that there is no scope for wind turbines on this site, given its landscape setting and solar panels would not be appropriate on the historic buildings or within the grounds, other than possibly a small number in better screened locations, which would reduce their effectiveness. The possibility of ground source and air source heat pumps could still be explored.

268. Although the revised application is better than the previous application in this respect, officers consider that additional measures could be incorporated if the development is accepted in principle.

#### Transport and highway safety

269. Due to the scale and nature of the development it has the potential to give rise to a significant number of vehicle movements. Following comments from the Transport Policy Officer in the previous application (regarding the capacity for a mini bus services, parking space numbers, provision of designated disabled parking space numbers, EV points, the requirement for secure cycle storage if cycling is to be promoted and analysis of existing traffic flows in the absence of TRICS data), the Transport Statement and Travel Plan have been reviewed and a revised Transport Statement has been submitted.
270. The plans within the transport statement show that safe access can be provided with adequate visibility splays onto Mortimer Road and that there is space within the site for all delivery and service vehicles to turn before returning to the highway. The existing access will be improved to incorporate formal kerb radii and an improvement in the alignment for vehicles waiting at the give way. The existing segregated access and egress routes through the woodland have been retained. There are no issues with regard to the safety of the access point onto Mortimer Road.
271. As set out above the proposed alterations to the access, appear to include widening the existing historic access and the removal of walling and gateposts. This appears to be to facilitate one of the new internal driveways. The removal of these features would detract from the character and appearance of the site as set out earlier in the report contrary to policy DMT3 B.
272. The Transport Statement proposes a total of 80 car parking spaces calculated on the basis that two visitors sharing a car plus spaces to accommodate a maximum of 10 staff. The amount of parking proposed is within our adopted standards bearing in mind the size of the development proposed. The statement assumes that all visitors would be by private car with a maximum of 75 cars for guests. The statement says that trips are likely to occur predominately outside the traditional network peak hours or at weekends and therefore would not result in any material impact on highway capacity.
273. The Parking Standards call for accessible parking spaces to be provided at minimum of one additional space for every 25 standard parking spaces and therefore 3no. accessible spaces will be provided within the total, in a location close to the events venue with level access. Eight Electric Vehicle Charging Points (EVCPs) will be provided (10%) with the ducting infrastructure provided to allow a further 8no. to be converted in due course as demand dictates. One of the EVCPs will be provided to be used by the accessible parking spaces.
274. Given the location of the site and the distance to public transport links the assumption made in the transport statement that most visitors will attend by private car is reasonable. However, it is unclear on what basis the assessment concludes that trips are likely to occur outside peak hours. Weddings can commence at a range of times from morning to late afternoon and it is not uncommon for guests to arrive and leave throughout the day. Weddings and receptions also regularly take place during the week.
275. The application is located in open countryside where there is a presumption against the proposed development. Visitors to the development would be very likely to only access the development by private car. The application proposes a substantial car park on that basis.

276. A Travel Plan has been submitted with the application. The Travel Plan says that the operators will ensure that access to the site is as sustainable as possible. Sustainable travel initiatives such as the provision of EVCPs, cycle storage and the minibus will be included within publicity material produced for the development. The plan says that they will ensure that publicity material including any website, brochures etc is kept up to date.
277. The travel plan also does not include any proposed targets or monitor able actions and does not undertake to survey travel behaviours. The travel plan does highlight cycling as a means for employees to access the site but highlights the remote setting of the site as a barrier. The Travel Plan does consider other possible measures such as car sharing or the provision of a bespoke mini-bus shuttle service and at the recent meeting the applicants explained that events such as weddings lend themselves to the use of taxis and minibuses which would reduce the use of individual cars. The Authority's Transport Policy Planner is now satisfied that the Transport statement addresses some of the concerns he raised in the previous application. However, the site is relatively remote so a development of the scale proposed would inevitably generate traffic and is in an inherently unsustainable location.
278. The site has reasonable access to the wider highway network via Mortimer Road. However, it is likely that a number of guests would travel from the direction of High and Low Bradfield along Dale Road and Windy bank which are popular with recreational users. These are narrow lanes with no pavement for pedestrians.
279. There is still a concern that the development would fail to encourage sustainable transport and would exacerbate the impact of traffic in an environmentally sensitive location contrary to core policy T1. The application would not encourage behavioural change or achieve a reduction in the need to travel, contrary to Core Strategy policy T2.

#### Flood risk and drainage

280. A flood risk assessment and drainage strategy has been submitted with the application in accordance with the NPPF. The whole site is located within Flood Zone 1 which has the lowest flood risk. The Environment Agency has no objection in regard to flood risk and we agree with the submitted assessment that the development will be directed away from flood risk areas and not pose a risk of flooding in accordance with policy CC1 C.
281. Core policy CC5 C and paragraph 165 of the NPPF requires development to incorporate sustainable drainage systems to deal with the run-off of surface water. A sustainable urban drainage strategy (SUDS) has been submitted as part of the flood risk assessment designed to attenuate a 1 in 100 year (+40%) event.
282. In the original resubmission the Sheffield LLFA had concerns about building over a watercourse and the method of disposal of surface water. However, those concerns have now been addressed through the submission of a detailed drainage strategy and the LLFA has no objections and recommends that full details of the proposed surface water management for the site are secured by an appropriate condition.
283. Accordingly, the submitted scheme would meet the requirements of policies CC1 and CC5. A planning condition would be required to secure the submission of construction details and implementation in accordance with policy DMU1.
284. Foul drainage would be to a private package treatment plant on site. The nearest main sewer is some 2.7km away and therefore we accept that it would not be practicable or viable to connect to the main sewer. A planning condition would be required to secure the submission of construction details and implementation in accordance with policy DMU1.

### Other issues

285. The nearest neighbouring property is Warden's House located 25m to the north-west of the Lodge building. Given the distance from the development to Warden's House there are no concerns that the development would be overbearing or lead to any significant loss of light or privacy to occupants. The development would also be contained within the site with dedicated access and parking and therefore visitors to the development would be unlikely to trespass on the neighbouring property.
286. The submitted noise survey demonstrates that provided that noise from the development would not be harmful to the amenity of occupants of Warden's House as they would be limited to at or below existing background noise levels. This is if mitigation is implemented including noise insulation, noise control systems for amplified music and speeches and hours of operation. If permission were granted planning conditions would be necessary to secure this mitigation in accordance with policies DMC3 and DMC14.

### Planning Balance and Conclusion

287. Thornseat Lodge is a non-designated heritage asset of regional significance. The Lodge building is in a very poor state of repair. The proposed major development is contrary to development plan policies but is justified by the applicants on the basis that the development is required to conserve and enhance the lodge and therefore that major development is required in the public interest to enable enhancement of the Lodge and its former stable yard.
288. The revised application has addressed some of the concerns raised when the previous application was refused, particularly with regard to the fabric of the original lodge. However, the development still proposes a large wedding venue in the open countryside on the edge of designated moorland. In principle a development which conserves and enhances the historic assets on the site would be acceptable if the benefits outweigh any harm; this could include a development with visitor accommodation and possibly a smaller wedding venue.
289. An option that was discussed with the applicants at the recent meeting was to restore the lodge and to use this as both accommodation and the main wedding venue, with the courtyard development being restricted to buildings on the footprint of the original buildings and use as visitor accommodation and possibly other uses ancillary to the main use. This would be a smaller, more contained wedding venue, similar to those seen in other historic houses and buildings in the National Park and surrounding areas. The viability report would suggest that this form of development would not be viable, but it has been put to the applicants on a without prejudice basis.
290. The applicants have also offered to cease the use of the Foxholes site, near Low Bradfield, if the current application is approved. That site has been used for many years under permitted development rights and involves the erection of a large marquee on a prominent hillside site above the village and close to listed buildings. This is a material consideration and one which would be beneficial to that site and its setting. It is not considered to be sufficient to overcome the current objections to the application, but if there was a smaller scheme it should be considered. A section 106 agreement would be required to secure this and consideration would also have to be given to covering other land in the applicant's ownership in the Bradfield valley
291. For the reasons set out in this report, we conclude that the development would result in unacceptable harm to the significance of the Lodge, its former stable yard and their setting.

Furthermore, the development would harm the landscape character and tranquillity of the National Park and represent an unsustainable form of development.

292. The proposal would therefore not be in the public interest and therefore there are no exceptional circumstances to justify the proposed major development.

293. The proposed development is therefore contrary to the development plan. Material considerations do not indicate that planning permission should be granted. The application is therefore recommended for refusal.

### **Human Rights**

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

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

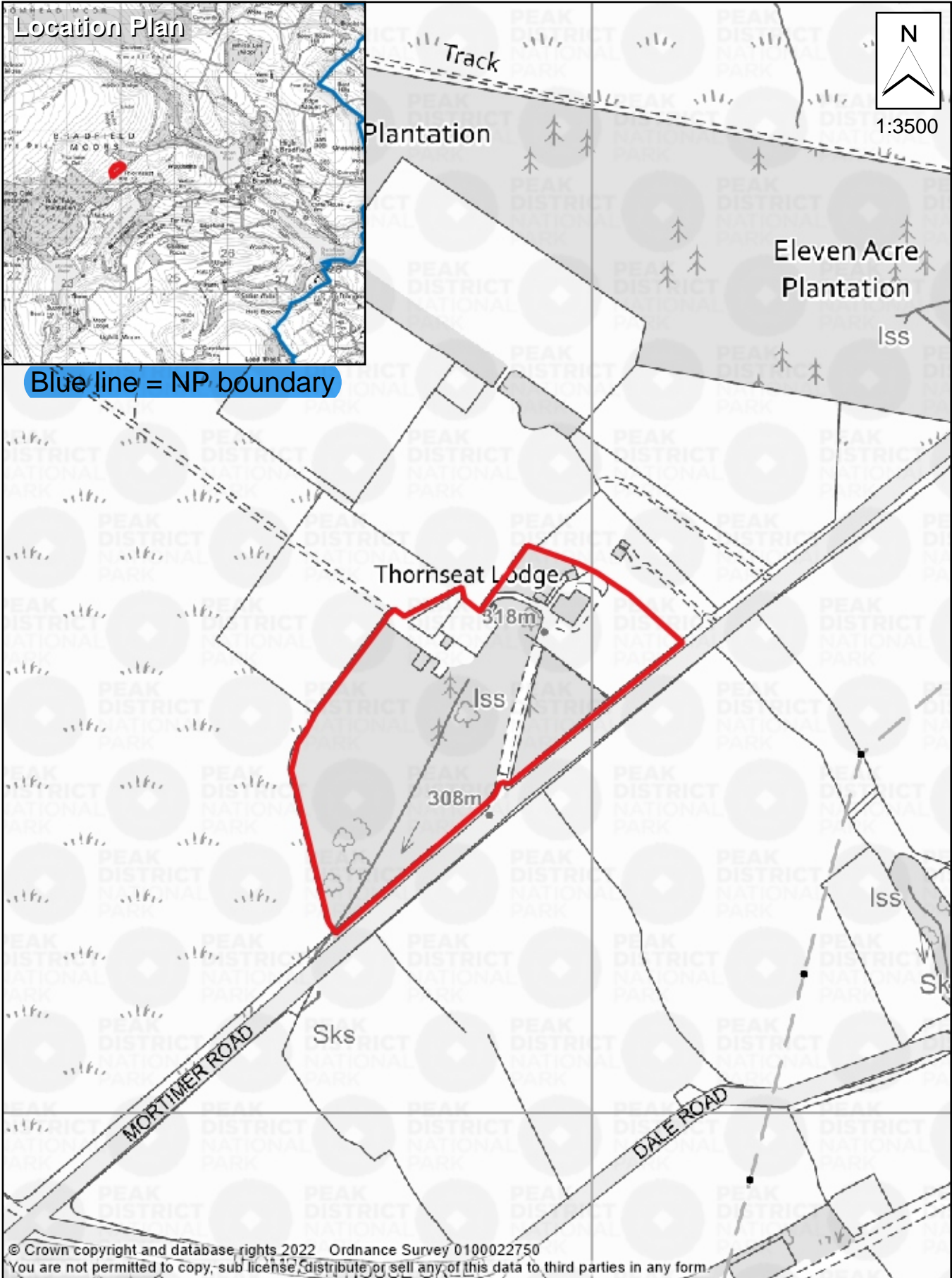
295. Nil

296. Report Author: John Scott (Consultant Planner)

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Blue line = NP boundary



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Committee Date:	16/06/2023
Item Number:	Item 10 & 11
Application No:	NP/S/1022/1300
Grid Reference:	423910, 392260

**Title:** Thornseat Lodge, Mortimer Road, Sheffield



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**12. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 - TO REPAIR MAGDALEN ROAD (PRIVATE CARRIAGE ROAD AND BRIDLEWAY). TO REPLACE A COLLAPSED STONE CULVERT WITH PLASTIC PIPE AND REPAIR THE TRACK USING LOCALLY SOURCED SANDSTONE. THE FINAL COVERING WILL BE 20MM TO DUST. THE WHEEL MARKS MADE DURING THE WORK WILL BE FILLED SEPARATELY, LEAVING GRASS IN THE CENTRE. PUBLIC BRIDLEWAY MELTHAM/50 MAGDALEN ROAD MELTHAM MOOR. MELTHAM (NP/K/0121/0026. JRS)**

**APPLICANT: Meltham Shooting Club**

**Summary**

1. This application proposes repairs to Magdalen Road, an unsurfaced public right of way which also serves as a private road for the land owners. The works are required to repair damage caused by the surface being washed away and by erosion through use. The application site is situated in open moorland, within the Natural Zone and in an area designated for its habitat and biodiversity interest as an SSSI, SAC and SPA. It is therefore necessary to consider whether the proposed development is likely to have a significant effect on designated sites and therefore an appropriate assessment is required.
2. The application states that there is a need for essential repairs to the track in order to make it safe and convenient to use by the public. The proposed works are the minimum standard required for this purpose in order to avoid unnecessary vehicular use. The submitted scheme seeks to minimise the environmental impacts as far as possible.
3. It is concluded that that, taking into account proposed planning conditions, there would be no adverse effects upon the integrity of designated sites either alone or in combination with other plans or projects.

**Site and Surroundings**

4. The Magdalen Road track runs from the A635 Greenfield to Holmfirth Road in the south to Royd in the north, south-west of Meltham. The National Park boundary is approximately 0.5km to the east.
5. The moorland through which the track runs is within the Dark Peak Landscape Character Area, which is an area of high landscape and nature conservation value. It is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). These designations are of national and international nature conservation importance. The moorland is also classified in the Core Strategy as Natural Zone.
6. Magdalen Road is one of several public rights of way in this area, forming part of a popular network of routes to the west of Holmfirth and Meltham.

**Proposal**

7. To repair Magdalen Road (private carriage road and bridleway). To replace a collapsed stone culvert with plastic pipe and repair the track using locally sourced sandstone. The final covering will be 20mm to dust. The wheel marks made during the work will be filled separately, leaving grass in the centre.
8. The supporting statement sets out the justification for the works. It explains that the track is a public right of way but that the owners have “private carriage rights to use motor vehicles” and that repairs are required to maintain those rights, and those of the farming tenant. The statement says that the private occupation road is 7.32m wide, whereas the

public bridleway is 2.4 metres wide. It goes on to say that in recent years the deteriorating state of the track surface means that the bridleway users have been passing outside the occupation road width, onto the adjacent land. Whilst walkers have access to this land in terms of open access (CROW Act), horse riders and cyclists are legally restricted to the bridleway. This encroachment onto the adjacent land has caused damage and erosion. The landowners have considered erecting fencing, but they say that this would restrict access to Kirklees Highways to the bridleway for maintenance purposes.

9. The supporting statement also points out that the applicants have been carrying out Higher Level Stewardship (HLS) and Natural England moorland restoration and conservation schemes on the moorland and that the movement of vehicles to carry out this work has caused some erosion. These works are ongoing and will continue until Natural England consider the land to be in a satisfactory condition.
10. The statement adds that the lower section of the track (at the northern end from Royd Road) is in such a poor condition that it is sometimes impassable and the owners have had to approach it from the A635 to the south.
11. In terms of the proposed works, the statement says that these will be restricted to within the 24 feet wide occupation road, but will not cover the whole of that width. The intention is to provide adequate width for a vehicle to use the track and for other users to pass vehicles within that width. It says that the widening would be achieved by removal of vegetation within the 24 feet width of the occupation road. The submitted plans shows the sections of the track that will be repaired/improved and the nature of the works proposed, although they are not detailed in respect of every section.
12. All new surfacing would be with locally obtained natural sandstone, with a 20mm to dust top finish. The works also include some pipework to improve drainage and to repair some existing pipework in culverts.

### **RECOMMENDATION:**

13. **That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) in relation to the planning application at Magdalen Road (NP/K/0121/0026).**

### **Key Issues**

14. Under Section 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) (the Habitats Regulations) any development that has the potential to result in a likely significant effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA).
15. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the National Park Authority) must make an appropriate assessment of the implications of the development for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site.
16. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

17. The Habitat Regulation Assessment (HRA) process involves several stages, which can be summarised as follows:
18. Stage 1 – Likely Significant Effect Test (HRA screening). This stage requires a risk assessment to be undertaken utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
19. Stage 2 - Appropriate Assessment. This stage involves consideration of the impacts on the integrity of the European Site with regard to the structure and function of the conservation site and its objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
20. Stage 3&4 - Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test (IROPI). If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State because there are imperative reasons of overriding public interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

### **Assessment**

21. The submitted planning application does not include any assessment of the potential impacts of the proposed development on the surrounding designated sites, nor does it include a 'Shadow Habitats Regulations Assessment' (sHRA), as is seen with some applications to assist in the assessment of the likely significant effects of the proposals. However, given the scale and nature of the development, officers consider that an assessment can be made by the Authority in the absence of this information.
22. The development is not primarily connected with or necessary for the conservation management of the designated sites, although the submitted statement does say that the repairs to the track will assist the landowners in carrying out moorland conservation work. Therefore, it is necessary to screen the development for likely significant impacts upon the designated sites.
23. The potential impact pathways which have been identified are set out in the response from Natural England, as follows:
  - Construction materials of use - The proposed development is located near to unit 19 of the SSSI. This unit contains habitat features specific to the acidic environment. As such, any materials used should be local in origin and compliment the pH of the site. Use of alkaline materials may cause pH changes to adjacent SSSI/SAC/SPA habitat, thus having an adverse effect.
  - Direct habitat loss - Vehicles and machinery must stay on existing tracks and avoid deviating onto SSSI/SAC/SPA habitat as far as reasonably practicable. Additionally, the width of the bridleway/private carriage road, must not be increased.
  - Noise disturbance - Timing of works should be outside of relevant bird breeding seasons and plant machinery should be selected to avoid excessive noise pollution.

- Dust mobilisation - Dust, or particles, falling onto plants can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles can also block stomata. There may also be toxicity issues (caused by heavy metals particles) and potential changes in pH (particularly if the dust is alkaline (e.g. cement dust)). Lichens can be directly affected by the dust (shading, chemical effects) or by changes in bark chemistry. Thus, measures are needed to prevent excessive dust mobilisation.

24. Given the proximity of the development to the designated sites, with the track running through it, the likely significant effects from these sources cannot be screened out. Therefore, an appropriate assessment of the potential impacts needs to be carried out.
25. Natural England were consulted when the application was submitted and they consider that without appropriate mitigation the proposed development would:
- have an adverse effect on the integrity of South Pennine Moors, Special Area of Conservation and the Peak District Moors, Special Protection Area
  - damage or destroy the interest features for which Dark Peak Site of Special Scientific Interest has been notified.
- In order to mitigate these adverse effects and make the development acceptable, Natural England advise that mitigation measures are required. They recommend that an appropriate construction environmental management plan (CEMP) should be agreed prior to the commencements of any permitted work on site. They advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
26. We agree with Natural England that provided mitigation is secured by planning conditions that any potentially significant impacts upon the SAC and SPA can be avoided and that the pre-mitigation assessment of 'likely significant effect' can be revised to no likely significant effect. The CEMP should specifically address those potential issues raised by Natural England, as set out above.

### **Conclusion**

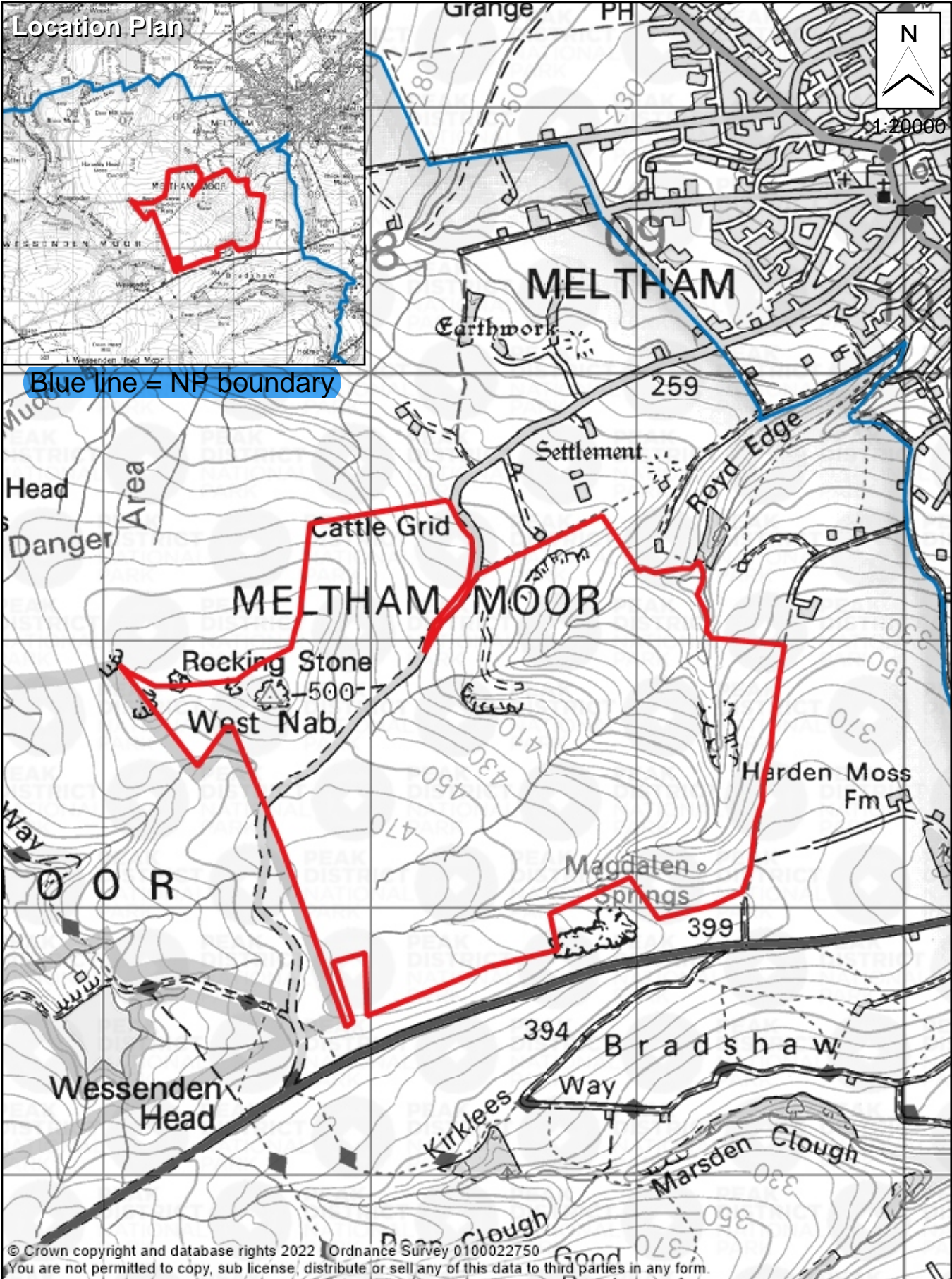
27. At stage 1 of the HRA, that in view of potential impacts of the development during construction and operation, that an appropriate assessment is required.
28. At stage 2 of the HRA, we conclude that provided mitigation is implemented in full that any potentially significant impacts upon the SAC and SPA can be avoided and that the development would have no likely significant effects. Mitigation can be secured by planning conditions, as recommended by Natural England, together with additional conditions which are recommended in the report on the planning application.
29. The application proposal is therefore not considered to be contrary to the provisions of the Conservation of Habitats and Species Regulations 2019.


### **Human Rights**

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

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

31. Nil
32. Report Author: John Scott, Consultant Planner



Committee Date:	16/06/2023	<b>Title:</b> Public Bridleway Meltham/50, Magdalen Road, Meltham Moor, Meltham	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 12 & 13		
Application No:	NP/K/0121/0026		
Grid Reference:	408446, 408609		

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**13. FULL APPLICATION - TO REPAIR MAGDALEN ROAD (PRIVATE CARRIAGE ROAD AND BRIDLEWAY). TO REPLACE A COLLAPSED STONE CULVERT WITH PLASTIC PIPE AND REPAIR THE TRACK USING LOCALLY SOURCED SANDSTONE. THE FINAL COVERING WILL BE 20MM TO DUST. THE WHEEL MARKS MADE DURING THE WORK WILL BE FILLED SEPARATELY, LEAVING GRASS IN THE CENTRE. PUBLIC BRIDLEWAY MELTHAM/50 MAGDALEN ROAD MELTHAM MOOR MELTHAM (NP/K/0121/0026. JRS)**

**APPLICANT: Meltham Shooting Club**

**Summary**

1. This application proposes repairs to Magdalen Road, an unsurfaced public right of way which also serves as a private road for the land owners. The works are required to repair damage caused by the surface being washed away and by erosion through use. The application site is situated in open moorland, within the Natural Zone and in an area designated for its habitat and biodiversity interest as an SSSI, SAC and SPA.
2. Officers have concluded that there is a need for essential repairs to the track in order to make it safe and convenient to use by the public. The proposed works are the minimum standard required for this purpose in order to avoid unnecessary vehicular use. The submitted scheme seeks to minimise the environmental impacts as far as possible. Consequently, the application is recommended for approval, subject to planning conditions.
3. The accompanying Appropriate Assessment report concludes that there will not be any unacceptable impacts on designated interests.

**Site and Surroundings**

4. The Magdalen Road track runs from the A635 Greenfield to Holmfirth Road in the south to Royd in the north, south-west of Meltham. The National Park boundary is approximately 0.5km to the east.
5. The moorland through which the track runs is within the Dark Peak Landscape Character Area, which is an area of high landscape and nature conservation value. It is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). These designations are of national and international nature conservation importance. The moorland is also classified in the Core Strategy as Natural Zone.
6. Magdalen Road is one of several public rights of way in this area, forming part of a popular network of routes to the west of Holmfirth and Meltham.

**Proposal**

7. To repair Magdalen Road (private carriage road and bridleway). To replace a collapsed stone culvert with plastic pipe and repair the track using locally sourced sandstone. The final covering will be 20mm to dust. The wheel marks made during the work will be filled separately, leaving grass in the centre.
8. The supporting statement set out the justification for the works. It explains that the track is a public right of way but that the owners have “private carriage rights to use motor vehicles” and that repairs are required to maintain those rights, and those of the farming tenant. The statement says that the private occupation road is 7.32m wide, whereas the public bridleway is 2.4 metres wide. It goes on to say that in recent years the deteriorating state of the track surface means that the bridleway users have been passing outside the

occupation road width, onto the adjacent land. Whilst walkers have access to this land in terms of open access (CROW Act), horse riders and cyclists are legally restricted to the bridleway. This encroachment onto the adjacent land has caused damage and erosion. The landowners have considered erecting fencing, but they say that this would restrict access to Kirklees Highways to the bridleway for maintenance purposes.

9. The supporting statement also points out that the applicants have been carrying out Higher Level Stewardship (HLS) and Natural England moorland restoration and conservation schemes on the moorland and that the movement of vehicles to carry out this work has caused some erosion. These works are ongoing and will continue until Natural England consider the land to be in a satisfactory condition.
10. The statement adds that the lower section of the track (at the northern end from Royd Road) is in such a poor condition that it is sometimes impassable and the owners have had to approach it from the A635 to the south.
11. In terms of the proposed works, the statement says that these will be restricted to within the 24 feet wide occupation road, but will not cover the whole of that width. The intention is to provide adequate width for a vehicle to use the track and for other users to pass vehicles within that width. It says that the widening would be achieved by removal of vegetation within the 24 feet width of the occupation road. The submitted plans shows the sections of the track that will be repaired/improved and the nature of the works proposed, although they are not detailed in respect of every section.
12. All new surfacing would be with locally obtained natural sandstone, with a 20mm to dust top finish. The works also include some pipework to improve drainage and to repair some existing pipework in culverts.

### **Planning History**

13. The application is partly retrospective. The work commenced in October 2020, as the applicant had thought that repairs to the track did not require planning permission. However, they were advised to stop by the Authority's Planning Enforcement team and to apply for planning permission. This was done, but the level of information provided in the application was poor so it was not validated until more information was received earlier this year. Consequently, the surface on some parts of the track have been in a partly surfaced condition for nearly two years, leading to complaints by users.

### **RECOMMENDATION:**

14. **That the application be approved subject to the following conditions:**
  1. **Statutory time limit for implementation.**
  2. **Development in accordance with the submitted plans and specifications, subject to the following conditions:**
  3. **Submit a Construction Environmental Management Plan (CEMP) for approval; carry out scheme in accordance with approved plan.**
  4. **A programme of timing of the works be agreed to avoid the bird nesting season in the designated SPA.**
  5. **Agree sample/specifications of stone to be used for surfacing and carry out a sample section of surfacing for approval prior to carrying out the scheme.**



**6. Agree the location of any storage areas for materials.**

**Key Issues**

15. The principle of development within the Natural Zone.
16. The justification and need for the works.
17. The impact of the proposed track on the nationally and internationally designated sites of ecological interest on the moorland.
18. The landscape impact of the proposed works.
19. Impact on users of the public right of way.

**Consultations**

20. Natural England: No objection, subject to appropriate mitigation being secured:
21. *“We consider that without appropriate mitigation the application would:*
  - *have an adverse effect on the integrity of South Pennine Moors, Special Area of Conservation and the Peak District Moors, Special Protection Area*
  - *damage or destroy the interest features for which Dark Peak Site of Special Scientific Interest has been notified.*
22. *In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures”.*
23. *Habitats Regulations Assessment: The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e., the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England’s advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. The following advice should be taken in to account by the competent authority within the HRA.*
24. *The potential impact pathways which have been identified are summarised below;*
  - *Construction materials of use - The proposed development is located near to unit 19 of the SSSI. This unit contains habitat features specific to the acidic environment. As such, any materials used should be local in origin and compliment the pH of the site. Use of alkaline materials may cause pH changes to adjacent SSSI/SAC/SPA habitat, thus having an adverse effect.*
  - *Direct habitat loss - Vehicles and machinery must stay on existing tracks and avoid deviating onto SSSI/SAC/SPA habitat as far as reasonably practicable. Additionally, the width of the bridleway/private carriage road, must not be increased.*
  - *Noise disturbance - Timing of works should be outside of relevant bird breeding seasons and plant machinery should be selected to avoid excessive noise pollution.*
  - *Dust mobilisation - Dust, or particles, falling onto plants can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles*

*can also block stomata. There may also be toxicity issues (caused by heavy metals particles) and potential changes in pH (particularly if the dust is alkaline (e.g. cement dust)). Lichens can be directly affected by the dust (shading, chemical effects) or by changes in bark chemistry. Thus, measures are needed to prevent excessive dust mobilisation. It is considered that the creation of an appropriate CEMP should address the potential pathways outlined above, thus enabling appropriate mitigation measures to be established prior to commencement of development”.*

25. Highway Authority: No reply (A response has been received from Derbyshire County Council, but the site is not within Derbyshire).
26. Kirklees Public Rights of Way Project Officer: Recommends that the path be maintained and not changed, and notes that in its current state is not desirable for public use.
27. Holme Valley Parish Council: *“Oppose. The stone topping of the surface is not appropriate for horses and riders. The lane needs to be maintained as a bridleway.*
28. Senior Archaeologist (PDNPA): No archaeology comments.
29. Ranger Service (PDNPA): *“The resurfacing work started 2 years ago(?) without the necessary permissions, and was stopped by PDNPA enforcement and Kirklees MC. Any work to continue the resurfacing must be clearly justified to prevent the apparent landscape and user impacts of the work, as, in our view, the large-scale importation of aggregate onto a track surface which was in reasonably good condition is detrimental to the visual and recreational amenity of the area”.*

In a subsequent email the following advice was provided: *“Given the circumstances and having seen the site and the rather large stones that are currently on the right of way I think going forward and dealing with the planning application is the best way forward. So we support a determination that is favourable with the following caveats:*

- *The stone should be blinded with gritstone fines that provide a good enough surface in line with the latest British Horse Society guidance*
- *It however should not be over engineered and we would like to see only parts of the right of way surfaced not all of it as it does not need it*
- *Gritstone fines will enable vegetation to grow through and in time look something like it is now*
- *There is a danger that access will become too easy and criticism may arise from mountain bikers and so a balance needs to be struck*
- *There is also a danger that the works will facilitate illegal access by motorised vehicles but that is for Kirklees and the police to deal with”.*

30. Ecology (PDNPA): Reply awaited.

### **Representations**

31. The following representations have been received in response to public notification.
32. Peak and Northern Footpath Society: *“Object to this application. The bridleway has been excavated and left unusable for two and a half years. In that time Kirklees Council have failed to take appropriate action as Highway Authority. The Peak Park have also failed to take any action as Planning Authority despite being aware of the damage and works undertaken without planning consent. The bridleway should be simply and sensitively reinstated to fit with the moorland surroundings and its public status. It is a valuable multi user route in a national park and should not have a road way for motor vehicles built over*

*it. This would ruin the amenity value of the route and character of the area enjoyed by the public. Please refer to National Planning Policy Framework paras 100 and 92”.*

33. Huddersfield Group of the Ramblers' Association. Object: *“The desecration of this bridleway took place 2½ years ago with the throwing down of (what we believe to be) an unauthorised stony surface. Both Kirklees Council and the Peak Park should have worked together to take enforcement action then to restore this lovely route to its previous condition as a hill track for walkers, horse-riders and mountain bikers. This planning application essentially validates the creation of a permanent vehicular route. In Huddersfield Ramblers we cannot support it”*
34. British Horse Society: Object to the application: *“The plans show that this bridleway will effectively be made into a road, the increased use of vehicular traffic will spoil the enjoyment of this bridleway for all users. Because of the complete disregard for the amenity and safety value of the public on bridleway Meltham 50 in this planning application and the serious detrimental impact it will have on the safety and amenity of the public bridleways in the area.  
Further, this proposal will allow vehicles to drive along and turn on an unsurfaced public bridleway which will cause extensive surface damage. Such a proposal will change the rural open nature of this public route to the greatest detriment. I can find no meaningful mitigating or compensating proposals put forward in the application to safeguard the public bridleway for pedestrians, cyclists and horse riders. The importance and amenity value of the public bridleway has been completely ignored. At all times in law public rights take precedence over private rights of access and development. This bridleway has in part already had the collapsed stone culvert replaced with pipework including a blue plastic pipe as seen in the photographs included in the application, this work was undertaken without planning permission or consultation with users. The work completed so far has made this bridleway unusable and a safety risk to both equestrians and cyclists. We would ask that this bridleway be repaired, reinstated in character with its surroundings open moorland, exactly as it was prior to the unauthorised works taking place.”*
35. One further objection has been received from a member of the public: *“This track has been destroyed, so shooting club could have access with cars on the bridal way. Enforcement should've happened over two years ago when this was done submitting a planning application after the work has been done is wholly unacceptable. This is a beautiful area that has been destroyed to make way for vehicles. A bridleway is not for vehicles and I object to this use and application”.*

### **Key Policies**

36. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was last updated in 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 those in the Development Management Plan adopted in May 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.
37. Paragraph 176 of the NPPF states that *“great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and the Broads.”*

38. Paragraph 100 of the Framework says: *“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”.*
39. With regard to Habitats and Diversity, paragraph 180 of the NPPF is relevant to this application:
180. *“When determining planning applications, local planning authorities should apply the following principles:*
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
  - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
  - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
  - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.*

### **Development Plan**

40. The main Development Plan policies which are relevant to this proposal are: Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, L2, L3 and CC1, and Development Management policies: DM1, DMC2, DMC3, DMC11, DMC12 and DMT5.
41. Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
42. 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.
  - When development is permitted, a design will be sought that respects the character of the area.
  - Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
  - 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.

43. Policy GSP3 *Development Management Principles* 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.
44. Core Strategy policy GSP4: *Planning conditions and legal agreements* states that 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.
45. Core Strategy Policy L1 *Landscape character and valued characteristics* states 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.
46. Core Strategy Policy L2 states that development must conserve and enhance any sites or features of geodiversity importance, and any sites, features or species of biodiversity importance and where appropriate their settings. For international and national sites, the relevant legislation and protection will apply in addition to the requirements of policy. As set out in Core Strategy policy L2, the granting of planning permission is restricted for development likely to significantly affect a European (International) site, requiring that an appropriate assessment is first carried out of the implications of the development for the site's conservation objectives. Primary legislation restricts the cases in which exceptional circumstances may justify development, particularly development having a significant effect on the ecological objectives or integrity of a Special Protection Area (classified under the Birds Directive) or Special Area of Conservation (designated pursuant to the Habitats Directive).
47. Core Strategy policy L3 provides core policy principles for cultural heritage assets and requires that all development conserves and where appropriate enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings. Development will not be permitted where there is harm to the significance of a heritage asset other than in exceptional circumstances.
48. Policy CC1 *Climate change and mitigation* requires that all development must build in resilience to and mitigate the causes of climate change.
49. Development Management polices
50. DM1 *The presumption of sustainable development in the context of National Park purposes* states:
- When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (2012). It will work proactively with applicants to find solutions that are consistent with National Park purposes:
- 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.
- Planning applications that accord with the policies in the Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

51. DMC1 *Conservation and enhancement of nationally significant landscapes* states:

A. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account:

- (i) the respective overall strategy for the following Landscape Strategy and Action Plan character areas; and
- (ii) any cumulative impact of existing or proposed development including outside the National Park boundary; and
- (iii) the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.

B. Where a development has potential to have significant adverse impact on the purposes for which the area has been designated (e.g. by reason of its nature, scale and setting) the Authority will consider the proposal in accordance with major development tests set out in national policy.

C. Where a building or structure is no longer needed or being used for the purposes for which it was approved and its continued presence or use is considered by the Authority, on the evidence available to it, to be harmful to the valued character of the landscape, its removal will be required by use of planning condition or obligation where appropriate and in accordance with the tests in national policy and legislation.

52. DMC2 *Protecting and managing the Natural Zone* says:

A. The exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and the development is essential:

- i. for the management of the Natural Zone; or
- ii. for the conservation and/or enhancement of the National Park's valued characteristics.

B. Development that would serve only to make land management or access easier will not be regarded as essential.

C. Where development is permitted it must be in accordance with policy DMC3 and where necessary and appropriate:

- i. permitted development rights will be excluded; and
- ii. permission will initially be restricted to a period of (usually) 2 years to enable the impact of the development to be assessed, and further permission will not be granted if the impact of the development has proved to be unacceptable in practice; and
- iii. permission will initially be restricted to a personal consent solely for the benefit of the appropriate person.

53. Development Management policy DMC3: *Siting, design, layout and landscaping* requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.

54. DMC11 *Safeguarding, recording and enhancing nature conservation interests* states:

A. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all

reasonable measures must be taken to avoid net loss by demonstrating that in the below order of priority the following matters have been taken into consideration:

- i. enhancement proportionate to the development;
- ii. adverse effects have been avoided;
- iii. the 'do nothing' option and alternative sites that cause less harm;
- iv. appropriate mitigation; and
- v. in rare cases, as a last resort, compensation measures to offset loss.

B. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by the development must be provided, in line with the Biodiversity Action Plan and any action plan for geodiversity sites, including provision for the beneficial future management of the interests. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:

- i. an assessment of the nature conservation importance of the site; and
- ii. adequate information about the special interests of the site; and
- iii. an assessment of the direct and indirect effects of the development; and
- iv. details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
- v. details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.

C. For all sites, features and species development proposals must also consider:

- ii. cumulative impacts of other developments or proposals; and
- iii. the setting of the development in relation to other features of importance, taking into account historical, cultural and landscape context.

55. *DMC12 Sites, features or species of wildlife, geological or geomorphological importance* states:

A. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.

B. For sites, features or species of national importance, exceptional circumstances are those where development is essential:

- i. for the management of those sites, features or species; or
- ii. for the conservation and enhancement of the National Park's valued characteristics; or
- iii. where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.

C. For all other sites, features and species, development will only be permitted where:

- i. significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and
- ii. the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.

56. *Policy DMT5 Development affecting a public right of way* states, inter alia, that:

A. Where a development proposal affects the route of a public right of way, either the definitive line of the public right of way should be retained, or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route that:

- (i) is of equal, or preferably, of an improved quality compared to the original; and

- (ii) has similar or improved surface appropriate to its setting; and
- (iii) wherever appropriate, is of benefit to users with special needs, including those with disabilities; and
- (iv) is available before the definitive route is affected or, if this is not possible, until the development is complete, a suitable temporary route is available before the definitive route is affected; and
- (v) is as convenient and visually attractive as the original.

B. Where development occurs, opportunities will be sought to provide better facilities for users of the rights of way network, including, where appropriate, providing links between the development and the rights of way network, including the National Park's Trail network.

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 Development**

57. The application site lies within the Dark Peak "Moorland slopes & cloughs" (west of the track) and "Densely enclosed gritstone upland" (east of the track) landscape character areas of the National Park and is within the area which is designated as Natural Zone. The Natural Zone represents the wildest and least developed parts of the National Park. The area combines high wildlife value and minimal obvious human influence. The National Parks and Access to the Countryside Act 1949 (as amended) also refers to these areas as 'open country'.
58. Development Plan Core Strategy Policy L1 states that '*other than in exceptional circumstances, proposals for development in the natural zone will not be permitted*'. Core Strategy policy L1 is clear that development in the Natural Zone is acceptable only in exceptional circumstances. Unless it is demonstrated as being essential under the terms of policy DMC2, development should be located outside the Natural Zone and should not, where a proposal is close to the Natural Zone, harm the essential characteristics of these areas. The supporting text in the Development Management Plan explains that exceptions might include:
- works essential for the landscape management of these areas (e.g. a new path or a weir);
  - works essential for the conservation or enhancement of the National Park's valued characteristics (for example development related to the management or restoration of a heritage asset, an area of biodiversity value or work in support of eco-system services);
  - or in a small number of existing farmsteads located within the Natural Zone and on its borders.
59. Policy DMC2 itself says that the exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and the development is essential for the management of the Natural Zone or for the conservation and/or enhancement of the National Park's valued characteristics. Development that would serve only to make land management or access easier will not be regarded as essential.
60. Taking these policies as a starting point, it is considered that the essential repair of a track that is a public right of way may accord with the requirement for the development to be essential for landscape management or the conservation or enhancement of valued characteristics. The repair of the track to allow its safe use would be in the public interest



and may overcome the planning policy presumption against development in the Natural Zone, However, the development must be fully justified and must be the only practicable option.

61. The accompanying statement, which is summarised in the “proposals” section above, sets out the need for the repairs to the track. Work began on it in 2020 when the applicants considered that repairs to the track, within its limits, would not require planning permission. However, officers responded to local concerns about the apparent scale of the work and advised that planning permission may be necessary. Whilst some repairs to existing tracks are permitted development, at that time the scale and nature of the works was unclear. Having now seen what is proposed, there are some elements which would be permitted, such as the limited infilling of heavily eroded sections, but overall it is considered that the work is development requiring permission.
62. In terms of the need for the works, although a formal response has not been received from Kirklees Council (the highway authority), officers have spoken to the Council’s Rights of Way officer and he has stressed the need for works to repair the right of way and he supports the current application. This is echoed by the response from the Authority’s Ranger Service and Rights of Way team.
63. Given that this is an existing public right of way and there is a need to ensure that it is safe and convenient to use, the principle of the repair and maintenance works is considered to be in accordance with policies L1 and DMC2. The works to the track will also allow the landowners and farm tenant to continue using it for vehicular use to carry out land management works. The supporting statement explains that the applicants are working with Natural England on moorland restoration works so some vehicular access is required to carry out this work and deliver materials. There is an existing right for the owners to use this track. The applicants have made it clear that they do not want to encourage any other vehicular access to their land. However, they have also noted that a properly maintained track will allow emergency services access in the event of moorland wildfires. Magdalen Road is one of the key edge-of-moorland tracks in this respect.
64. In summary on this issue, the repair of the existing track is considered to be justified, subject to the finished surface being the minimum required for land management purposes so that there is no increase in the frequency or intensity of vehicular use.

**Environmental Impact:**

65. The proposal falls below the thresholds where an Environmental Impact Assessment is required. As noted above, Natural England say that without appropriate mitigation the proposals would have an adverse effect on the integrity of South Pennine Moors, Special Area of Conservation and the Peak District Moors Special Protection Area and would damage or destroy the interest features for which Dark Peak Site of Special Scientific Interest has been notified. However, they add that in order to mitigate these adverse effects and make the development acceptable an appropriate construction environmental management plan (CEMP) should be agreed prior to the commencement of any permitted work on site. On this basis Natural England have no objection. This demonstrates that whilst the works have the potential to cause harm, properly controlled and managed, they would be acceptable. Turning to the specific issues, the key impacts are likely to be on the landscape character of the area and on ecology and biodiversity.

**Landscape Impact**

66. The existing route of Magdalen Road is a very popular bridleway used by walkers, cyclists and horse riders. As can be seen from the representations received on the application, the route is highly valued by these users as it passes through a very attractive landscape,

from the moorland edge into the valley to the north. The track runs through the Dark Peak Landscape character area, with two landscape types to the east and west of the track. The existing track is a very clearly defined route running to the east of the clough, below rising ground to the east. It runs between two gates, one at the crest of the hill to the south, the other at the northern end of the track, beyond which there are farm building groups. The existing track is an established feature, with either a loose stone surface, bare earth or grass. As is common with such tracks, in many places it runs in a slight hollow in the landscape.

67. The repair and resurfacing of the existing track within its existing limits would be acceptable provided it is carried out in a way that avoids “urbanising” its appearance. The proposal is to surface parts of the track with locally obtained sandstone, with a final covering of 20mm to dust (although elsewhere in the application there is a reference to 40mm). The wheel marks made during the work will be filled in, leaving grass in the centre. This is the traditional approach to surfacing tracks and, if carried out sensitively, would be an acceptable way of repairing the track. However, particular care needs to be taken where the existing surface is less eroded and is primarily vegetation. The supporting statement says that not all vegetation will be removed in these places. If the work is carried out in the manner and locations proposed, it would not have a harmful impact on the character and appearance of the track, although in the short term the interventions will be evident.
68. Given the importance of achieving a satisfactory appearance, it is recommended that a sample section of track be agreed before the works begin on the rest of it, in the same way that stone sample panels are required to be approved for building works.
69. In addition to the resurfacing works, the application also proposes replacing a collapsed stone culvert with plastic piping. Provided this is completely buried, including the end so that it is not visible, this would be acceptable as it would avoid erosion of the track through rainwater run-off.

70. Biodiversity and Ecology

The effects of the development on ecology and biodiversity need to be considered as the track runs through a part of the Dark Peak SSSI, the South Pennine Moors SAC and the South Pennine Moors SPA. These designations aim to protect the habitats and protected species.

71. As noted above, the works are restricted to within the width of the existing track, although during the period that the works are taking place there may be the need to store materials, such as loose stone (a pile of stone has been stored at the southern end of the track since the works were halted). A condition should be added to any approval to agree the location of any storage. In terms of length of the construction period, the supporting statement says that the works will take seven days. It is important that the breeding season for the ground nesting birds is avoided.
72. Taking these factors into account, it is considered that if properly controlled, the works will not have an adverse impact on ecology and biodiversity. As noted above, Natural England’s response is important. Natural England does not object to the application, subject to an appropriate construction environmental management plan (CEMP) should be agreed prior to the commencement of any permitted work on site. This will cover the issues set out above.

73. Access and Recreation

This part of the report deals with the effects of the development on access and recreation. As noted above, Magdalen Road is a well-used public right of way, forming part of the

extensive network of routes in the National Park fringe to the west and south of Holmfirth, Meltham and Marsden. The route drops from the A635 Holmfirth to Greenfield road down to the Royds area to the west of Meltham.

74. As can be seen from the consultation responses, there is concern about the current condition of the route. However, this largely arises from the fact in some sections, particularly at the northern end, relatively large pieces of stone have been laid as a preliminary to providing a smaller profile top covering. This situation is a result of the work stopping when the Authority and Kirklees Council raised concern about the need for permission for the works in 2020. This has led to the unfortunate situation where the unfinished surface of some parts of the track is difficult to use. This was observed by officers on a recent site visit, with walkers skirting the edge of the track, on the raised edge and on adjacent moorland. The responses from the three bodies representing walkers and horse riders make this point and express their concern about the works that have been carried out so far, but they are judging the works on their unfinished state. There is therefore a need to resolve this situation by completing the repair works in a satisfactory manner,
75. The need to complete the works in a sympathetic way, to allow the track to be used as a public bridleway is supported by the Authority's Rights of Way team and by the Kirklees Public Rights of Way officer. This would be in accordance with DM policy DMT5.

### **Archaeological and Cultural Heritage**

76. The Authority's Senior Archaeologist has no objection to the proposals, advising that it does not raise any archaeological issues.

### **Summary of Impacts**

77. Landscape: There would be a significant effect on landscape character. However, the selected route has been chosen to reduce landscape impact to a minimum by following the route of an existing track and locating it in the base of an old leat. Nonetheless, the track cannot be regarded as a landscape improvement or enhancement measure as it introduces a man-made feature into the Natural Zone, which is also designated as an SSSI, SAC and SPA.
78. Ecology: This impact will largely occur at the construction stage and there would be no significant effects on ecology once the track is in place, other than the impact of disturbance through potential increased recreational use.
79. Archaeology: There would be no effect on archaeological and cultural heritage.
80. Access and Recreation: The completion of the works in a satisfactory manner would allow the recreational users of the track to continue using it in a safe and convenient way, resolving the problems that have been experienced while the track has been in its unfinished state.

### **Environmental Management**

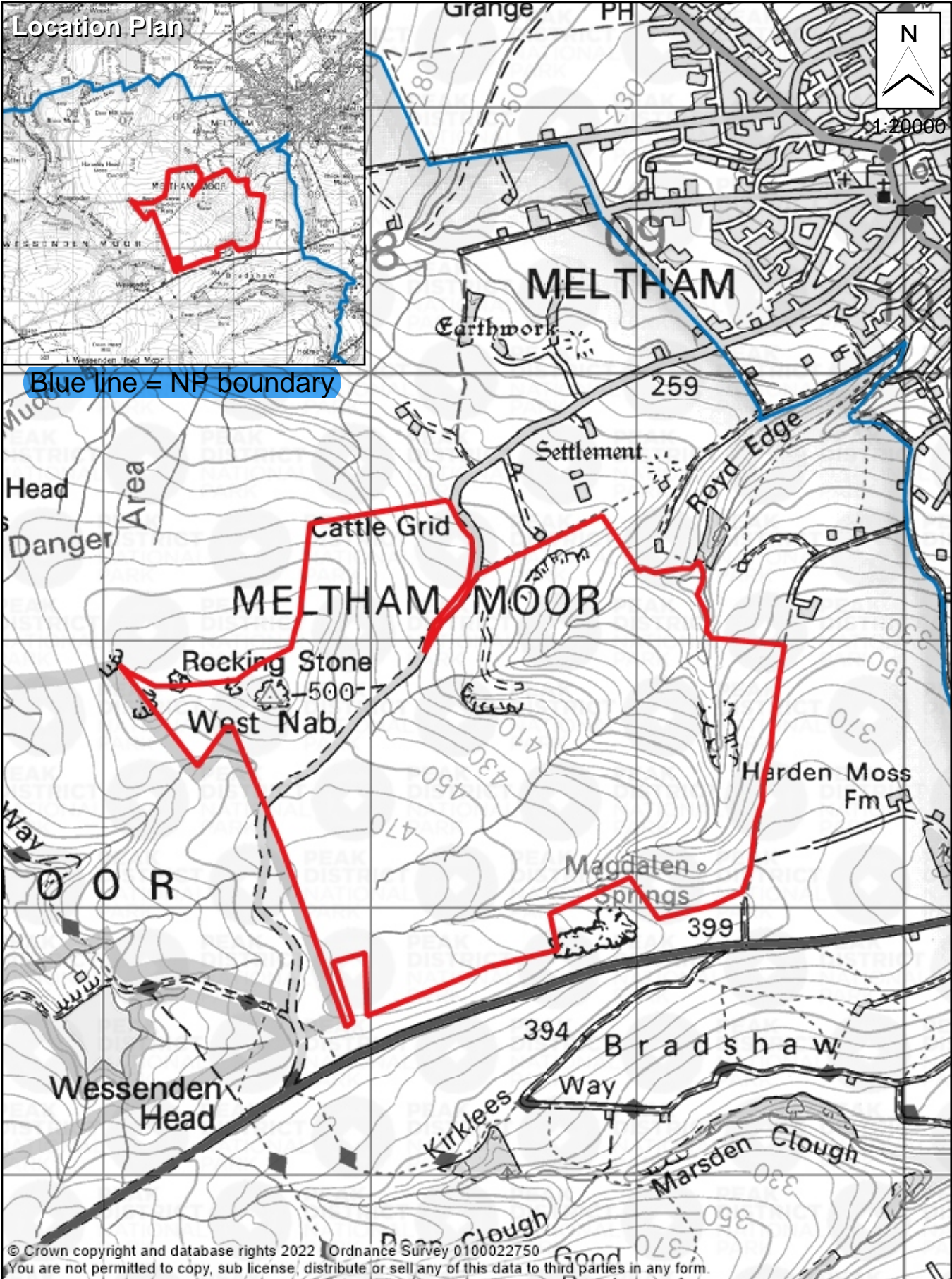
81. No statement has been submitted with the application to set out how the development meets the requirements of this policy, but given the nature of the proposal this is considered to be acceptable.

## **Conclusion**

82. This application proposes the repair of an existing track in open moorland, within the Natural Zone and in an area designated for its habitat and biodiversity interest as an SSSI, SAC and SPA. The track is a well-used public right of way, popular with walkers, horse-riders and cyclists. The repairs will also allow the applicants vehicular use for land management purposes. National policy and environmental law, together with the Authority's policies, set out a very strong presumption against development in these designated areas. Consequently, development must only be approved in exceptional circumstances. Any works to tracks which are essential for the management of the Natural Zone or for the conservation and/or enhancement of the National Park's valued characteristics may be acceptable in principle (policy DMC2).
83. Although it is not a significant part of the application, the supporting statement says that the track provides emergency access for tackling wildfires in an area where there has been a high incidence of fires in recent years, notably near Marsden to the north.
84. From a Habitat Regulations perspective, the accompanying report on Appropriate Assessment concludes that there will be no unavoidable impacts on SAC habitat. As noted above, in the Consultation section, the response from Natural England is that the proposed works are acceptable only if there is a construction environment management plan (CEMP), which can be required by condition and can cover the other issues set out in this report.
85. Officers have concluded that there is a need to carry out the essential repair and maintenance works to the existing track, within the confines of the existing track. If properly managed and controlled, these works will not have a harmful impact on the designated areas and its ecological and landscape interest. There is a need to carry out the repair works to make it safe and convenient to use as a public right of way, but it is also important to ensure that this work is done to a standard that does not encourage or facilitate increased vehicular use, beyond that required for the essential management of the land. These are considered to be the exceptional circumstances required for making an exception to the policy presumption against development in the Natural Zone. Consequently, the application is recommended for approval, subject to the conditions set out above.


## **Human Rights**

86. Any human rights issues have been considered and addressed in the preparation of this report.
87. List of Background Papers (not previously published)
88. Nil
89. Report author: John Scott



Blue line = NP boundary

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Committee Date:	16/06/2023	<b>Title:</b> Public Bridleway Meltham/50, Magdalen Road, Meltham Moor, Meltham	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 12 & 13		
Application No:	NP/K/0121/0026		
Grid Reference:	408446, 408609		

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## **14. 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.
2. 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.
3. The application is therefore recommended for refusal.

#### **Site and Surroundings**

4. 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.
5. 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.
6. 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**

7. 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 would be occupied for holiday purposes.
8. The application is accompanied by a Planning Statement, and, following the response of the Highway Authority, a plan with photographs has been submitted showing passing 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.
9. 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:**

#### **10. 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**

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

### **History**

14. The following applications relate to Top Riley:
15. 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.
16. 2004: Appeal allowed for conversion of barn to two holiday cottages.
17. June 2003: Revised scheme for conversion of barn to two holiday cottages – refused
18. April 2003: Conversion of barn to two holiday cottages – refused

### **Consultations**

19. 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.*

20. *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*
21. *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."*
22. District Council: No response.
23. 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."*
24. 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**

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

26. 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 applicant's 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 Lady wash 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

27. 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**

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

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

## **National Planning Policy Framework**

30. 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.
31. 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

32. Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.

38. 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
39. 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.
40. 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.
41. Development Management Policies
42. The most relevant development management policies are DMC3, DMR1, DMT3 and DMT5.
43. 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.
44. Policy DMR1 *Touring camping and caravan sites* states:
45. *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.*
46. *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.*
47. *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*
48. 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.
49. DMT5 *Development affecting a public right of way*, Part C says:
50. *"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

51. Principle of proposed development
52. 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.

53. 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.
54. The supporting text to DMR1 is important so it is quoted in full below:
55. *“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.*
56. *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”.*
57. 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:
58. *“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).*
59. 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.

60. 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

61. 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.

#### 62. Highway Issues:

63. 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.

64. 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:

65. 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.

66. 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.
67. 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

68. 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:

69. 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

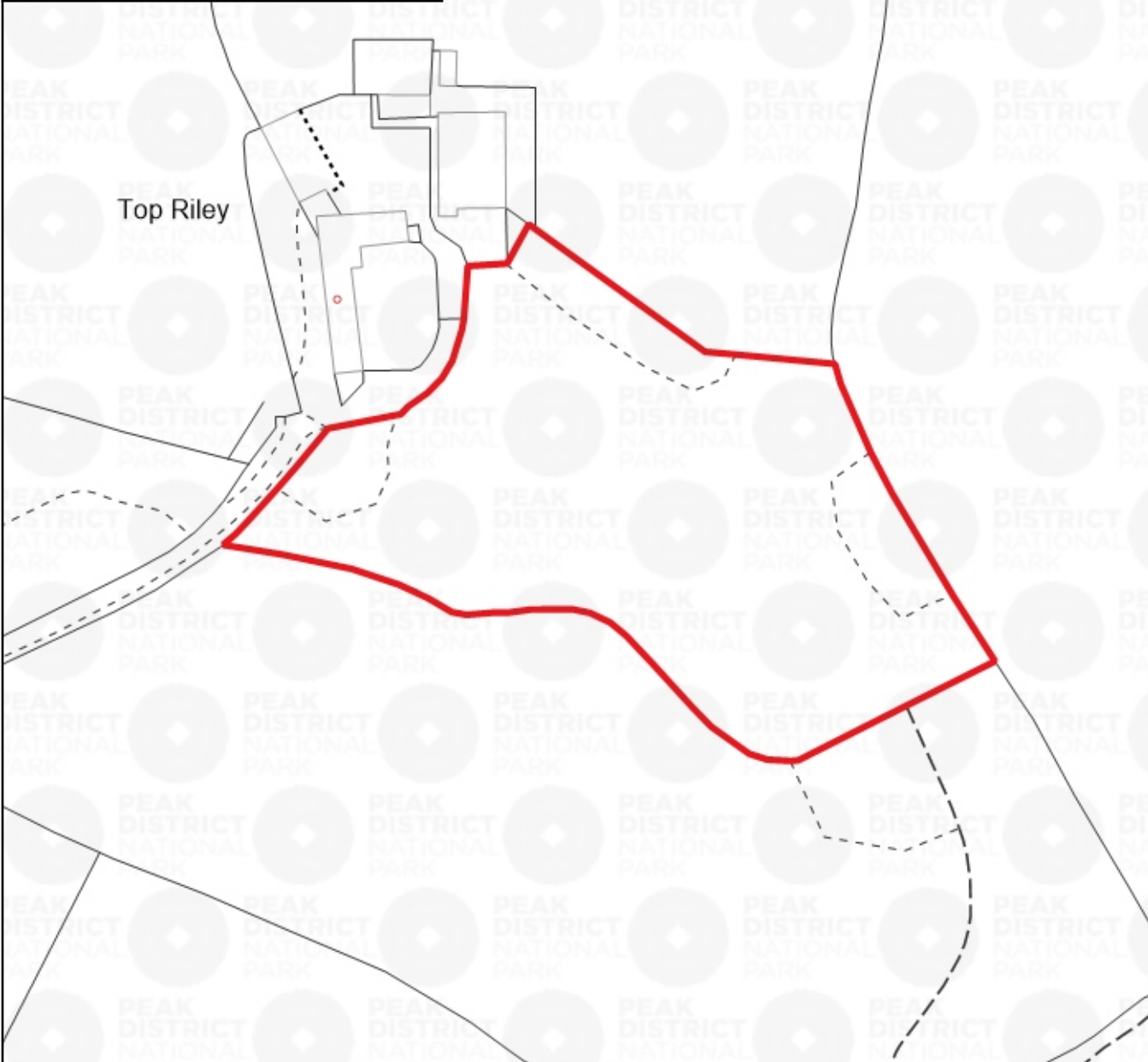
70. The proposed site is considered to be unacceptable on the grounds that the proposed development does not constitute small and simple structures, and that they are more akin to chalets or static caravans. As noted above, if the principle of camping pods in this location is considered to be acceptable, 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.
71. 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


72. Any human rights issues have been considered and addressed in the preparation of this report.
73. List of Background Papers (not previously published)
74. Nil
75. Report Author: John Scott

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Committee Date:	16/06/2023	<b>Title:</b> Top Riley, Riley Lane, Eyam	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 14		
Application No:	NP/DDD/1121/1299		
Grid Reference:	423152, 376414		

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**15. FULL APPLICATION - PROPOSED ANNEX TO REAR OF DWELLING AND ASSOCIATED WORKS AT HEATHERLEA, THE HILLOCK, CURBAR (NP/DDD/0323/0314, EJ)**

**APPLICANT: MR TERRY BEDFORD**

**Summary**

1. The proposal is for a detached annex to the rear of Heatherlea, an existing bungalow within Curbar Village and within the Curbar Conservation Area. The annex would be in place of an existing garage. It would be constructed in matching materials to the existing property.
2. The ancillary occupation will house one of the applicant's two elderly relatives. The other would live in part of the main house and both are dependents who would receive care from the applicant and his partner.
3. It is considered the scale of the accommodation is appropriate to meet the need and that the design would conserve and enhance the valued landscape character of the area, including the main dwellinghouse and the Curbar Conservation Area.
4. There is adequate parking on site and there are no neighbouring amenity concerns.
5. The application is therefore recommended for approval subject to conditions.

**Site and Surroundings**

6. The site is located off The Hillock, a short Culs-de-sac within Curbar village and within the designated Conservation Area. The property is a detached bungalow named Heatherlea, with large gardens to front and rear with existing parking areas and a detached garage.
7. The application site relates to the location of the detached garage to the rear which it is proposed to demolish to make way for the proposed annex development. Access is off The Hillock, a shared private access which serves Heatherlea, the dwelling opposite and grazing land immediately to the east of the site.

**Proposal**

8. The proposal is for the demolition of the garage and the erection in its place of an ancillary residential annex and associated works. The proposal would be constructed from stone with a tiled roof to match the bungalow and would have uPVC windows and doors.
9. The annex would be single storey and have a double bedroom with en-suite bathroom, an open plan lounge and kitchen area with an overall footprint of 8.747m x 6.92m. It is intended that it be occupied by an elderly relative of the applicants.

**RECOMMENDATION:**

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

1. **Standard time limit for commencement of development**
2. **Development in accordance with amended plans**

3. **The accommodation hereby permitted shall be ancillary to the dwelling house known as Heatherlea and shall not be occupied as an independent dwelling house. It shall be maintained within the same planning unit as the dwelling house known as Hatherlea and shall not be occupied independently as holiday accommodation during the lifetime of the development.**
4. **Removal of permitted development rights for alterations and extensions and means of enclosure to the ancillary dwelling hereby approved.**
5. **Rooflights to be fitted flush with the roof slope.**
6. **Rooflights to be heritage type in accordance with details submitted to the Authority. (details being submitted in time for meeting)**
7. **The roofing material shall be Hardrow Old Stone tiles to match the bungalow.**
8. **The walling material shall be coursed natural gritstone, laid, coursed and pointed to match the existing bungalow.**
9. **Maintain parking spaces.**

#### **Key Issues**

- Whether the proposal conserves and enhances the significance/ setting, character, appearance and amenity of the existing building, the Conservation Area and the landscape of the PDNP.
- Impact on neighbouring amenity
- Provision of parking

#### **Relevant Planning History**

10. 2023 - NP/DDD/0123/0069 – Proposed Annex to the rear of the dwelling and associated works Application Withdrawn

#### **Consultations**

11. Highway Authority – No objections subject to the proposed annex remaining private and ancillary to the existing dwelling with no future sub-letting or selling-off.
12. Curbar Parish Council - Object on the basis that the new proposal does not sufficiently change the Councils view from the original application (NP/DDD/0123/0069), as it does not comply to the Development Management Policies of the Peak District National Park, DMH5 for ancillary developments, and it does not meet the Peak Park design guide.

#### **Representations**

13. The Authority has received three representations in objection to the application. The material planning concerns relate to:
  - Provision of parking
  - Dominant position of the proposed annex
  - Services and utilities to the proposed
  - The functional need for the annex to support dependent relatives.

## **Main Policies**

14. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1, L3, T3, T7.
15. Relevant Local Plan policies: DMC3, DMC5, DMC8, DMH5, DMH7, DMT3 and DMT8

## **National Planning Policy Framework**

16. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be 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 East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. 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 with regard to the issues that are raised.'
17. Para 176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.
18. Para 189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
19. Para 132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favorably than those that cannot.

## **Core Strategy Policy:**

20. GSP1 - Securing national park purposes and sustainable development. This policy sets out the broad principles for making decisions about sustainable development in the national park context.
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. 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.
- A. *impact on the character and setting of buildings*
  - B. *scale of development appropriate to the character and appearance of the National Park*
  - C. *siting, landscaping and building materials*
  - D. *design in accordance with the National Park Authority Design Guide*
  - E. *form and intensity of proposed use or activity*
23. GSP4 – Planning conditions and legal agreements. This policy sets out 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. DS1 – Development strategy. It names settlements following an analysis of their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development.
25. HC1 – New Housing. This policy considers the circumstances in which new housing will be permitted whilst complying with national park purposes.
26. L1 – Landscape character and valued characteristics. This identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
27. L3 - Cultural heritage assets of archaeological, architectural, artistic or historic significance. This policy relates to cultural heritage assets and their settings.

Both policies L1 and L3 say that development must conserve or enhance the landscape and cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted.

28. T1 – Reducing the general need to travel and encouraging sustainable transport. T1 (E) says that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics, will be promoted.

T7 – Minimizing the adverse impact of vehicles and managing the demand for car and coach parks. T7 (C) refers to the management of non-residential parking.

Development Management Policy:

29. DMC3 – Siting, design, layout and landscaping. This policy states that where development is acceptable in principle, its detailed treatment will be of a high standard that respects, protects and enhances the area's natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage whilst contributing to the distinctive sense of place.

30. DMC5: Assessing the impact of development on designated and non-designated heritage assets and their settings. Heritage assets include both designated and non-designated heritage assets. This policy states planning applications must consider the significance of any heritage asset. Including the extent of any harm to, or loss of, the significance, character and appearance of a heritage asset.
31. DMC8 - Conservation areas. Relevant for development affecting heritage assets (and specifically conservation areas). These policies require applications to be supported by heritage assessments and for development to be of a high standard of design that conserves the significance of heritage assets and their setting. We have an adopted conservation area appraisal for the area and this is a material consideration in the determination of the application.
32. DMH5 - Ancillary dwellings in the curtilages of existing dwellings by conversion or new build. This policy sets out guidance for ancillary residential accommodation within the National Park.
33. DMH7 - Extensions and alterations. This policy sets out that in principle, an extension is acceptable so long as it meets the criteria set out within this policy. This includes that the development must not detract from the character, appearance or amenity of the original building, its setting or impact negatively on the amenity of neighbouring properties. It must also not dominate the original dwelling.
34. DMT3: Access and design criteria & DMT8: Residential off-street parking. Policies DMT3 and DMT8 require safe access and adequate off-street parking.

**Supplementary guidance:**

**Criteria for the Consideration of Ancillary Residential Accommodation as highlighted in the Residential Annexes SPD 2021.**

35. Any ancillary residential accommodation is expected to:
  - Be subordinate in scale
  - Share a vehicular access with the main dwelling house
  - Be in the same ownership as the main dwelling house
  - Share utilities with the main dwelling house
  - Be located within the residential curtilage or building group associated with the main dwelling house, as well as the main planning unit
  - Be sited to as not to have a detrimental impact on:
    - Valued landscape character
    - Cultural heritage significance as defined in the landscape strategy
    - Conservation Area appraisals
    - Farmstead Heritage appraisals
    - Non-designated heritage assets as determined by the Authority in lines with Historic England guidance or buildings not currently recognised as heritage assets or neighbouring amenity;
  - Have a functional connection/ degree of dependence to the main dwelling house
  - Contains a level and scale of accommodation that can be justified for its intended occupants
  - Have no boundary demarcation or sub-division of the garden areas between the main dwelling house and the annex
  - Conserve and enhance the heritage significance/ setting of:
    - The existing building/ building group
    - Main dwelling house
    - Conservation Area
    - Listed Building

36. And where applicable also:

- Comply with the Authority's design standards
- Maintain adequate space with the planning unit to contain the required level of car parking (as determined by the Authority's Parking Standards)
- Respect neighbouring amenity

## **Assessment**

### **Principle**

37. In principle Development Management Policy DMH5 – Ancillary Dwellings in Residential Curtilages (part B) allows for new ancillary residential annex provided that the dwelling is located within an existing building group and is contained within a single planning unit by condition. The policy and residential annexe SPD set out a number of criteria proposals must meet to be accepted which are considered below.

### **Criteria for ancillary residential occupation:**

38. The proposed annex would have a simple form and would be clearly subordinate in scale to the existing bungalow. The one bedroom and overall scale of accommodation is appropriate in scale to meet the needs of the intended dependant elderly relative and is sited within the garden, close to the main dwellinghouse. No sub-division of the garden is proposed. An appropriate condition would be necessary to secure occupation to be ancillary main dwelling and for both to be maintained as a single planning unit in the event of an approval.
39. The proposed annex would share the same vehicular access point as the garage and there are no concerns about parking given the annex would have two dedicated parking spaces to the front with three spaces remaining for the main bungalow. The proposal would also benefit from shared utilities with Heatherlea which can be secured by planning condition.
40. The setting for the ancillary dwelling is within the garden of an existing non-traditional bungalow. It would be sited immediately adjacent a much larger traditional two storey building in the neighbour's garden whose largely blank rear wall forms the boundary between the two properties at this point. The annex would have simple design and form and be built out of natural stone with roofing to match the main dwelling. It is therefore considered that the proposal would sit in harmony with the existing buildings in and around the site and this small culs-de-sac. Only the roof will be visible outside the immediate confines of the site and therefore have no detrimental impact to the valued landscape, nor would it impact or harm the existing views across to Curbar edge.
41. The position of the proposed annex would meet its functional need as ancillary occupation for dependent relatives and enable a degree of independence for the occupants whilst being close to relatives in the main dwelling for care.
42. The existing garage at the property is not suitable for conversion to meet the need. The PDNPA Ancillary Residential Accommodation criteria notes that a proposed development should contain a level and scale of accommodation that can be justified for its intended occupants. Both elderly dependents use wheelchairs and appropriate access and scale of living space is needed to accommodate this which the conversion of the existing garage would not accommodate.



43. The applicant has also explored options within policy DMH7 - *Extensions and alterations to existing dwellings*. As members will note through the Parish Council comments, the property Heatherlea has been part-converted to provide ancillary accommodation which the applicant explains has not yet been brought into any use. The applicant explains a need to house two elderly relatives, who cannot live together within one accommodation. The application for the new annex represents living accommodation which is appropriate in size and scale for one dependent, with the other dependent relative intended to make use of the existing annex space created within the existing bungalow. This has had the advantage that the new build annex has been able to be maintained at a more modest size and scale which would be appropriate to the Curbar Conservation Area, and the overall setting of the property.
44. It is therefore concluded that the proposed annex accords with the adopted ancillary residential annexes SPD and policy DMH5 subject to the above-mentioned conditions.

#### Scale and Design

45. The proposal is for a modest stone-built annex within the rear curtilage of the property, with slate roof, upvc windows and doors to match the existing property. The application is a resubmission which follows officer advice following the withdrawal of the previous submission for a large two-storey annex.
46. The annex would be visible from The Hillock and from the immediate neighbouring property - Cottage Farm Bungalow. However, given the reduced height of the proposal, in relation to the existing garage at Heatherlea, and the distance between properties, the proposal is not considered to be harmful in terms of its scale or appearance. In terms of the impact upon the Conservation Area, views are limited and mostly screened from public vantages. Therefore, the visual impact within the conservation area is limited and where seen the matching materials and modest scale of this ancillary outbuilding will ensure the Conservation Area is conserved.
47. Taken as a whole the proposed annex will not harm the character and appearance of the host dwelling, the street scene or the Curbar Conservation Area.

#### Amenity Impact

48. Concerns have been raised by neighbouring properties on the basis of the height of the proposed being larger than the existing garage. Amended plans show that the proposed annex would still have a scale similar to a typical detached garage. Whilst it would have a greater height than the existing garage, being dug into the site the ridge height would be slightly lower than that of the existing garage.
49. The proposal would have a three-pane window serving the proposed bedroom looking across to Cottage Farm bungalow. However, the proposal would not appear overbearing or otherwise harm the amenity of the neighbouring property taking into account the use and the distance between the two properties.
50. In the interests of the amenity of the site, neighbouring properties and the character and appearance of the building and its setting, as well as the site remaining a single unit and at a scale to remain within adopted policy for annexes, we consider permitted development rights for alterations should be removed from the building.
51. We therefore conclude that subject to the above conditions there would be no harm to amenity and the proposal complies with the requirements of development plan policies DMC3, DMH7 and national planning policy.

### Parking Considerations and Highways Safety

52. Whilst the proposed results in the loss of one garage space for Heatherlea there would remain 2 parking spaces at the annex, with a further three spaces serving Heatherlea which would meet the parking needs of the site.
53. The Highway Authority have no objections to the application so long as the proposed annex remains in private ownership, and is ancillary to the existing dwelling with no future sub-letting or selling-off.
54. This can be secured through the standard planning condition for residential annexes of this type and hence there are no concerns regarding parking or highway safety in respect of the proposed development.

### Conclusion

55. The proposed annex is modest in scale, and of an appropriate high standard of design that will conserve the character, appearance and setting of the dwelling, the street scene and the Curbar Conservation Area. There are no concerns about neighbouring amenity and the level of parking proposed is commensurate with the need and scale of development.
56. We therefore consider the proposal accords with adopted policies in the Development Plan, our annexes SPD and the NPPF.
57. The application is therefore recommended for approval subject to conditions.

### Human Rights

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

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

59. Nil

Report Author: Ellie Johnson, Assistant Planner



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Lea

THE  
HILLOCK

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Committee Date:	16/06/2023
Item Number:	Item 15
Application No:	NP/DDD/0323/0314
Grid Reference:	425139, 374673

**Title:** Heatherlea, The Hillock,  
Curbar



**PEAK  
DISTRICT  
NATIONAL  
PARK**

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**16. FULL APPLICATION – AGRICULTURAL BUILDING AT ROSE COTTAGE HOPE ROAD  
EDALE, (NP/HPK/1221/1308, EJ)**

**APPLICANT: Andre Bajarria**

**Summary**

1. The site is located within open countryside, 0.7km South-West from Nether Booth and 1.3km East of Edale.
2. The application proposes a new agricultural building in the field to the South East and just outside the boundary of the farmstead.
3. The applicant has demonstrated the need for a new building of its size for the purposes of agriculture.
4. The application is recommended for approval subject to condition.

**Site and Surroundings**

5. Rose Cottage is an extant 19th century farmstead, located off Hope Road, Edale. It lies upon a 1-hectare parcel of land with the outbuildings now converted to a holiday cottage called Brown Bread Cottage and ancillary domestic garaging and storage. There is also a further dwelling, Sunnyside attached to the east side of Rose Cottage and in separate ownership.
6. Rose Cottage and surrounding area lie within Edale Conservation Area.
7. The proposed barn would be located South East of Rose Cottage in the adjoining field and amongst some semi-mature tree planting.

**Proposal**

8. The erection of an agricultural building to be used partly as a lambing shed, partly for the purposes of storage of implements and for the storage of winter feed.
9. Plans show the roof of the building would be finished with profiled blue coloured steel cladding with the walls clad in Yorkshire timber boarding which would be left to weather naturally. The building would measure 14m x 6.25m with a roller shutter door, pedestrian door and an agricultural gate in the elevation facing away from the road on the North Elevation.
10. Access would be via a short length of new track from the existing yard. A small number of trees would be removed to make way for the building.

**RECOMMENDATION:**

**That the application be APPROVED subject to condition:**

1. **Statutory time limit.**
2. **In accordance with amended plans.**
3. **Yorkshire boarding allowed to weather naturally.**

4. **Hardstanding to be surfaced with natural gritstone and permanently so maintained.**
5. **Approval subject to the submission of a landscaping scheme to be agreed in writing to the Authority before the occupation of the building.**
6. **Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 the use of the building hereby approved shall be restricted to agriculture only (as defined in section 336 of the Town and Country Planning Act 1990) and for no other purpose.**
7. **When the building hereby approved is no longer required for the purposes of agriculture it shall be dismantled, removed from the site and the site shall be restored to its original condition.**

### **Key Issues**

- Whether there is an agricultural justification for the proposed development.
- The impact of the development upon the site, Conservation Area and the valued characteristics of the National Park.

### **History**

The relevant planning history is as follows:

- 2021 - NP/HPK/1221/1307 - Rebuild of existing dilapidated garage to slightly bigger footprint to allow greater storage capacity.
- 2006 - NP/HPK/1206/1124 - Install small domestic wind turbine to house gable for renewable energy
- 1997 – NP/HPK/0897/109 - Erection of conservatory and porch
- 1995 – NP/HPK/0895/114 - Conversion of outbuildings to disabled holiday unit.

### **Consultations**

11. DCC Highway Authority – No highway objections on the basis the building is used for agricultural purposes only, in support of existing farming activities carried out on surrounding controlled farmland.
12. Edale Parish Council – Objection for the following reasons:
13. The Councillors consider that the proposed development is out of proportion for the site (layout and density of buildings) and that it will have significant visual impact from the road (design and appearance).

### **Representations**

14. No representations have been received on behalf of the application.

### **Main Policies**

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

Relevant Local Plan policies: DMC3 and DME1

### National Planning Policy Framework

15. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be 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 East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. 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 with regard to the issues that are raised.'
16. 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.
17. Para 176 states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

### Core Strategy Policy

18. Policy DS1 sets out the Development Strategy for the National Park. Agricultural development is acceptable in principle in the open countryside outside of the natural zone.
19. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). 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.
20. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
21. 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.

22. Policies L1 and L2 require development to conserve and where possible enhance the landscape and biodiversity of the National Park. Development which has a harmful impact should not be approved unless there are exceptional circumstances.

### **Development management Policy**

23. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
24. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
25. Policy DME1 is directly relevant and says:
- A. New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:
- (i) location and size of farm or forestry holding;
  - (ii) type of agriculture or forestry practiced on the farm or forestry holding;
  - (iii) intended use and size of proposed building;
  - (iv) intended location and appearance of proposed building;
  - (v) stocking type, numbers and density per hectare;
  - (vi) area covered by crops, including any timber crop;
  - (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
  - (viii) dimensions and layout;
  - (ix) predicted building requirements by type of stock/crop/other usage; and
  - (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.
- B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:
- (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
  - (ii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
  - (iii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
  - (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
  - (v) avoid harm to the setting, fabric and integrity of the Natural Zone.



## **Assessment**

### **Principle of development**

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

### **Agricultural Justification**

28. The application is supported by additional information justifying the need for the building, and address the concerns of the Parish Council. The building would serve 3 acres/1 hectare for a flock of Dorset/Ryland cross lowland sheep, and is recommended stocking levels according to the National Sheep Association.
29. From late autumn to spring, the eastern end of the building would be used as a shelter during pregnancy and for lambing. The rest of the building would be for agricultural equipment and winter feed storage.
30. The statement does demonstrate that the holding and agricultural business would have a functional requirement for a small building, primarily to store equipment and fodder.
31. If permission were granted, we would recommend planning conditions to require that the building is demolished and removed when no longer required for agriculture in accordance with policy DMC1. C. We would also recommend a planning condition be imposed to remove permitted development rights for change of the use, bearing in mind that that the building is only acceptable in principle for agricultural purposes.
32. The design of the building is simple and reflects the functional need for storage of machinery and fodder and would also be suitable for accommodating livestock when required. Therefore, we consider that the application does demonstrate that the proposed building is functionally required and designed for agricultural purposes in accordance with policy DME1. A.

### **Impact of development**

33. Policy DME1. B highlights any new agricultural or forestry building is required to respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location.
34. We advised that the building would be more appropriately sited within the farmstead group or alternatively to the rear, however the applicant felt unable to agree and have requested determination of this, their preferred siting.

35. The building is therefore proposed to be sited in the adjacent field amongst some semi-mature tree planting, part of which will need removing to make way for the development. It would be a short distance away from the existing farm building at the property but clearly outside the grouping visually from the street views. It is a convenient location for the main agricultural activities which relate to the use of the field.
36. As seen in the planning history, the applicant has converted some of the outbuildings into holidays lets at the property. The siting of the building is placed away from these so as not to impact their amenity or that of the property Rose Cottage.
37. The applicant has submitted a tree survey and tree constraints plan with the application to highlight the impact of the building on existing planting. The proposed site lies within an area of lower density vegetation some of which would be removed in place for the new building.
38. The application proposes an area of hardstanding to the rear of the building to be constructed from limestone chippings, as well as a small sand area. The local area is the Dark Peak, a gritstone area, as such the limestone chippings need to be replaced by gritstone which can be secured through planning condition.
39. The planning officer has requested a landscape plan which would shield proposed views through the landscape, replant lost vegetation and break up the outline of the building in its proposed position. This plan has not been provided to date and therefore being essential to ensure the building is screened to mitigate its otherwise isolated landscape impact a further condition is suggested should the application gain approval.
40. The applicant has similarly provided additional justification and proposed stocking numbers to justify the size of the building in accordance with policy DME1.A (v).
41. Whilst the Authority approves modern agricultural buildings an exception to the normal requirement to build in traditional materials and design, this is only if the proposal does not pose harm to the setting and character of the area. Modern agricultural buildings are generally not built from traditional materials but are designed with pitched roofs and use colouring and landscaping to mitigate their visual impact and help them assimilate into the landscape. The proposed design has been amended by the applicant, and proposes a profiled blue coloured steel cladding roof, with the walls of the building be clad in Yorkshire timber boarding which would weather naturally to lessen the visual impact and complement colours in the surrounding landscape. Therefore, the building as amended is considered to be in accordance with policy DME1.B (iii), and on balance with the suggested improved landscaping would conserve the local landscape character.

#### Neighbouring amenity

42. Given the position of the proposed building, the existing uses at the property and the distance to neighbouring properties, there are no concerns that the development would harm the amenity, privacy or security of any neighbouring property.

#### Environmental impact

43. Given the type and size of the building proposed there is little opportunity to limit energy and water use and therefore on balance there are no concerns in this regard.

### **Conclusion**

44. The application does demonstrate that the proposed building is functionally required for agricultural purposes on the holding in accordance with Core Strategy policy DS1 and Development Management policy DME1 A.
45. The proposed building and area of hardstanding are considered to be of an acceptable design subject to conditions. Existing and new landscaping covered by the suggested conditions would ensure a satisfactory landscape impact. The proposal would therefore be in accordance with policy DME1 B. Finally, the development would not harm highway safety or the amenity of neighbouring properties.
46. Therefore, having taken into account all material considerations, including matters raised in consultation we consider that the development is in accordance with the development plan.
47. The application is therefore recommended for approval, subject to the above conditions.

### **Human Rights**

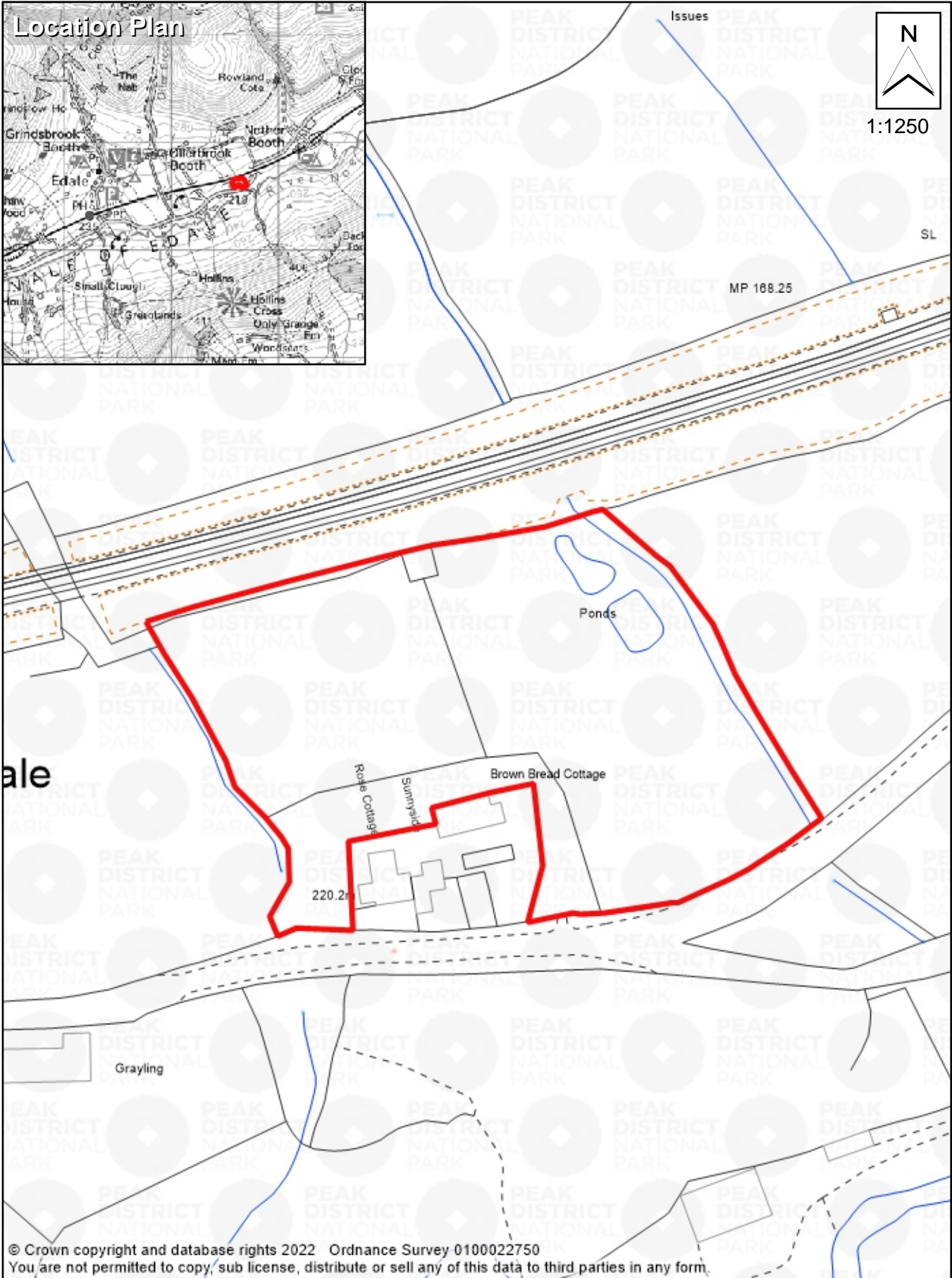
48. Any human rights issues have been considered and addressed in the preparation of this report.

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


49. Nil

Report Author: Ellie Johnson, Assistant Planner

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Committee Date:	16/06/2023	<b>Title:</b> Rose Cottage, Hope Road, Edale	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 16		
Application No:	NP/HPK/1221/1308		
Grid Reference:	413624, 385620		

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**17. FULL APPLICATION – REINSTATEMENT OF LOWER HOLT FARM, BARBER BOOTH, EDALE FOR A NEW DWELLING AND ASSOCIATED WORKS AT LOWER HOLT FARM, BARBER BOOTH ROAD, EDALE (WE, NP/HPK/0722/0910)**

**APPLICANT: MR AND MRS CHAPMAN**

**Summary**

1. This application seeks consent for an agricultural workers dwelling in the open countryside approximately 450m south-east of Barber Booth. The application has provided an Agricultural Justification Statement which outlines the scale of the applicant's farming enterprise, in addition to the stocking numbers. The main building group of the farm is located at Whitmore Lea Farm in Barber Booth; however, the land in the applicant's control is de-centralised and dispersed across Edale.
2. The supporting information demonstrates an extensive workload for the applicant but crucially does not demonstrate a genuine and essential need for the worker(s) to be readily available at most times day and night. This issue is exacerbated by the siting of the proposed dwellinghouse, which would be approximately 600m directly away from the main building group of the farm, but approximately 1.2km when using tracks and roads.
3. It is therefore considered that the application has failed to meet the criteria outlined in policy DMH4A. As there are no extenuating circumstances which require an essential worker to be readily available at all times, the proposed development would constitute an isolated dwellinghouse in the open countryside. The proposed development would harm the valued characteristics of the landscape through the introduction of an isolated property in the centre of open grazing land approximately 350m away from Barber Booth Road. The property, in addition to its domestic paraphernalia, would contribute to an unacceptable urbanising influence on the Edale landscape, particularly when viewed from sensitive receptors such as Rushup Edge and Lords Seat.
4. The application is therefore recommended for refusal.

**Site and Surroundings**

5. The development site is Lower Holt Farm, an early 19<sup>th</sup> century outfarm. The buildings on site are in an extremely poor state of repair, and in some parts, almost completely collapsed. Notwithstanding its poor state of repair, the legibility of the former buildings is still visible. The building group is L-shaped, and its assumed uses include a small farmhouse set between an agricultural store/hayloft and a hay mew. Set slightly to the north, there is the remnants of a structure believed to be cattle stalls.
6. While the buildings are extremely dilapidated, some of their features are still visible. The buildings are constructed from local gritstone, with large gritstone surrounds and natural stone slates on the hayloft roof. There is a tree growing extremely close to the southern elevation of the structure, which is causing further structural issues.
7. Access to the site is achieved via a 380m field track which connects to Barber Booth Road.
8. The applicant's wider land holdings include a farm grouping in Barber Booth proper called Whitmore Lea Farm, located in the north-western section of the village between the River Noe and the railway line.

9. The land under the applicant's control is dispersed in nature. They control a large section of land to the north of the Whitmore Lea farm site and the railway line. They also control a large amount of the field parcels surrounding Lower Holt itself, including a strip of land stretching from near Rushup Edge to the River Noe. They also own a triangular section of land bound by the Chapel Gate footpath. In total, the applicant operates on 158ha of land across the Edale valley.

### **Proposal**

10. This application seeks consent for the construction of an agricultural workers dwelling on the site currently occupied by Lower Holt Farm. It is noted that the application refers to the scheme as "reinstating" Lower Holt Farm; however, the application is not proposing to convert the existing structures, rather it proposes to demolish the existing structures and re-use some of the material on site in the construction of the new dwelling. Accordingly, the Authority dispute the suitability of the word "reinstatement" and consider that the application proposes a new dwellinghouse.
11. The application proposes the complete removal of all structures on site and the erection of a 3-bedroom dwelling, in an L-shaped form. The property would be constructed from partially reclaimed materials from the existing structure on site, and also feature gritstone detailing such as quoins and window surrounds. The roof would be clad with natural stone slate and all windows and doors would be hardwood timber painted in a recessive heritage colour.
12. The proposed dwelling would feature a gritstone chimney, and also a metal flue on the eastern roof slope for a log burning stove.
13. The dwelling would be set on a generous residential plot which would include an Indian sandstone terrace surrounding the whole property, in addition to a large terrace in the semi-enclosed courtyard. The driveway would be formed from self-compacted gravel and would have space for 3 cars. The access track would be surfaced in compacted gravel with grass centre.
14. To the south of the proposed residential curtilage, the application proposes a 14-panel solar array bound by a timber fence. There would also be a Ground Source Heat Pump providing heat to the property.

### **RECOMMENDATION:**

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

1. **The application has not demonstrated a genuine and essential functional need for an agricultural worker dwelling on site. The supporting information has not demonstrated why the applicant would need to be readily available at most times, day and night. As a result, the proposed development is contrary to policy DS1, HC1, HC2, DMH4 and the National Planning Policy Framework.**
2. **By virtue of its location and siting, the proposed development would represent an isolated dwellinghouse in the open countryside. The proposed dwelling would not be sited against the main building group of the farm, and would instead sit far removed from nearby built-form. The proposed dwelling, including its domestic curtilage, parking area, and proposed solar array would harm the special qualities of the National Park by introducing a large and isolated dwelling onto an otherwise open rural landscape. This would contribute to an unacceptable urbanising influence on the Edale valley landscape, which would also harm the setting of the Edale Conservation Area.**



**It is therefore considered contrary to policies L1, L3, GSP1, GSP2, DMC3, DMC4, DMC5, and DMC8 and the National Planning Policy Framework.**

### **Key Issues**

- Principle of development;
- Agricultural Justification
- Design and Impact on Valued Characteristics of the Landscape
- Cultural Heritage
- Other matters

### **History**

15. There is no planning history for the development site.

### **Consultations**

16. Derbyshire County Council Highways Authority – Requested additional information prior to confirming final position.
17. Edale Parish Council – Unanimously in strong support of the application on social and environmental grounds. They considered the application fulfils a local need for housing, in particular agricultural workers. Edale Parish Council consider it important that agricultural workers are able to live within the community. The Council also consider that the reduced travel would have a positive environmental impact, and the application would meet a high standard of sustainability.
18. PDNPA Built Environment – Site is a non-designated heritage asset. Its significance lies in its evidential value. If granted consent, the remains of the building should be recorded prior to its development.
19. PDNPA Archaeologist – The building is recorded on the HER as early 19th century or earlier but the presence of a massive pitched lintel and the collapsed remains of window mullions and hooded lintel of 17th century style suggest the outfarm is much earlier possibly 17th century in date.
20. The significance of the site, if it does originate in the 17th century is higher than if it was 19th century. It would be of regional significance.
21. Development would have a significant impact on the building which would result in a loss to many of the features of the farm; however, without the rebuild (*Planning Officer Note; The proposal as set out above is not to rebuild the existing structure(s) and is a new build dwelling on the site*) the farm will deteriorate more and the features that currently survive will probably be lost. As a non-designated heritage asset, recommends a balanced planning judgement. If approved, recommends a Historic Building Record and an appropriate WSI condition.

### **Representations**

22. The application received 4 representations, including a response from the National Farming Union.
23. The letters of support raised the following comments:
- The supporting Agricultural Justification outlines that there is a requirement for a dwelling on site;
  - Landscape enhancement to reinstate the property;

- The dwelling would be important addition to the social fabric of Edale due to accommodation lost to short stay holiday-lets;
- The property would meet a high standard of sustainability;
- Applicant is an important member of the Edale community;
- The development site is a former farmhouse, and the introduction of a new property would follow the building pattern of the Edale valley.

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

24. 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.
25. 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.
26. 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**

27. 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.
28. 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.
29. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements, but outlines that some development in the open countryside may be acceptable.
30. 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.

31. 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.
32. 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.
33. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies

34. 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.
35. 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.
36. 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.
37. 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.
38. DMH11 - 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.
39. DMT3 - 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.
40. DMT8 - Off-street car parking for residential development should be provided.

### **Supplementary Planning Documents**

- 41. Supplementary Planning Guidance on Design, 1987, 2007, 2014.
- 42. Climate Change and Sustainable Buildings SPD (2013)

### **Assessment**

#### **Principle of Development**

- 43. The proposed development is located outside of the built form of Edale and Barber Booth, and is therefore considered to be in the open countryside. Policy DS1 states that the majority of new development will be directed into named settlements, but goes on to state that development at agricultural enterprises which require a rural location will be acceptable in principle. This is expanded upon in policy HC4 which states that new housing for key workers in agriculture, forestry or other rural enterprises may be acceptable subject to justifying a functional and financial test.
- 44. Policy DMH4 expands on this point by outlining 7 criteria that essential workers dwellings need to comply with. Part I of this policy outlines that a detailed appraisal is required which demonstrates that there is a genuine and essential functional need for the workers to be readily available at most times, day and night, bearing in mind the current and likely future requirements of the farming operation.

#### **Agricultural Justification**

- 45. The application is supported by an Agricultural Justification Statement. This document outlines the holding size, in addition to stocking numbers and other relevant information.

46. The document outlines that the applicant currently lives in Taddington, some 14 miles away from the farm at Barber Booth. This typically equates to a 30-minute drive to the farm each day; however, it is acknowledged that journey times may be longer as a result of traffic on local roads. It also outlines that the applicant has been farming at Barber Booth for over 30-years, and has been supplementing the farming business with a part-time fencing contractor role. Due to increased stocking numbers and workload, it is the applicant's intention to cease the fencing work, and instead work full time at the farm.
47. The appraisal outlines that the applicant currently operates on 158ha of land, the majority of which is hill and moorland. As a result, much of the land is only acceptable by foot or 4x4.
48. At present, the applicant has 280 ewes with 100 followers, and approximately 40 bucket calves and 55 store cattle. The document then goes on to outline that it is the applicant's intention to increase their stocking numbers to 160 bucket calves and 80 store cattle. The increase in calves and cattle would assist in making the farming enterprise financially viable moving forward.
49. The Statement calculates that at present, the holding currently has a labour demand equivalent to 1.54 full time workers, but this would increase to 2.34 full time workers once the anticipated future growth is factored in.
50. The Justification Statement outlines two main factors to consider when assessing whether the applicant has a genuine and essential functional need to be readily available at all times. It states that calves are required to be fed twice a day, and be supplied with fresh drinking water daily. It also states that legal guidelines state that someone should check the calves twice daily for disease or ailments, but notes that best practice is to do this more often. It then goes on to state that during lambing season, the applicant uses an outdoor lambing system with an existing building on site used as an emergency lambing area or casualty area. It states that the applicant checks pregnant ewes 4 times per day, with the majority of the land only accessible by foot or 4x4.
51. It is acknowledged that the applicant has an extensive and heavy workload associated with his farming business, and this would only grow as a result of any expansion. Notwithstanding this, it is considered that the Agricultural Justification Statement has failed to demonstrate the *genuine and essential functional need* to be readily available at most times day and night. Indeed, it is noted that during particularly busy period, such as lambing, the applicant will have a requirement to be on site at many hours to ensure health of the flock. Notwithstanding this, the Statement outlines that the applicant has a caravan on site. It is considered that during particularly busy periods, this caravan should provide appropriate temporary accommodation.
52. The Statement provides an overview of seasonal duties. It outlines that in April, the applicant lives on site permanently to provide care for the lambs and ewes. It then goes on to state the typical working week in July, which requires stock checks, shearing of sheep, and feeding of calves.
53. The heavy workload is acknowledged; however, it is considered that the Statement has not justified the requirement for the applicant to be readily available at all times. Indeed, there are busy periods across the year; however, the Statement relies heavily on the overall workload, which is noted to be high but is not in of itself a sufficient requirement for a permanent dwelling.
54. The Authority considers that the Justification Statement relies heavily on preference for the applicant to live nearby, as opposed to a clearly defined justification. It notes that

during Winter months, it may be difficult for the applicant to get to the farm from Taddington. This is acknowledged but the frequency of such poor weather is questioned.

55. The Justification Statement outlines that the commute from Taddington to Lower Holt Farm twice a day takes up a lot of time daily, in addition to the financial costs of the commute. Whilst the time freed up by living on site is acknowledged, the Authority are mindful of paragraph 6.69 of the Development Management Policies Plan, which states that *the desire of someone to live at or near their place of work is not a justification for a worker dwelling in the National Park*.
56. As such, it is noted that the farming enterprise has a significant workload but it is considered that the Agricultural Justification Statement has failed to address why the applicant is required to be “readily available at most times, day and night”.
57. In assessing compliance with policy DMH4, it is important to assess the remaining criteria. The application has been supported by sufficient financial information which demonstrates that the farm holding has been trading for at least 3 years and is capable of funding the dwelling. It is therefore compliant with part II and V of the policy.
58. The Justification Statement has provided a 3-mile radius search of available properties to purchase in order to demonstrate that there is no nearby accommodation suitable for their needs. This however comprises a simple ‘Right Move’ search at a point in time and is considered insufficient to comply with part III of the policy. There is no search of property to rent nor evidence of a search over time. Given accommodation needs do not arise overnight and the difficulty of finding property in this area it is reasonable to consider a longer search period to satisfy this part of policy. In this regard officers are aware of property being for sale in the recent past in the parish including more affordable restricted dwellings to meet local and agricultural needs. Without more evidence of such a search including the private and local authority/Housing Association rented sector we cannot conclude that there is no accommodation available locally to meet the stated need.
59. The application also makes passing reference to outline why a traditional barn at the Whitmore Lea Farm site is not available for conversion. It states that vehicular access to this property is limited, and the conversion would have a negative impact on the overall operation of the farm. It also states that conversion of this barn would require agricultural operations to be relocated elsewhere. The Authority do not consider this a sufficient justification to demonstrate compliance with part IV of policy DMH4, particularly when the proposed alternative is a highly isolated new build property in the open countryside. The application has not provided information on why the reorganisation of the Whitmore Lea Farm site with new agricultural buildings which would allow the conversion of the traditional barn is not possible. Accordingly, it is considered contrary to part IV.
60. The proposed development does not comply with part VI of the policy. It is over 500m away from the main building group, and would be highly isolated on the landscape. This will be explored in a later section of this report.
61. The proposed development does not meet the criteria of policy HC2 and DMH4 to justify an essential worker dwelling. Whilst the workload on site is extensive, the application has not met the wording of the policy by not providing a well-reasoned justification for why there is an essential functional need to be readily available at most times day and night. Furthermore, it also fails to comply with parts IV and VI of policy DMH4.

### **Design and Impact on Valued Characteristics of the Landscape**

62. The design of the proposed dwellinghouse seeks to take its inspiration from the former buildings on site. It would be constructed from natural gritstone which has been reclaimed

from the former buildings on site, and feature formal gritstone detailing such as quoins, lintels and sills. The roof would be natural slate.

63. The proposed dwelling would be L-shaped to match the historic form of the buildings on site. The design of the proposed dwellinghouse has tried to conserve its historic characteristics. The property would have a very solid and utilitarian character and appearance, featuring minimal openings and large sections of uninterrupted masonry.
64. It is considered that the design of the property itself is acceptable. It would feature traditional material, detailing, and conserve an agricultural character. Whilst it is large in scale, it is considered that the design itself is acceptable in isolation. The submitted plans make speculative statements on how the detailed design of the former structure on site would have looked. As a result of the current state of the property, the detailed design of the existing structures on site are largely unknown. Notwithstanding this, the design of the house itself is broadly acceptable. It is therefore compliance with adopted design guidance.
65. Whilst in isolation, the design of the property is broadly acceptable, when it is viewed in its context, it is considered that it would contribute to an unacceptable urbanising influence on the landscape.
66. The development site is located in the Upper Valley Pastures landscape type of the Dark Peak. This area is characterised by:
- A low lying gently undulating topography, rising towards adjacent higher ground;
  - Network of streams and localised damp hollows;
  - Pastoral farmland enclosed by hedgerows;
  - Dense streamline and scattered hedgerow trees;
  - Dispersed settlement with isolated farmsteads and small clusters of farms and dwellings.
67. The application states that the construction of the dwellinghouse would “reinststate” an important outfarm which would positively contribute to the historic landscape of Edale. As noted earlier in this report, the Authority consider this application for a new-build residential property in the open countryside. The site is not previously developed land as suggested in the Planning Statement and there is no residential planning use currently on site as the property is ruinous and has been uninhabited for several decades. Accordingly, there are no material considerations which would render this development site any more preferable than a completely undeveloped field pasture in the open countryside.
68. At present, the ruins at Lower Holt Farm provide a low-intensity, understated landscape feature. It does not feature a domestic curtilage, and it did not have an intrusive access track until one was installed between 2020 and 2022 without consent.
69. The proposed dwellinghouse would have a large footprint on site at approximately 150sqm (for context, our maximum size guidelines for a 5-person affordable house is 97m<sup>2</sup>). Including the proposed terrace, carparking area, and domestic curtilage, it is considered that the structure would appear highly intrusive on the landscape, particularly when viewed from the south along footpaths at Rushup Edge and Lords Seat. Due to the form of the proposed building, it features two large pieces of uninterrupted roofing. It is considered that the relatively low in height but large footprint design of the structure has the potential to make it more visible on the landscape by occupying a larger area. Due to the sites’ location deep in the grazing lands of the valley, it is considered it would be at odds with the largely agricultural pastures of the landscape. The compacted gritstone carparking area and the Indian sandstone terrace would severely contrast the grazing land of the surrounding landscape, and appear highly domestic in a rural setting.

70. The proposed solar array would sit outside of the proposed domestic curtilage to the property and be bound by an inappropriate timber fence. This would further exacerbate the urbanisation and domestic creep of the property on the rural landscape. The Climate Change and Sustainable Buildings SPD states that solar arrays should be located inside the domestic curtilage of properties and be sited in the least obtrusive places. The proposed location of the arrays is clearly contrary to this guidance.
71. Whilst some measures may help mitigate the impact of the development on the landscape, such as siting all infrastructure underground and restricting outside lighting, it is considered that simply by virtue of the proposed location of the property, in addition to its scale, curtilage detailing and associated infrastructure, the development would contribute to an urbanising influence on the landscape. This would cause significant harm to the valued character and appearance of the open rural pastoral landscape of Edale which contributes significantly to this special landscape of the National Park. It is therefore contrary to policies L1 and part VI of policy DMH4.

### **Cultural Heritage**

72. The development site is recorded on the Derbyshire HER as an early 19<sup>th</sup> century outfarm. There is some evidence, such as a large pitched lintel and hooded lintel, which suggest it could be as old as 17<sup>th</sup> century. It is therefore a non-designated heritage asset, possibly of regional importance found to be of 17<sup>th</sup> century. The development site is also located in the Edale Conservation Area. Accordingly, policies DMC5 and DMC8 are engaged which required development to conserve or enhance the significance and setting of heritage assets.
73. Due to the current state of the buildings on site, much of the significance of the property has been lost through decay and age and its current significance is largely evidential. It is noted that if a viable use is not found for the structure, it would likely continue to dilapidate which is not uncommon in the National Park and a scenario which is not in itself unacceptable – in this regard it is noted that the Planning Inspector supported the Authority in refusing the conversion of isolated listed former farmsteads in a relict agricultural landscape in the Holme Valley mainly on grounds of landscape harm.
74. In this case it is noted that the proposed development would lead to the complete loss of a non-designated heritage asset; however, it is considered that if a viable use was acceptable on site, this loss would be acceptable subject to appropriate recording. The current state of the structures would mean that the overall harm or loss resulting from the removal of the non-designated heritage asset would be less pronounced. Accordingly, its removal could be made acceptable subject to historic building recording and an appropriate WSI.
75. In addition to the harm on the asset itself, it is important to consider the impact of the proposed development on the setting of the Edale Conservation Area. Edale's Conservation Area is considered unusual in that it covers large areas of rural landscape. This is due to the historic form and growth of the 6 rural communities which make up the wider Edale valley.
76. It is considered that the provision of the new dwelling at Lower Holt Farm would erode the setting of the Edale Conservation Area. Where there are isolated properties across Edale and in particular Barber Booth, they are largely historic buildings which relate to the historic agriculture practiced in the area. This application, in the absence of a proven agricultural need essentially seeks consent for a large, private dwellinghouse. Whilst the design of the property is meant to look agricultural in character, and it could be tied to an agricultural holding, the submitted plans show that there wouldn't actually be any



agriculture practiced on site (apart from providing vehicular access to field parcels). Instead it would be a completely domestic and residential structure. This is at odds with the character of the area, and would erode the historic characteristics of the area by allowing a private and domestic property in the centre of agricultural pastures.

77. As discussed in the landscape section above, it is considered that the provision of the large dwellinghouse in the open countryside, with a large domestic curtilage and intrusive paving and driveway, would erode the historic and agricultural characteristics of the area. In addition to harming the valued characteristics of the landscape, it is also considered to have a negative impact on the wider setting of Edale Conservation Area for similar reasons. It would result in a large new-build, domestic property to be located in an extremely isolated position on an otherwise undeveloped, historic and rural landscape.
78. Paragraph 202 of the NPPF requires any less than significant harm to a designated heritage asset to be weighed against any public benefits resulting from the proposed development. The benefits in this case are largely private to the applicant. The less than substantial harm associated with an isolated dwelling in the historic landscape would therefore not be outweighed by any public benefits. Whilst there may be some benefits associated with a farmer who takes part in the Countryside Stewardship Programme living on site, it is considered that this would not outweigh the harm associated with the isolated dwellinghouse.
79. Accordingly, the proposed development is contrary to policy L3 and DMC5 due to the negative impact it would have on the setting of the Edale conservation area. There are no public benefits which outweigh the less than substantial harm to the setting of the conservation area. It is therefore also contrary to paragraph 202 of the National Planning Policy Framework.

### **Other matters**

80. The proposed development would feature high standards of sustainability and climate change mitigation, including solar arrays and a ground source heat pump. It would also be constructed from reclaimed materials from the existing structures on site. As such, it is considered to comply with policy CC1.
81. The Highways Authority requested additional before providing final comments. Additional information was provided to support this application, including visibility splays based on the 85<sup>th</sup> percentile approaching vehicle speed, hardstanding for the first 10m of the track and the widening of the first 5m of the access track to 5.5m. The additional information was sent to the Highway Authority for comment; however, no response was received. It is considered that the submitted information appropriately address the preliminary concerns raised by the Highway Authority. As such, there are no anticipated highway or access constraints associated with this development.

### **Conclusion**

82. This application seeks consent for a 3-bedroom agricultural workers dwelling in Barber Booth. The application is supported by an Agricultural Justification Statement which outlines that the applicant has an extensive workload; however, it is considered that the Statement does not provide a reasoned justification for why there is an essential and functional need for workers to be readily available at most times on site. Accordingly, it is considered to not comply with policy DMH4, in particular part A (I) of the policy.
83. By virtue of its location, the proposed development would harm the special qualities of the National Park, including the landscape and Edale Conservation Area. The proposed development would be isolated in the landscape, and result in an unacceptable

urbanising and domesticating influence on the otherwise pastoral and rural landscape. It is therefore contrary to policy L1, DMC5, and DMC8.

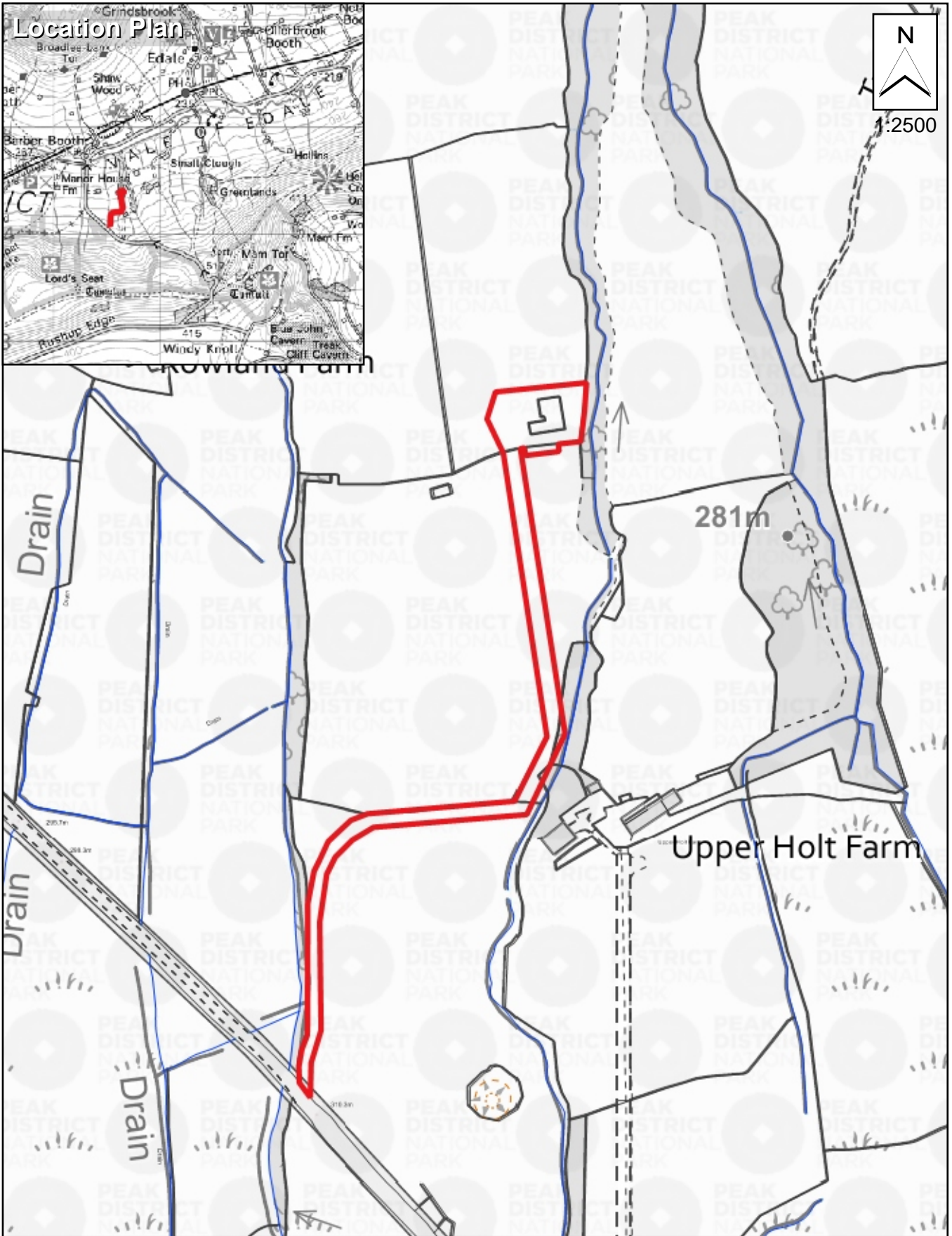
### **Human Rights**

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

85. List of Background Papers (not previously published)

86. Nil

Report author: Will Eyre, North Area Planner



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Committee Date: 16/06/2023  
 Item Number: Item 17  
 Application No: NP/HPK/0722/0910  
 Grid Reference: 411604, 384275

**Title:** Lower Holt Farm, Barber Booth, Edale



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**18. FULL APPLICATION – FOR THE INSTALLATION OF SOLAR POWERED CAR PARK MACHINE AND ASSOCIATED BASE, PEDESTRIAN AREA AND SIGNAGE AT DERWENT OVERLOOK CAR PARK (NP/HPK/0323/0247, EJ)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. Derwent Overlook car park is a free car park operated by the Peak District National Park Authority.
2. Permission is sought to install a single solar powered car park ticket machine in the centre of the car park. It would be sited on a concrete pad with a small tarmac pedestrian hardstanding in front protected by two timber posts.
3. This application is 1 of 13 application submitted by the applicant as part of a wider scheme to implement charging in its car parks.
4. Although the description includes signage, advertisements are controlled under separate legislation and therefore where express consent is required, it would be subject to a separate application for Advertisement Consent.
5. The site is located adjacent to Ancient Woodland.
6. The proposed machine is small in scale, dark coloured and appropriately sited and related to the current use as a visitor car park. It is of a suitable high standard of design which would cause no undue harm to the character and appearance of the car park, the local landscape or its setting.
7. In the context of this setting the proposal therefore represents an acceptable form of small-scale transport related infrastructure which accords with policies in the development plan.
8. The application is therefore recommended for approval.

**Site and Surroundings**

9. The visitor car park at Derwent Overlook is located along a lane off the A57 Snake Road which leads to the Fairholmes Visitor centre.
10. The site is located with Ancient Woodland Hagg Side Wood, and an Advertisement Area of Special Control.
11. It has the landscape designation: *Reservoir valleys with woodland*
12. The site is located within the Natural Zone, however the proposal itself is located out of the Natural Zone adjacent the road.
13. The site is located adjacent the Derwent Reservoir, 1.3km from Bridge-End Pastures to the South and 1.1km from Ashton Clough to the North.
14. The site benefits from adjacent woodland to the North and South which shield the car park in wider views.

## **Proposal**

15. The installation of a solar powered car park ticket machine, associated base and pedestrian area.
16. The machine would be located to the central section of the car park, adjacent an entry and a verge which separates the car park into two parts, with associated concrete & tarmac base and 2x timber protection posts. The Pay & Display machine will be black in colour and would have the following dimensions - width 47.5cm, depth 37.8cm and a height of 173.4cm.
17. New/replacement signage is also mentioned but as noted above, advertisements are covered by a separate set of regulations and application process. Just for information purposes therefore, adjacent the proposed machine there is an existing car park sign.

## **RECOMMENDATION:**

**That the application be APPROVED subject to condition**

1. **Statutory Time Limit**
2. **In accordance with submitted plans**

## **Key Issues**

- The impact on the character and appearance of the car park and its landscape setting, including proximity to the Natural Zone.
- Any highway safety or amenity impacts.

## **History**

18. 2022 - NP/HPK/0422/0560 - Advertisement consent - Erection of 15 new signs in the valley.

## **Consultations**

19. Highway Authority – No highway safety objections

## **Representations**

20. No representations received to the Authority.

## **Main Policies**

### **National Planning Policy Framework**

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

22. The 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 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.
23. National policy on the importance of biodiversity, cultural heritage and natural beauty is set out in sections 2; 15; and 16 of the NPPF (2021), amended from PPS7: Sustainable Development in Rural Areas (2012).
24. The Government continues to regard national park designation as conferring the highest status of protection as far as landscape and natural beauty is concerned. It also states that national parks make an important contribution to the cultural and natural heritage of the nation.
25. 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 Policy**

#### **Core Strategy:**

26. 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.
27. 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.  
In particular GSP3 (K): adapting to and mitigating the impact of climate change, particularly in respect of carbon emissions, energy and water demand.
28. CC1 – Climate change mitigation and adaptation. This policy aims to build in resilience to, and mitigate the causes of climate change. In order to achieve this the policy sets out that development must be efficient and sustainable in its use of land, buildings and natural resources.  
Particular reference given to CC1 (A): Make the most efficient and sustainable use of land, buildings and natural resources; and (B): Take account of the energy hierarchy.
29. L1 – Landscape character and valued characteristics. This identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
30. L3 - Cultural heritage assets of archaeological, architectural, artistic or historic significance. This policy relates to cultural heritage assets and their settings.

Both policies L1 and L3 say that development must conserve or enhance the landscape and cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted.

31. T3 – Design of transport infrastructure. In Particular, T3 (A) concerning signage and furniture. Requires that transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, will be carefully designed and maintained to take full account of the valued characteristics of the National Park.

#### Development Management Policy

32. DMC3 – Siting, design, layout and landscaping. This policy states that where development is acceptable in principle, its detailed treatment will be of a high standard that respects, protects and enhances the area's natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage whilst contributing to the distinctive sense of place.  
In particular, DMC3 (B (IV)): access, utility services, vehicle parking, siting of services, refuse bins and cycle storage.

#### Assessment

##### Principle of the development

33. The proposal contributes to the Authority's statutory purposes and is acceptable in principle.
34. The provision of car parking ticket machines could help to encourage car sharing, thereby reducing travel, which policy T1 seeks to promote.
35. Policy DS1 states that renewable energy infrastructure is acceptable in principle provided that they can be accommodated without adverse visual impact and do not raise any amenity issues.

##### Design and Appearance:

36. The machine is small scale and in a recessive colour, with the associated base works being appropriate and necessary to protect the machine and users. The design and appearance of the machine is compliant with Core Strategy Policy T3 concerning the design of transport infrastructure.
37. The overall design of the payment machine incorporates the use of solar power, putting its impact low on the energy hierarchy with minimal maintenance and energy required for its operation. The proposal is therefore considered to be of a high standard of design to meet policies DMC3 and CC1.

##### Landscape Impact:

38. The machine would be located within the central section of the car park, adjacent the entryway off the road. It would be viewed in the context of the car park and against the backdrop of existing woodland and approved signage. The dark colours would have a minimal visual impact and would cause no harm to the existing ancient woodland setting and the location of the car park which is just outside the Natural Zone.
39. . Given the recessive colouring of the machine and its small scale it would be considered to have a minimal and localised impact limited to the immediate car park setting. The minor visual impact and minor harm to the Natural Zone and ancient woodland setting



would be outweighed by the public benefits. These flow from charging in terms of helping to fund the conservation and management of the special landscape of the Park and helping to discourage car use, thereby reducing carbon emissions and mitigate the impacts of climate change.

40. The proposal would therefore be compliant with policies GSP1-3, L1, L3 and CC1 of the Development Plan.

Highways impact:

41. The Highways Authority has been consulted and have given no comment to the application.
42. The machines and associated signage are an appropriate distance away from the highway, and would cause no obstruction to users in the car park.

**Conclusion**

43. The car parking machine and associated signage, with pedestrian base, is not considered to have adverse impacts within the car park, or its landscape and setting.
44. The proposal may help reduce excess car journeys, and is compliant to existing policy.
45. The proposal is therefore recommended for approval, subject to completion in accordance with submitted plans.

**Human Rights**

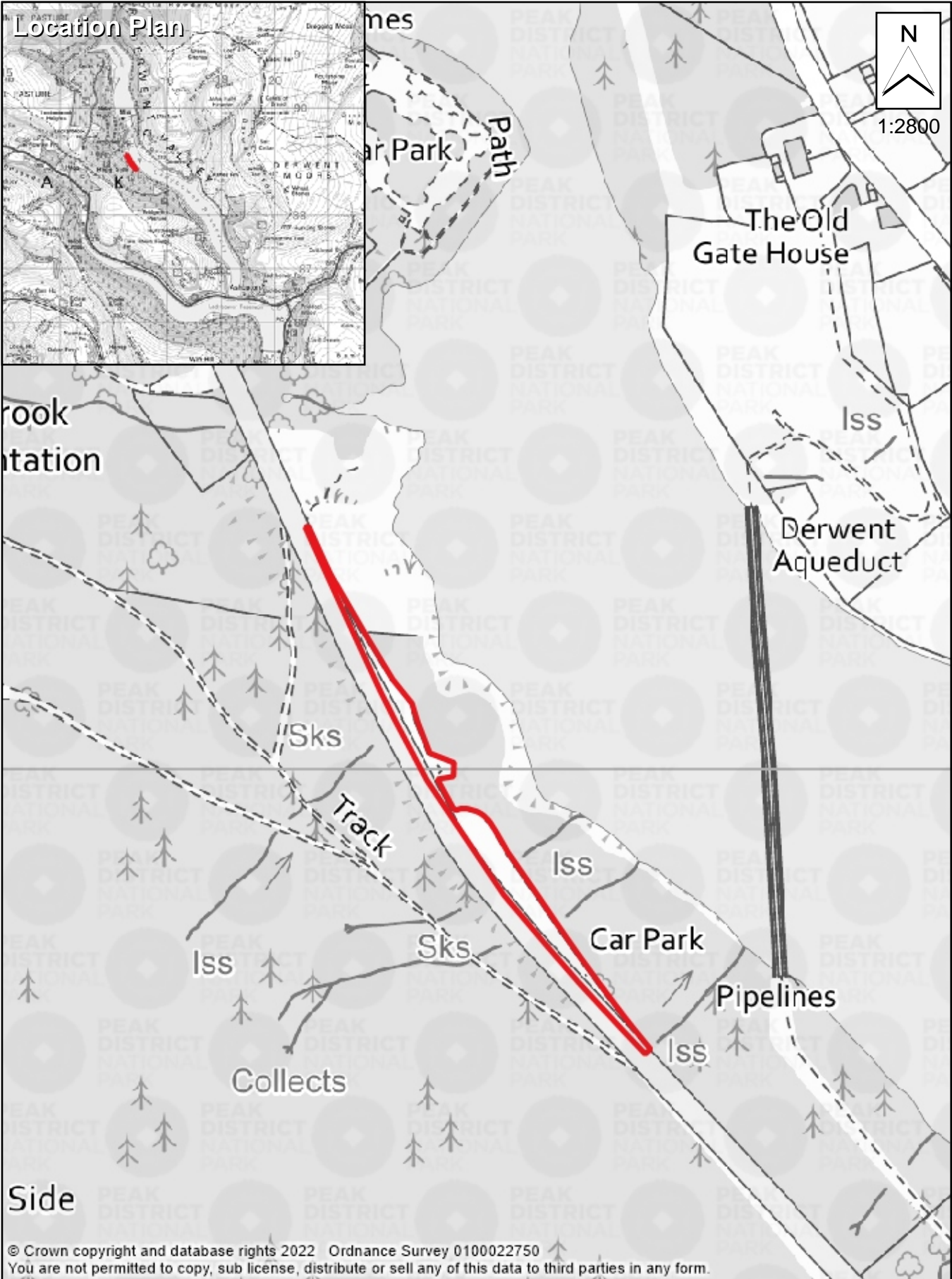
46. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil

Report Author: Ellie Johnson, Assistant Planner

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Committee Date:	16/06/2023	<b>Title:</b> Derwent Overlook Car Park, Fairholmes, Bamford	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 18		
Application No:	NP/HPK/0323/0247		
Grid Reference:	417333, 388968		

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

### 1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0522/0632 3313446	Retrospective application for replacement windows at The Moon Inn, Stoney Middleton	Written Representations	Delegated
NP/DDD/0822/1079 3317880	Conversion and change of use of existing barn and yard into residential use (C3) at Stanley Lodge, Great Hucklow	Written Representations	Committee

### 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/0922/1151 3312623	S.73 Application for removal of condition 4 and the variation of condition 2 on NP/DDD/0522/0657 at Damson Street, Tideswell Lane, Eyam	Householder	Allowed	Delegated

The Inspector considered that the variation of condition 2 and removal of condition 4 would not harm the character and appearance of the host property or the area. It would also not conflict with DMC3 and DME1 of the Development Management Policies or conflict with the guidance set out in the Alterations and Extensions Supplementary Planning Document. The appeal was allowed.

NP/SM/0422/0514 3309565	S.73 Application for the variation of condition 2 on NP/SM/0321/0297 at Dains Mill, Roach Road, Upper Hulme	Written Representations	Dismissed	Committee
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The Inspector considered that the size of the balcony would dominate and detract from the simple appearance of the building, and would harm the character and appearance of the host building and the significance of the non-designated heritage asset. The appeal was dismissed.

NP/HPK/1021/1120 3311757	Proposed agricultural building to house, feed, handle and lamb sheep and to store fodder at Land South of Peaslow	Written Representations	Allowed	Delegated
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Lane, Sparrowpit

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The Inspector considered that the proposed building was relatively modest in size and would not introduce an urbanising feature in the rural setting even though the proposal would be visible at a distance, including nearby public footpaths and the public highway. The Inspector also considered that the proposal would not harm the character and appearance of the Peak National Park so would not conflict with GSP1, GSP3 and L1 of the Core Strategy or DMC1 and DME1 of the Development Management Policies. The appeal was therefore allowed.

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NP/SM/1021/1062 3308555	Proposed internal alterations at The Cottage, Alstonefield.	Written Representations	Allowed	Delegated
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The Inspector considered that, in contrast to the submitted Heritage Impact Assessment, the fireplace did not have the potential to uncover historic features such as a lintel, bread oven, or iron fixtures and fittings, based on evidence submitted by the appellant. However, the Inspector deemed it prudent that work to the fireplace is overseen so that it does not lead to the loss of fabric which contributes to the significance of the asset by revealing its earlier form. The Inspector states that, due to renovation completed in the 1980's, the rest of the house need not require a WSI and that works to open up the fireplace in the dining room is separable from other refurbishment at the property. A condition requiring details of any fireplaces to be installed is also reasonable and necessary to ensure that the significance of the asset is not eroded by inappropriate alterations. The appeal was allowed.

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NP/HPK/0522/0742 3315374	Proposed removal of used chimney stack at Hallot Hey Farm, Little Hayfield.	Written Representations	Dismissed	Delegated
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The Inspector considered that the loss of the chimney would undermine the significance of the building in both architectural and historic terms and, given the its prominent position in the landscape, would have a minor but nevertheless adverse effect on the scenic beauty of the National Park. Arguments of the chimney causing damp are not substantiated. The Inspector concludes that the proposal would harm the character and appearance of the building and surrounding area and would not preserve or enhance the character or appearance of the Little Hayfield Conservation Area. The appeal was dismissed.

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NP/K/0921/0943 3303535 NP/K/0921/0945 3302822	Removal of condition on holiday let to form dwelling and partial conversion of barn to integrate into dwelling at 1 Meal Hill Farm, Holme, Holmfirth.	Written Representations	Dismissed	Delegated
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The Inspector considered that the plans for a large opening in the original rear gable wall constituted too large a loss of original fabric and disruption of the original cellular form of the building to be acceptable. The plans for the provision of a window in the rear elevation were deemed to be modest and reflective of other parts of the building. The plans regarding the formation of a dressing room within the roof-void to the lean-to with velux roof were relatively modest and unobtrusive, however there would be a harmful loss of fabric from the new internal doorway. The plans detailing the formation of a first-floor level within the garage/store were deemed by the inspectorate to lead to some loss of the intrinsic character of the building which would harm the significance of the asset. The identified benefits of the scheme would not be sufficient to outweigh the harm to the heritage asset and the proposal also conflicts with

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guidance in the National Planning Policy Framework. The appeals were both dismissed.

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4. **RECOMMENDATION:**

**To note the report.**

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## **20. ANNUAL REPORT ON PLANNING APPEALS 2022/2023 (A.1536/AM/BT/KH)**

### **Purpose of Report**

This report summarises the work carried out on planning appeals from 1 April 2022 to 31 March 2023.

### **Information on Appeals Process**

In this period, 34 new appeals were received, of which 14 were still in hand as of the 1 April. During the year, 27 appeals were decided, which included some appeals that had been carried over from the previous year.

Of the total new appeals received:

- 25 - followed the written representation procedure
- 7 - followed the householder appeals procedure
- 1 - followed the hearing procedure
- 1 - was withdrawn by the applicant

### **Outcome of Appeals**

The chart below shows the outcome of appeals over the last six years. The percentage of appeals dismissed in the year 2022/23, at 59% is lower than the previous year, although the context for this is analysed in more detail below.

	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18
DECISIONS	27	49	40	40	24	23
Allowed	11 41%	12 24%	14 35%	15 37%	9 38%	9.5 41%
Dismissed	16 59%	37 76%	26 65%	25 63%	15 62%	13.5 59%

### **Householder Appeals**

In the year to 31 March 2023, 7 new householder appeals were submitted. Of these 1 (14%) was dismissed, 3 (43%) were allowed and 3 (43%) were still ongoing.

The Householder appeal service continues to be the most popular as it allows for a quicker and simpler process and the opportunity for officers to use the delegated report as the essential evidence to defend the appeal. As there is no opportunity to provide additional information in householder appeals, this ensures that the Inspector always has the policy background clearly set out and can easily understand why in the National Park there is a greater need to conserve and enhance the special qualities of the place. The national average for householder appeals allowed (according to the figures from the Planning Inspectorate up to the end of December 2022) for 2022/23 was 28%. To date no problems have occurred with the processing of appeals electronically.

### **Enforcement**

In 2022/23 2 major Public Inquiries took place, both concerning appeals against Enforcement Notices that had been issued by the Authority's Monitoring and Enforcement Team: -

In June 2022 there was a 5-day Public Inquiry regarding an Enforcement Notice that had been served on the owner of Whitelaw Mines on Bonsall Moor for using the land for a motocross (scrambling) track. The Inspector supported the Authority and upheld the Enforcement Notice. Following this decision good progress has been made in clearing the site in compliance with the Notice.

In Nov/Dec 2022 there was a 6-day Public Inquiry against an Enforcement Notice that had been served on the owner concerning unauthorised works that had taken place at Thornbridge Hall, Great Longstone. In this case the Inspector quashed the Enforcement Notice and allowed the appeal subject to a set of conditions aimed at mitigating impacts and requiring approval of a Conservation Management Plan. Officers are currently overseeing the discharge of these conditions.

### **Delegation / Planning Committee**

Total number of full planning applications (those included in statutory returns and not including non-material amendments or discharge of condition applications) received between 1 April 2022 and 31 March 2023 was 830 of which 84% were determined under delegated powers. The total number of applications received for all types was 1426.

Of the 27 appeals decided:

- 22 related to applications determined under delegated powers. Of these, 13 (59%) were dismissed and 9 (41%) were allowed
- 2 appeals related to applications that were determined by Planning Committee. Of these, 1 (50%) was dismissed and 1 (50%) was allowed
- 3 appeals were for non-determination. Of these 1 (33%) was allowed and 2 (67%) were dismissed.

### **Comment**

The percentage of appeals allowed in 2022/23- was higher than the previous year at 41%, while the overall number of appeals allowed was slightly down at 11 from 12 the previous year.

In nearly all cases, those appeals, which have been allowed, have been cases where a site-specific judgment by the Inspector has been different from that of the Authority, e.g. on harm or compatibility with the character and appearance of the area or host building. The decision and report for the case at Thornbridge Hall has raised more significant concerns regarding the application of policies for designated heritage assets (including the Registered Park and Garden and the Conservation Area), plus landscape policies and the recognition of Estate Parklands as one of our distinctive landscape character types worthy of protection. Therefore, while overall the site-specific decisions do not raise policy issues, the Head of Planning will be writing to the Planning Inspectorate to record our concerns about the application of policies in highly designated locations where a “nest” of designations occur and there is a need to consider the intent of each of these layers of designation accordingly.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as all decision letters are forwarded to members and a short summary is included each month in the summary report to Planning Committee. The summary report also affords the Head of Planning the opportunity to raise and discuss any issues arising with the members at Planning Committee.

### **Human Rights**

The appeals procedure is consistent with human rights legislation.

**RECOMMENDATION:**

**That the report be noted.**

**Background Papers** (not previously published) - None

**Appendices**

Appendix 1 – List of Appeals Allowed 2022/2023

**Report Author, Job Title and Publication Date**

Brian Taylor, Head of Planning and Karen Harrison, Democratic & Legal Support Officer

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**List of Appeals Allowed 2022/2023**

Each appeal decision, whether allowed or dismissed, has been reported to Committee during the year. The following is a list of all the appeals that were allowed or partially allowed during 2022/2023.

Appeal Site	Development subject to appeal	Mode of appeal	Decision date	Delegated/ committee	Main issue
Oulds Barn, Greenlow, Alsop-en-le-Dale	Change of use from agricultural use to a residential dwelling	Written Representations	08/04/2022	Committee	The effect of the proposed development on the character and appearance of the area and highway safety having regard to visibility.
Hollytree Cottage, Bar Road, Curbar	Two storey side extension and single storey lean to extension	Householder	15/08/2022	Delegated	The effect of the proposed development on the character and appearance of the host dwelling, and whether it would preserve and enhance the character and appearance of the conservation area. The living conditions of the neighbouring properties in relation to privacy and massing.
Losehill Farm, Castleton	Single storey extension	Written Representations	21/10/2022	Delegated	The effect of the proposed development on the character and appearance of the existing building, with particular reference to the impact on its significance as a non-designated heritage asset.
Green House Cottage, Out Lane, Hathersage	Conversion of an existing ancillary building into an ancillary dwelling with a rear extension	Written Representations	28/11/2022	Delegated	The effect of the development on the character and appearance of the appeal building and the National Park and whether or not the proposal can reasonable be considered to be ancillary accommodation.
Rue Hayes Farm, Onecote	Erection of a new sunroom	Householder	22/12/2022	Delegated	The effect of the proposal upon the character and appearance of the existing dwelling and the immediate surrounding area.
4 Steward	Erection of a single storey side	Householder	22/12/22	Delegated	The effect of the proposal upon the appearance of

Gate, Bamford	extension to dwelling				the existing dwelling and its immediate surroundings.
Long Roods Farm, Ashford in the Water	Conversion of part of agricultural building to home gym and self-catering accommodation	Written Representations	17/01/23	Delegated	Whether the development would accord with the development plan insofar as it relates to the conversion of agricultural buildings to holiday accommodation.
The Old Barn, Main Road, Flagg	Removal of condition 5 from planning application NP/DDD/1200/506	Written Representations	22/03/23	Delegated	Whether condition 5 is reasonable and necessary, having regard to the Old Barn as a non-designated heritage asset within the Peak District National Park.
Thornbridge Hall, Great Longstone	Without planning permission - construction of driveway, car park, hard surfacing, building, fences, gateways and stiles	Public Inquiry	23/03/23	Delegated	Effect of the development on the character and appearance of the surrounding area, taking into account the special regard of preserving the setting of nearby listed buildings, preserving the character and appearance of the Conservation Area, potential features of archaeological interest and the effect on the trees.
The Priory, Fenny Bentley	Repair, renovation and extension of previous mill complex building into a detached building	Written Representations	29/03/23	Delegated	Effect of the proposal on the character and appearance of the existing building and its significance as a non-designated heritage asset, and whether the proposal addresses sustainability and climate change mitigations.
One Acre Wood, Little Hayfield	Retention of the existing building for use as an ancillary recreation/forestry building and the removal of existing two timber buildings	Written Representations	29/03/23	Delegated	Whether or not the proposal is functionally required for forestry and the effect of the proposal on the character and appearance of the woodland with regard to its location within the National Park.