

# 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.1142/3382

Date: 31 August 2023



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 8 September 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 the 14 July 2023** *(Pages 7 - 18)*
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **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/K0121/0026, JRS)** *(Pages 19 - 26)*  
Site Plan
6. **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)** *(Pages 27 - 44)*  
Site Plan
7. **Full Application - Creation of vehicular access from Woodhead Road. Parking for one vehicle when required and new dry-stone boundary wall. Removal of barb wire fencing and levelling of ground at the Mistal Barn, 343 Woodhead Road, Holme. NP/K/0421/0383 - JK)** *(Pages 45 - 56)*  
Site Plan
8. **Full Application - Proposed forestry building at land off the A625 Froggatt Bridge, Calver (NP/DDD/0623/0604, SC) - ITEM DEFERRED** *(Pages 57 - 66)*  
Site Plan
9. **Full Application - Proposed agricultural building to house livestock and isolation unit on land north of Litton Dale Road, Litton Dale. (NP/DDD/1222/1583, SC)** *(Pages 67 - 74)*  
Site Plan
10. **Full Application - S.73 application for the removal and variation of condition 2 and 7 ON NP/DDD/1222/1562 at Newby House, Over Lane, Baslow NP/DDD/0623/0639, WE)** *(Pages 75 - 84)*  
Site Plan

11. **Full Application - Change of use from domestic garden to camping pod site at Top Riley, Riley Lane, Eyam (NP/DDD/1121/1299, AM)** (Pages 85 - 96)  
Appendix 1  
  
Site Plan
12. **Full Application - Retrospective application for the erection of timber structures and platforms for use as holiday accommodation at Rocking Stone Farm, Rowter Lane, Birchover. (NP/DDD/0523/0521)** (Pages 97 - 106)  
Site Plan
13. **Full Application - Change of use of land (area 10) from touring/camping plots to stationing of holiday lodges and static caravans at Ashbourne Heights Caravan Park, Ashbourne Road, Fenny Bentley (NP/DDD/0523/0520, JS)** (Pages 107 - 122)  
Site Plan
14. **Full Application - Proposed agricultural 'I' shaped building to house livestock and store fodder and access track - land south of B5056 Fenny Bentley - (NP/DDD/1222/1557 GB/MN)** (Pages 123 - 132)  
Site Plan
15. **Listed Building Consent Application - Conversion of traditional, curtilage listed farm buildings to 6 no. dwellings, Greencroft Farm, Middleton by Youlgrave (NP/DDD/1122/1464, JRS) - ITEM WITHDRAWN** (Pages 133 - 142)  
Site Plan
16. **16. 1Full Application - Conversion of traditional, curtilage listed farm buildings to 6 no. dwellings, Greencroft Farm, Middleton by Youlgrave (NP/DDD/1122/1463, JRS) - ITEM WITHDRAWN** (Pages 143 - 158)  
Site Plan
17. **Statement of Community Involvement (CW)** (Pages 159 - 206)  
Appendix 1  
  
Appendix 2
18. **Planning Appeals Report (A.1536)** (Pages 207 - 208)

### **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: Cllr V Priestley

Cllr M Beer	Cllr M Buckler
Cllr M Chaplin	Cllr B Hanley
Cllr A Hart	Cllr L Hartshorne
Cllr I Huddleston	Cllr D Murphy
Cllr C O'Leary	Cllr Mrs K Potter
Cllr K Richardson	Miss L Slack
Mr K Smith	

**Other invited Members:** (May speak but not vote)

Prof J Haddock-Fraser                      Cllr C Greaves

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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## MINUTES

Meeting: **Planning Committee**

Date: Friday 14 July 2023 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr P Brady

Present: Cllr V Priestley, Cllr M Chaplin, Cllr B Hanley, Cllr A Hart, Cllr L Hartshorne, Cllr I Huddleston, Cllr Mrs K Potter, Cllr K Richardson, Miss L Slack and Mr K Smith

Apologies for absence: Dr Beer, Cllr M Buckler, Cllr D Murphy, Cllr C O'Leary and Mr S Thompson.

### **85/23 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST**

Cllr Hanley and Cllr Hartshorne attended the meeting as observers.

#### Item 5

All Members declared an interest in this item due to an email they had received from the applicant regarding the application.

Cllr Brady had also had a phone call with Mr Hinckley (the applicant) several years ago. Cllr Priestley had attended a Parish Council Meeting and had spoken about this application on behalf of Bamford Parish Council.

#### Item 6

Cllr Brady and Mr Smith had received an email from CPRE South Yorkshire regarding this item.

Cllr Chaplin declared an interest in this item due to the location of the application being within his council area.

#### Item 7

Most members had received email communications from Marsha North and Sandra Poxton, who were registered to speak on this item, regarding this application.

Cllr Brady had also met on occasions through Parish meetings with Professor Tony Crook, a member of the public who was registered to speak on this item, but they had not discussed the application.

Cllr Potter had attended the Curbar Parish Council Meeting where this application was to be discussed, however, she left the meeting before it came up.

Item 9

Jane Newman, the agent for the application discussed in this item, was known to all Members as a former employee of the Peak District National Park Authority.

Items 10 + 11

All members declared an interest in this item as it related to property which is owned by the Peak District National Park Authority.

Item 15

All members had received an email from Clare Gamble (relating to case ref: 22/0040 – Cressbrook Dale) and Andy Ford (relating to case ref: 21/0060 – Home Farm, Sheldon) regarding this item.

**86/23 MINUTES OF PREVIOUS MEETING OF 16 JUNE 2023**

The minutes of the last meeting of the Planning Committee held on 16 June 2023 were approved as a correct record.

**87/23 URGENT BUSINESS**

There was no urgent business.

**88/23 PUBLIC PARTICIPATION**

11 members of the public were either present or had submitted a written statement to make representations to the Committee.

**89/23 FULL APPLICATION - CONSTRUCTION TO RE-ESTABLISH AN L SHAPED BUILDING INCLUDING LANDMARK EAST ELEVATION OF FORMER MARQUIS OF GRANBY TO PROVIDE 21 OPEN MARKET APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING WITH FINANCIAL CONTRIBUTION FOR OFF-SITE AFFORDABLE HOUSING. NP/HPK/1222/1543/SW) AND CONSTRUCTION TO RE-ESTABLISH AN L SHAPED BUILDING INCLUDING LANDMARK EAST ELEVATION OF FORMER MARQUIS OF GRANBY OF BUILDING TO PROVIDE 21 OPEN MARKET APARTMENTS AND CONSTRUCTION OF SEPARATE TERRACE OF 3 AFFORDABLE HOUSES WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT MARQUIS OF GRANBY, HATHERSAGE ROAD, SICKLEHOLME, BAMFORD NP/HPK/1222/1563 /SW)**

The report was presented by the Planning Officers who outlined the reasons for refusal as set out in the report. They confirmed that because the two applications were similar, they were being dealt with in the same report.

The following spoke under the public participation at meetings scheme:

- Steve Buckley, Agent
- Matthew Hinckley, Applicant

An amendment to the report was highlighted in paragraph 2. It was confirmed that the late offer by the applicant includes an alternative of 3 plots for sale to a Registered Provider for £10,000 each (£30,000 total).

Planning Officers confirmed that they were unaware of any flaws with the Porter PE consultancy report.

Members noted the very clear policy that the Peak District National Park has around new housing developments, especially concerning the provision of affordable housing. If a development does not provide affordable housing, it must be justified otherwise, either by providing significant environmental gain or by enabling future affordable housing development to take place.

The Chair invited the applicant to the microphone to respond to questions from Members. The applicant was asked what the exceptional circumstance was for approving major development in the National Park. Mr Hinckley stated that the justification of major development was the re-establishing of the Marquis of Granby, the provision of affordable housing and the improvement to the appearance of the Hope Valley entranceway and landmark of Hope Valley.

The following concerns were raised by Members:

- The application does not meet the local requirement for affordable housing
- The application does not justify major development in the National Park
- The £100,000 financial contribution for off-site affordable housing is not sufficient
- The application was previously refused for several reasons – not just the lack of affordable housing – and the current application has not addressed any of these reasons, notably the appearance, design and the provision of affordable housing
- The lack of integration of the proposed affordable houses with the rest of the development.

Planning Officers highlighted the key differences between the approved hotel application and the current one being discussed. Despite being of a similar mass, the hotel would have made a significant contribution to local tourism alongside wider economic benefits to the local communities in the Hope Valley. Alongside these differences, officers noted the significance of the change of use to open market apartments and the lack of direct benefit this would bring to local communities.

A motion to refuse the applications as set out in the recommendations was proposed.

The Chair suggested some minor amendments to the reasons for refusal, namely the priority being the provision of affordable housing, reference to the HC1 policy, and focussing on the quality of the building rather than landscapes.

The motion to refuse the applications subject to the amended reasons was seconded, voted on and carried.

#### **RESOLVED:**

**To REFUSE applications NP/HPK/1222/01543 and NP/HPK/1222/01563 for the following reasons:**

- 1. The development would not be in the public interest and exceptional circumstances do not exist to justify major open market housing**

**development in the National Park. As such, the proposed development is contrary to Local Plan policies GSP1, GSP2, GSP3, DS1 and L1 and paragraph 177 of the National Planning Policy Framework.**

- 2. The development does not sufficiently address the acute need for affordable housing in the locality. The development of the site for 21 open market houses has not been sufficiently justified contrary to the fundamental principle and policy starting point in GSP1 and HC1 and DMH6 to address the locally identified need for affordable housing.**
- 3. The scale, massing and design of the residential development is wholly out of keeping with the established built tradition and residential character of the Hope Valley and is therefore inappropriate in this location. The development is therefore contrary to policies GSP1, GSP2, GSP3, DMC1, DMC3 and the National Planning Policy Framework.**

**The meeting adjourned for a short break at 11:06 and reconvened at 11:12**

**90/23 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 AT THORNSEAT LODGE, MORTIMER ROAD, SHEFFIELD (NP/S/01022/1300, JRS)**

The report was introduced by the Planning Officer who outlined the conditions if Members were minded to approve the application.

The Chair summarised the email that some Members had received from CPRE which expressed some concerns over the approval of this application, especially regarding parking and the enforcement of noise management.

The following spoke under the public participation at meetings scheme:

- Mark Boyd, Agent
- Rachel Woodhouse-Hague, Supporter

A motion to approve the application subject to the conditions set out in the recommendation was proposed and seconded.

Members asked officers and the agent to consider the possibility of solar panels and it was confirmed that this would be considered.

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

**RESOLVED:**

**That, subject to the prior entry into a section 106 legal agreement preventing the use of other land and buildings in the applicant's ownership from being used for commercial events, including weddings, under "permitted development rights", the application be APPROVED subject to the following conditions:**

- 1 Statutory 3-year commencement.**

- 2 Compliance with submitted plans and specifications, with use of buildings to be as described in the application, subject to the following:**
- 3 Detailed design conditions, subject to agreeing a revised scheme for the rear extension to the Lodge. Detailed conditions to cover:**
  - **All new stonework to match existing in terms of coursing, pointing, colour and texture.**
  - **All new roofing slates to match existing.**
  - **Submit and agree details of all doors and windows on all buildings and the glazing to the courtyard roof, including materials, profiles, method of opening, external finish, recess, and any surrounds.**
  - **Agree schedule of all internal skirting boards, architraves, and doors and other internal features to be retained.**
- 4 Submit and agree samples of materials (walling stone and roof slates) for all new and restored buildings.**
- 5 Submit details of rainwater goods, and external flues and vents.**
- 6 Agree details of any rooflights.**
- 7 Submit and agree comprehensive landscaping and site management, including measures for tree protection, any hard surfacing and boundary treatment.**
- 8 Archaeology, landscape and building recording condition.**
- 9 Surface water management to be in accordance with submitted details.**
- 10 Submit and agree a detailed Transport and Travel Management Plan; development to be operated in accordance with approved details.**
- 11 Submit and agree a detailed noise management plan: development to be operated in accordance with approved plan. This shall include measures to address the Natural England recommendations (see report in appendix).**
- 12 All external lighting to be in accordance with approved details.**
- 13 Submit and agree details of further testing of topsoil and resultant remediation for lead; development to be implemented in accordance with approved plan.**
- 14 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 shall also be subject to the same restriction during their stay at Thornseat Lodge.**
- 15 Any service lines associated with development should be placed underground.**
- 16 Submit and agree details of package sewage treatment plant.**
- 17 Submit and agree a Bird and Bat Mitigation Plan; carry out development in accordance with approved plan.**

- 18 **Submit and agree a Construction Environmental Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP); development to be implemented in accordance with approved plans.**
- 19 **Carry out in accordance with sustainable building and climate change proposals submitted with the application with the biomass boiler installed and operational before the buildings are first brought into use. Including written verification of compliance to be provided within one month of premises coming into use.**
- 20 **Carry out in accordance with agreed drainage plan.**
- 21 **Submit/carry out in accordance with any requirements arising from the Highway Authority's response when it is received.**
- 22 **That the approval of the revised plans for the design of the rear extension to the Lodge be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning.**

**91/23 FULL APPLICATION - PROPOSED ANNEX TO REAR OF DWELLING AND ASSOCIATED WORKS AT HEATHERLEA, THE HILLOCK, CURBAR (NP/DDD/0323/0314, EJ)**

The report was introduced by the Planning Officer who outlined the reasons for approval as set out in the report. He noted that there were some adjustments to the recommendations.

The following spoke under the public participation at meetings scheme:

- Marsha North, Objector – statement read out by Jane Newman
- Sandra Poxton, Objector
- Professor Tony Crook – Curbar Parish Council Representative
- Terry Bedford, Applicant – statement read out by Democratic Services

This report was deferred at the previous Planning Committee in order to obtain clarity about the accuracy of the submitted plans. The Planning Officer confirmed that amended plans now showed the building sited 1m away from the neighbours building and with much less excavation than previously proposed. He also clarified that there were no known land stability issues and that there would be a duty of care by excavators, especially on the surrounding foundations.

Members expressed concerns over the possibility of the applicants changing the use of the building to a holiday let, to which it was confirmed that the conditions of the application's approval would restrict the use to that applied for meaning any change to holiday letting would require prior approval via a further application for planning permission.

There were also concerns expressed about the narrowness of the lanes, the number of vehicles and the parking.

It was noted that there was no mention of sustainability in the report and Planning Officers confirmed that more could be done in this regard and a condition can be added to improve this.

A motion to approve the application subject to the amended conditions and the addition of a new sustainability condition 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:**

1. **Standard time limit for commencement of development**
2. **Development in accordance with specified amended plans which include the amended plan showing the finished floor level of the proposed annex.**
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 Heatherlea 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.**
10. **Submit and agree an environmental sustainability report prior to commencing work.**

**92/23 FULL APPLICATION - CHANGE OF USE OF AGRICULTURAL LAND TO CARAVAN AND MOTORHOME CAMP SITE, HOLMESFIELD FARM, MILLBRIDGE, CASTLETON (NP/HPK/0422/0586, JRS) - ITEM WITHDRAWN**

This item was withdrawn from the agenda.

**93/23 FULL APPLICATION - S.73 APPLICATION FOR THE REMOVAL AND VARIATION OF CONDITION 2 AND 7 ON NP/DDD/1222/1562 AT NEWBY HOUSE, OVER LANE, BASLOW (NP/DDD/0623/0639, WE)**

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

The following spoke under the public participation at meetings scheme:

- Jane Newman, Agent

Members agreed that they all liked the clever design of the application, however questioned its relationship to the host building. They made comments on it being confusing to look at and had concerns about the amount of glazing.

Members agreed that a site visit would be necessary to better understand the application.

A motion to defer the application pending a site visit was proposed, seconded, voted on and carried.

**RESOLVED:**

**To DEFER the application pending a site visit to enable members to assess the impact of the proposed development on the house and its landscape setting.**

**94/23 CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 - DEMOLITION OF FARM BUILDINGS AND THE ERECTION OF TWO NEW FARM BUILDINGS, WITH ASSOCIATED BUILDING OPERATIONS AT PUMP FARM, SCHOOL LANE, WARSLOW (NP/SM/0123/0037) /ALN)**

Some Members had visited the site the previous day.

Item 10 was presented at the same time as Item 11, but the discussion and votes were taken separately. Please see the full minute detail 95/23 below.

The proposal was moved, seconded, voted on and carried.

**RESOLVED:**

**To adopt this report 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 Pump Farm.**

**For the Peak District Dales SAC the development would contribute less than 1% of the critical load, so an appropriate assessment is not required. For the Peak District Moors SPA and the South Pennine Moore SAC the stage 2 assessment concludes that the proposals would have a positive effect on their integrity compared to the existing situation. 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.**

**95/23 FULL APPLICATION - DEMOLITION OF FARM BUILDINGS AND THE ERECTION OF TWO NEW FARM BUILDINGS, WITH ASSOCIATED BUILDING OPERATIONS AT PUMP FARM, SCHOOL LANE, WARSLOW (NP/SM/0123/0037) /ALN)**

Some Members had visited the site the previous day.

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

Members expressed some concerns over lighting and that the concrete panels could be seen from a long way away. Planning Officers confirmed that they could add a condition to make the concrete panels less obvious.

Members also said that they had witnessed lots of swifts while on the site visit and requested a condition for the development to be swift-friendly and in a way that this can be maintainable throughout the lifetime of the development.

A motion to approve the application subject to extra conditions about the visibility of the concrete panels and the swift-friendly nature of the development was proposed, seconded, voted on and carried.

**RESOLVED:**

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

- 1. 3-year time limit**
- 2. Adopt submitted plans**
- 3. Existing buildings to be fully removed prior to the new buildings being brought into use.**
- 4. Recommendations within the Arboricultural Method Statement at section 6 of the submitted Arboricultural Impact Assessment by Jon Coe Tree Consultancy Limited shall be fully adhered to. The new trees shall be an even mixture of whips, feathered trees, standard and heavy standards.**
- 5. The new tree planting as specified in section 6 of the submitted Arboricultural Impacts Assessment by Jon Coe Tree Consultancy Ltd shall be carried out in the first planting season following completion of occupation of the approved development (whichever is sooner). Thereafter any trees that die, or become seriously damaged or diseased, shall be replaced within the next planting season with new tree of an equivalent size and species or in accordance with an alternative scheme to be approved by the National Park Authority.**
- 6. With regard to bats, all works to be undertaken in accordance with section 4.4.2 of the submitted ecological appraisal.**
- 7. Before works commence on the infilling of the slurry store, details of a new pond on near the site to be submitted and agreed. Pond to be completed before the slurry store is infilled.**
- 8. Lighting strategy as detailed in section 4.4.2.3 of the ecological appraisal to be implemented**
- 9. Works on trees identified as having bat roost potential should be inspected prior to removal/disturbance by a suitably qualified ecologist.**
- 10. Works to take place outside of the bird breeding season unless otherwise agreed.**

11. **Ecological enhancement strategy, including amongst other things swift habitat provision, to be submitted, agreed and implemented.**
12. **Working Method statement in respect of Great Crested Newt to be submitted, agreed and implemented.**
13. **Timber space boarding on south east elevation of livestock building to be brought down to ground level.**
14. **Buildings to be removed when no longer required for the purposes of agriculture**
15. **Cladding to be brought further down to cover more of the concrete panels**

**96/23 ADVERTISEMENT CONSENT - 1 X FACE ILLUMINATED (CFF-850) LETTERS ON RAILS 1 X HALO ILLUMINATED (CFH-850) LETTERS ON RAILS, 1 X DOUBLE SIDED NON -ILLUMINATED PROJECTION SIGN, AT THE CO-OPERATIVE FOOD, MARKET STREET, BAKEWELL (NP/DDD/0323/0231), P.1030, RD)**

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

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

**RESOLVED:**

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

1. **Standard advertisement consent conditions**
2. **Illumination of sign 2 limited to opening hours only**

**97/23 HOUSEHOLDER APPLICATION - INSTALLATION OF 20 SOLAR PANEL ARRAY AT REAR OF HOUSE AT THE OLD VICARAGE, UNNAMED SECTION OF ROAD BETWEEN MAIN STREET AND OLD COALPIT LANE, CHELMORTON (NP/DDD/0622/0830, PM)**

Some Members had visited the site the previous day.

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

The following spoke under the public participation at meetings scheme:

- David Swindale, Applicant

Some Members suggested the breaking up of the panels rather than one solid block in order to reduce the visual impact of the development. The Planning Officer was unsure if this was technically achievable with solar panels and it was noted that this may affect the efficacy of the energy generation due to landscape constraints.

Some Members noted that to refuse the application was contrary to the Authority's position regarding climate change, and considered that the landscape and heritage impacts of the proposal were low enough to merit approval.

A motion to approve the application was proposed and seconded.

Members discussed ways to soften the visual impact of the development, namely some low-level planting (which was deemed to negatively impact the efficacy of energy generation by restricting exposure to sunlight) and the use of solar panels with a matte finish to reduce glare. The Planning Officer confirmed that matte finish solar panels are available and that this could be added as a condition, if Members were to approve the application.

The motion to approve the application subject to conditions was put to the vote and carried.

**RESOLVED:**

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

- 1. Statutory time limit**
- 2. Adopt plans**
- 3. Matte finish on the panels**
- 4. Panels are parallel to the ground**
- 5. Removed when no longer required for the purposes of energy generation**

**98/23 HOUSEHOLDER APPLICATION - PROPOSED REAR SINGLE STOREY EXTENSION AT HOLE FARM, ELKSTONES, LONGNOR (NP/SM/0523/0493, PM)**

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:

- Mr and Mrs Howard, Applicant – statement read out by Democratic Services

Members indicated some contradictions in the Key Issues section of the report which highlighted issues with neighbours and highway safety, namely that there were no neighbours for over 300 metres and that there was no highway anywhere close to the property. Planning Officers noted that these were set out as key issues typical to householder applications, but that those relating to the principle of the development, the impact upon the appearance, character and heritage significance of the property, and climate change mitigation were of most relevance in this case.

Members also questioned why the extension was necessary as this was not outlined in the report. Planning Officers advised that this had not been set out by the applicant, but was not a requirement for householder development to be supported in principle. Members agreed that the extension resulted in a confused appearance to the building.

The recommendation for refusal was moved, seconded, put to the vote and carried.

**RESOLVED:**

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

**The proposed extension, in its design, form and massing would not conserve or enhance the character, appearance, setting or significance of the non-designated heritage asset. As such the proposal conflicts with Development Plan policies GSP3, DMC3, DMC5 and DMH7.**

**99/23 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JULY 2023 (A1533/AJC)**

The report was introduced by the Monitoring and Enforcement Team Manager. He gave an update on case ref: 22/0040 - Cressbrook Dale and displayed 'before and after' photographs for two of the resolved cases, 23/0027 - Butterton Moor and 17/0053 – The Glen, Hollinsclough. He also drew attention to the improved performance on resolving enforcement cases and investigating enquiries within 30 days which was still below target but had improved since the previous year.

He corrected an error in the report. In the table following paragraph 9 where it reads 'Outstanding At Year End' should read 'Outstanding at End of Quarter', and the figures in the Enquiries – Outstanding at End of Quarter were back to front. Where it reads '243 (232)', it should read '232 (243)'.

The Chair gave a brief update on efforts to reduce the backlog of enforcement cases and how the pending organisational change seeks to address these issues which were caused by resourcing and staffing issues.

The recommendation was moved, seconded, voted on and carried.

**RESOLVED:**

**To note the report.**

**100/23 PLANNING APPEALS MONTHLY REPORT (A.1536)**

The recommendation was moved, seconded, put to the vote and carried.

**RESOLVED:**

**To note the report.**

**The meeting ended at 13:35pm**

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**5. 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 report was withdrawn from the Planning Committee in June so that officers could check the precise route of the existing track and the proposed works, particularly in relation to the designated areas. 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 and that the works would not harm the integrity of the designated areas. 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 from the applicants.
22. Natural England responded to the initial consultation but they were reconsulted following the deferral of the application from the June Planning Committee agenda and have now provided a similar, but slightly amended, response. The response is set out in the following report on the planning application, but the key response following the re-consultation is as follows:

*“Natural England concur with the conclusion of the current HRA assessment, which, after considering mitigation, states that the proposed development will not have any potentially significant impacts upon the SAC and SPA. Natural England are in agreement that likely significant effects on the above listed European sites cannot be ruled out without the need for mitigation and therefore an appropriate assessment is required. Where the mitigation measures suggested are secured as described, impacts on the SPA and SAC are*

*considered unlikely. Whilst we concur with the overall conclusion of the report, Natural England suggest that the HRA wording, currently relating to stage 2 of the HRA: appropriate assessment, could be revised to reflect the requirement of the appropriate assessment to assess the likely significant effects of a proposal on the integrity of the site(s) and their conservation objectives. The overall goal of an appropriate assessment is to identify whether a proposal, once mitigation has been considered, is likely to have an adverse effect on the integrity of the site(s) in question; this integrity is defined by the conservation objectives for the site(s)".*

23. 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.
24. In the latest response from Natural England, having reviewed the HRA Assessment set out in the report for the June Planning Committee, they say: *"Based on the current assessment of the impacts on the Dark Peak SSSI, with the integration of appropriate mitigation, Natural England considers that the proposed development will not damage or destroy the interest features for which this site has been notified and therefore has no objection"*.
25. The *"current assessment"* referred to was based on Natural England's initial response on the potential impacts, so these are set out in the following sections, together with the proposed mitigation.
26. The potential impact pathways which have been identified were 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.*
27. Given the proximity of the development to the designated sites, with the track running through parts of 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.
28. Natural England considered 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.

29. We agree with Natural England that provided mitigation is secured by planning conditions that any potentially significant impacts upon the integrity of 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**

30. 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.
31. At stage 2 of the HRA, we conclude that provided mitigation is implemented in full that any potentially significant impacts upon the integrity of 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.
32. The application proposal is therefore not considered to be contrary to the provisions of the Conservation of Habitats and Species Regulations 2019.

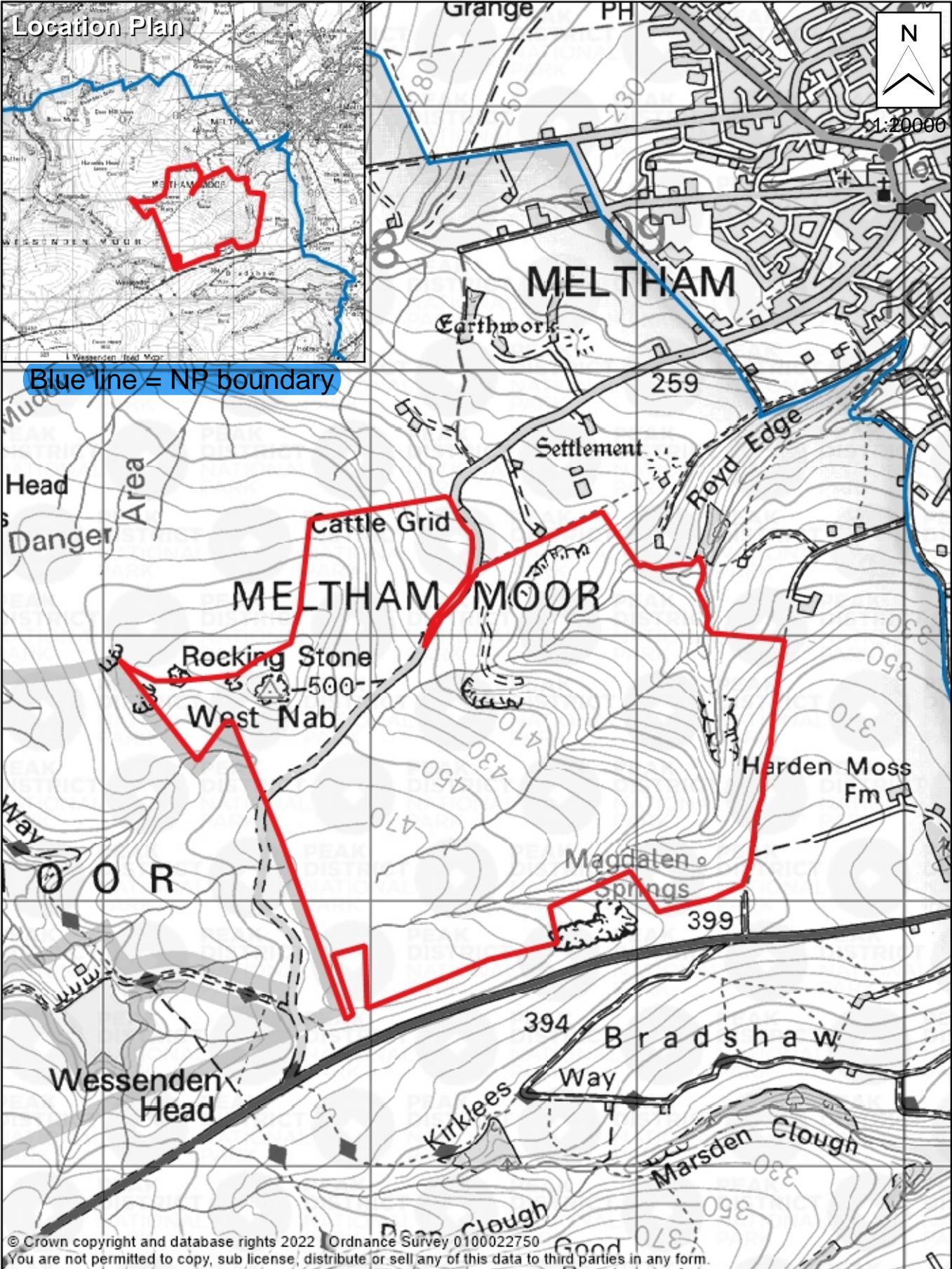
### **Human Rights**

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

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

34. Nil
35. Report Author: John Scott, Consultant Planner

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Committee Date:	08/09/2023	<b>Title:</b> Public Bridleway Meltham/50, Magdalen Road, Meltham Moor, Meltham	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 5 & 6		
Application No:	NP/K/0121/0026		
Grid Reference:	408446, 408609		

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**6. 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. The report was withdrawn from the Planning Committee in June so that officers could check the precise route of the existing track and the proposed works, particularly in relation to the designated areas. 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 the integrity of the 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. Following the deferral of the application from the June Planning Committee, the applicant's agent has clarified the location of the existing track and the proposed works. He says the proposed works are resurfacing the existing track with local sandstone, which is the same stone that the track was originally surfaced with. The works would be within the current boundary of the existing track and therefore, the work would not alter what is already on the ground. He says that there would be no effects on the appearance and character of the track as the finish will be two-wheel ruts with a vegetation strip down the middle. He also responds to the Authority's ecologist's queries, saying no habitat will be lost as the works are resurfacing an existing hardcore road; there seems to be a misunderstanding within the process where it is thought that the works will be outside of the existing boundary. The soil deposition which is referenced has been left when the Authority stopped the works from being completed. This soil would have been used on the track to maintain the character of the track. He does, however, question the need for planning permission for works to an existing track.
10. He also points out that his client has spent a considerable amount of money on conservation work for the surrounding habitat and he attaches further details setting out the conservation works that have taken place information. The original supporting statement also pointed 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.
11. 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.
12. 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.
13. 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**

14. 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.

15. It is understood that the applicants have served a section 56 Notice on Kirklees Council in respect of the bridleway. This is a noticed under Section 56 of the Highways Act, requiring the Highway Authority to repair any highway for which it is liable. Kirklees Council have confirmed that this is the case and support the works to the track (see below).

### **RECOMMENDATION:**

16. 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**

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

### **Consultations**

22. **Natural England**: Following the deferral of the application from the June Planning Committee Natural England were reconsulted on the application and the HRA assessment carried out by the Authority. They have now sent a revised response, as follows:

*“Based on the current assessment of the impacts on the Dark Peak SSSI, with the integration of appropriate mitigation, Natural England considers that the proposed development will not damage or destroy the interest features for which this site has been notified and therefore has no objection”.*

23. This refers to the assessment set out in the HRA appropriate assessment report to the

June meeting so it is necessary to refer to this. In Natural England's initial response they advised:

*"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.*

*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".*

24. *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.*
25. *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".*
26. Highway Authority: No reply (A response has been received from Derbyshire County Council, but the site is not within Derbyshire).
27. 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. Following the deferral of the application from the June Planning Committee the Kirklees Council Rights of Way Officer has provided additional information about the definitive right of way and this confirms that the established line on the ground does depart from

the line on the definitive map in some places, presumably because of topography. The Rights of Way officers confirm that they support the proposal for the repairs to the bridleway in its established location.

28. 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.*
29. Senior Archaeologist (PDNPA): No archaeology comments.
30. 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”.*

31. Ecology (PDNPA): Interim response (March 2023): *Holding objection This response is made without the benefit of a site visit and only from a brief assessment of the submitted information. To provide further informed advice and response it will be necessary to undertake a site visit.*

*The majority of the track length lies variably within and immediately adjacent to the SSSI (Dark Peak) and European designated sites (South Pennine Moors Special area of Conservation & Peak District Moors (South Pennine Moors Phase 1). The proposal has the capacity to result in permanent loss of designated and priority habitat and adversely affected adjacent habitat.*

*As an Authority we are required to undertake a Habitats Regulation Assessment (HRA). Natural England should be consulted on the proposals.*

A response has been requested on the latest information, but none received to date.

### **Representations**

32. The following representations have been received in response to public notification.
33. 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 it's 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”.*

34. 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”*
35. 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.”*
36. 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**

37. 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.
38. 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.”*

39. 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”.*

40. 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**

41. 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.

42. 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.

43. 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.
44. 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.
  45. 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.
  46. 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.
  47. 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).
  48. 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.
  49. Policy CC1 *Climate change and mitigation* requires that all development must build in resilience to and mitigate the causes of climate change.
  50. Development Management policies
  51. 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.

52. 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.

53. 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.

54. 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.

55. 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.
56. 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.
57. 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**

58. 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’.
59. 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.
60. 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.
61. 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.

62. 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; indeed, they still question the need for planning permission for works within the existing track. 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.
63. 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. Since the application was deferred from the Planning Committee meeting in June, additional information has been received from Kirklees Council’s Rights of way team which sets out the line of the definitive route. This appears to confirm that in some places the established route on the ground has moved slightly to the west over many years of usage, presumably because of the topography (a steep bank). However, the Council maintains its position that the existing track needs to be repaired and supports the current application. This is echoed by the response from the Authority’s Ranger Service and Rights of Way team.
64. Given that this is an existing public right of way, albeit with some deviations from the definitive map in some places, 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. A more recent response from the agent has set these works out in more detail and shows that they are extensive; the agent has made it clear that they do not intend to carry out any works outside the existing line of the track as this would damage the conservation works they have already carried out.
65. 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.
66. 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:**

67. 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

68. 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 where 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.
69. 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.
70. 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.
71. 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.

#### Biodiversity and Ecology

72. 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 integrity of the habitats and protected species.
73. 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.

74. 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. The holding objection from the Authority's Ecologist was based on the potential impacts on the integrity of the designated areas and it also recommended that Natural England should be consulted. This has been done (twice) and Natural England have confirmed that, subject to the proposed mitigation, there is no objection.

#### Access and Recreation

75. 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.
76. 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,
77. 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

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

#### Summary of Impacts

79. Landscape: There would be an impact on landscape character. However, this would be limited by following the route of the existing track. Nonetheless, the track cannot be regarded as a landscape improvement or enhancement measure as it is a man-made feature into the Natural Zone, which is also designated as an SSSI, SAC and SPA.
80. 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.

81. Archaeology: There would be no effect on archaeological and cultural heritage.
82. 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**

83. 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**

84. 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).
85. 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.
86. From a Habitat Regulations perspective, the accompanying report on Appropriate Assessment concludes that provided there is appropriate mitigation, there will be no unavoidable impacts on the integrity of the designated habitat and species. 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.
87. 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**

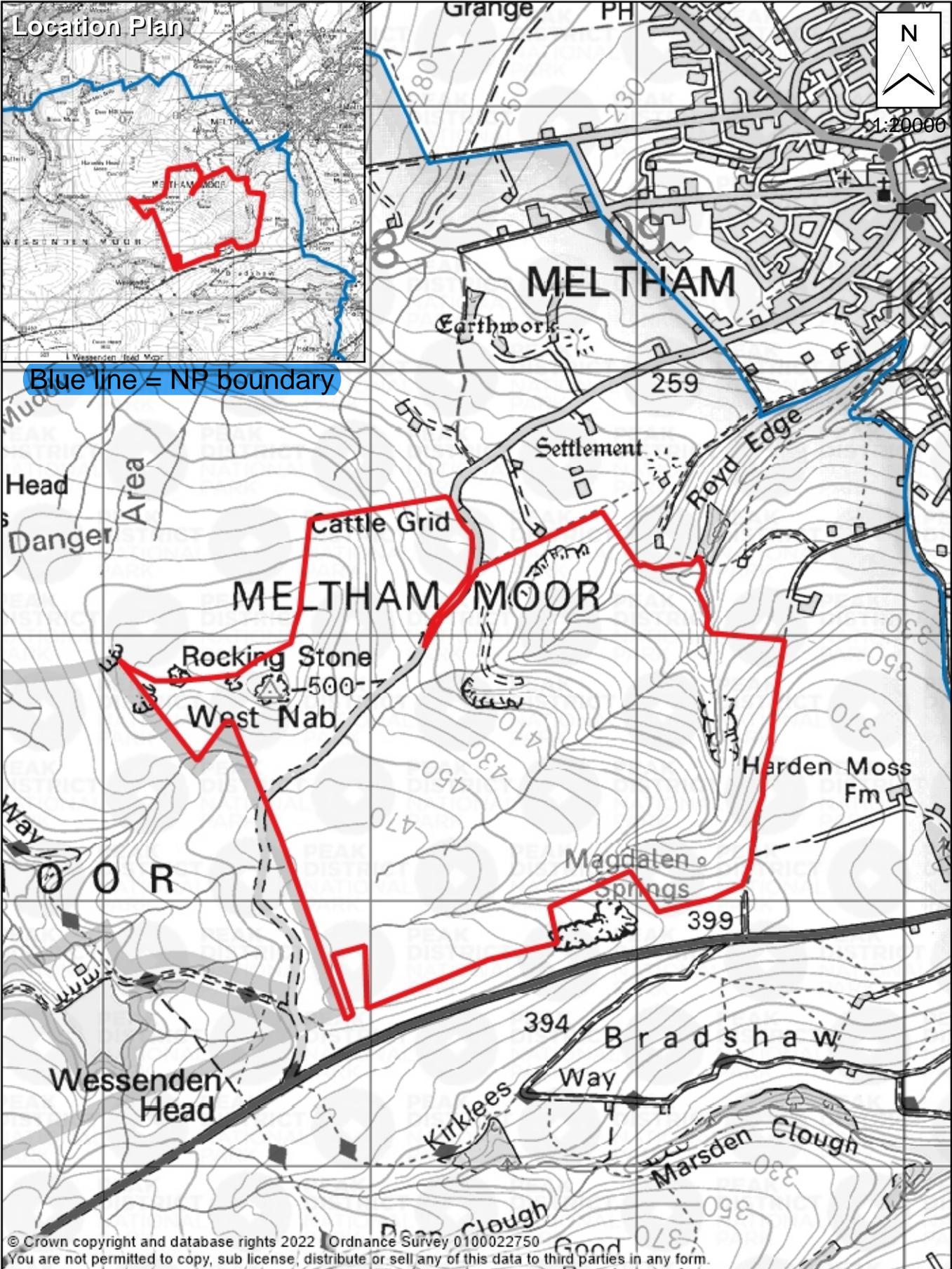
88. Any human rights issues have been considered and addressed in the preparation of

this report.

89. List of Background Papers (not previously published)

90. Nil

91. Report author: John Scott, Consultant Planner



Committee Date:	08/09/2023	<b>Title:</b> Public Bridleway Meltham/50, Magdalen Road, Meltham Moor, Meltham	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 5 & 6		
Application No:	NP/K/0121/0026		
Grid Reference:	408446, 408609		

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**7. FULL APPLICATION - CREATION OF VEHICULAR ACCESS FROM WOODHEAD ROAD. PARKING FOR ONE VEHICLE WHEN REQUIRED AND NEW DRY-STONE BOUNDARY WALL. REMOVAL OF BARB WIRE FENCING AND LEVELLING OF GROUND AT THE MISTAL BARN, 343 WOODHEAD ROAD, HOLME. NP/K/0421/0383 - JK**

**APPLICANT: MRS RACHAEL HODGSON**

**1. Summary**

2. Retrospective consent is sought for the change of use of a section of former woodland to additional residential curtilage associated with this converted barn and the creation of a second vehicular access and parking area off the main A6024 Woodhead Road.
3. There are no concerns about the visual impact of the access works upon the setting the barn or the street scene.
4. The main issue is highway safety. The access has inadequate visibility sight lines for emerging vehicles, a steep gradient off the highway, lack of on-site turning space or space to pull clear of the highway before opening the gate.
5. The application is therefore recommended for refusal on highway safety grounds.

**6. Site and Surroundings**

7. The Mistal Barn is a private dwelling located at 343 Woodhead Road some 400m west of Holme village. The property is a converted barn which is attached to the western end of the adjacent house, 341 Woodhead Road. The property is L-shaped in footprint, constructed from natural stone with a hipped stone slate roof and timber windows and doors. The north elevation, which is plainly detailed, backs directly onto the rear of the narrow footway to the busy A6024 Woodhead Road.
8. To the south the principal elevation is dominated by the projecting gable end of the rear wing which overlooks the garden. Due to falling site levels, this southern side is at a lower level than the road. There is also a detached small stone outhouse in the rear garden space and what would appear to be an unauthorised extension of residential curtilage into the adjoining field.
9. The West elevation of the converted barn forms the return leg of the L shape and extends back from the road incorporating the rear projecting gable. This elevation is also plainly detailed. A narrow side passage used to run down the side of this elevation and the boundary wall to the adjacent woodland to give pedestrian access to the rear of the house. However, the applicants purchased part of the adjacent woodland and moved the boundary wall back to create space at the side of the house within which they have formed a new vehicular access and car parking area.
10. This forms a second access and parking facility as the property already benefits from the approved access, parking and turning area created to the east of the property when the barn was converted. That approved space also includes garaging and a safe pedestrian route away from the road to the rear of the dwelling.
11. There is a further residential property situated to the East of the approved parking and turning area with open countryside situated beyond that to the village in the east. To the south and across the road north of the site is open countryside. To the west, immediately adjacent to the new access and parking area all is an area of woodland beyond which is a further dwelling.

## **12. Proposal**

13. Although the application description is 'Creation of vehicular access' the work had already been completed by the time the application was made and hence the application is seeking retrospective planning permission for the change of use of this land and to retain the vehicular access, parking area and groundworks.
14. The application description also states 'parking for one vehicle when required' however the site provides parking for two vehicles.

## **15. RECOMMENDATION:**

16. That the application be **REFUSED** for the following reason;

**Highway safety grounds – Emerging visibility for drivers is obstructed by the house, boundary walling and street furniture such that the minimum emerging visibility splays are not achievable. Furthermore, the lack of a dropped kerb, the steep gradient of the access, inadequate on-site turning space and lack of space to pull off the highway before opening the gate means that continued use of the access would be prejudicial to both Highway safety and for those users of the access. Consequently, retention would be contrary to policies DMT3 and DMT8 and the NPPF.**

## **17. Key Issues**

18. The impact of the access and parking area upon the character, appearance and setting of the barn conversion and local street scape.
19. Whether the access would meet the required highway safety requirements in terms of geometry, gradient and emerging visibility to be safe for all highway users and occupiers.

## **20. History**

21. 2006 – Approval under NP/K/1005/0999 for 'extensions and remodelling of 2 dwellings and addition of new car barn'.
22. 2018 – Approval for rear extension to the dwelling NP/K/1018/0927. Lapsed.
23. 2019 – Work is stated to have commenced on 1<sup>st</sup> March upon the construction of the access and parking area.

## **24. Consultations**

### **25. Kirklees MBC Highway Authority**

26. Initial response – *"Given the above nature of the application, we have no comments to make.*
27. Officers therefore went back to KMBC requesting a specific comment on the highway safety implications of the development and received the following updated response – *"given the nature of this application it is not appropriate for us to comment upon. However, I would like to provide the following advisory comments: -*

28. *Given that Woodhead Road has a speed limit of 30mph. The required visibility tangent of the proposed drive should be  $x= 2.4$  by  $y=45m$ . Furthermore, a sight stopping distance/forward visibility to the driveway from both directions of Woodhead Road should be a minimum of 45m;*
29. *Further to a desktop review, the required visibility tangent and sight stopping distance is not achievable given the existing alignment of the road and highway features;*
30. *It is advised that a road safety audit should be carried to see if any mitigation could be provided or relaxation be applied given it is a driveway and not a formal junction."*
31. The applicant has indicated to officers that she would seek such an audit in time for the committee as she considers the access to be safe. At the time of drafting the report none had been received.
32. Kirklees MBC Planning – No response.
33. Holme Valley Parish Council – Support

#### **34. Representations**

35. There are four letters in support of the application making the following summarised points where they are material to the application itself;
- (i) The woodland is not damaged by the application and views of it are not affected.
  - (ii) Wide access splays are not necessary, a driver can see the road in both directions.
  - (iii) This part of Woodhead Road can be busy with cars travelling fairly fast despite the speed limit in place.
  - (iv) Parking cars directly on the road is a risk when loading and unloading small children.
  - (v) It is also difficult to gain access safely to the grazing at the rear of the property with large animals such as horses without suitable off-road parking.
  - (vi) It is far better for our business to not have cars parked on the road. Our children and local children need the roads/pavements to be clear when walking to the primary school, visiting friends and Holme village. When cars are parked it makes it dangerous for young families, elderly, disabled, pushchairs, walkers etc .
  - (vii) The access has not been a problem for a number of years.
  - (viii) We have planning approval for an extension to the property which will provide us with residence. We are in our mid 70s and presently help with our young grandchildren, being able to get them in the car safely by backing into the driveway is paramount to us....it is much safer to be off the road and near to the house....not only vehicular access but also for our livestock as we have Horses, ducks and chickens and this provides a way through to the pasture at the back of the house. There are no problems with visibility and we have been using the access for many years. We wish to commence building in the near future and the approval of this access would be a benefit to ourselves and immediate

family and livestock.

*Officer Note; Planning permission was granted for an extension to the house to provide additional living accommodation and is expressly conditioned not to be a separate unit of accommodation. Work never commenced and consent therefore appears to have lapsed in 2021.*

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

37. 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.
38. 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.
39. The National Planning Policy Framework (NPPF) has been revised (2021). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
40. Paragraph 111. States that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

### **41. Main Development Plan Policies**

#### **42. Core Strategy**

43. 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.
44. 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.
45. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements but allows for extensions to existing buildings in the open countryside outside of the natural zone
46. 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.

47. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
48. Policy T7B states; 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.

#### **49. Development Management Policies**

50. DMC3 Siting, design, layout and landscaping

51. This states that:

A 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.

52. It goes on to state in B. that particular attention will be paid to a number of detailed design. Layout and landscaping consideration which include the following relevant matters (summarised)

53. siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting which contribute to the valued character and appearance of the area; and

54. the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality; and

55. access, utility services, vehicle parking, siting of services, refuse bins and cycle storage; and

56. visual context provided by the Landscape Strategy and Action Plan, strategic, local and other specific views including skylines; and

57. the principles embedded in the design related Supplementary Planning Documents and related technical guides.

58. Policy DMC13 Protecting trees, woodland or other landscape features put at risk by development

59. This states that:

A. Planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' or equivalent.

B. Trees and hedgerows, including ancient woodland and ancient and veteran trees, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Other than in exceptional circumstances development involving loss of these features will not be permitted.

C. Development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and/or other features as part of the development proposal.

D. Trees, woodlands and other landscape features should be protected during the course of the development

60. Policy DMT3 Access and design criteria

61. Where new transport related infrastructure is developed, it should be to the highest standards of environmental design and materials and in keeping with the valued characteristics of the National Park.

62. 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.

63. Particular attention should be given to the need for the retention and where possible enhancement of hedges, walls and roadside trees. Where a proposal is for a new access to improve a substandard access, a condition will be applied requiring the substandard access to be closed up in an appropriate manner, which where possible enhances the streetscape.

64. Appropriate and sympathetic measures, including wild bridges or cut and cover tunnels, will be provided where transport infrastructure results in wildlife severance.

65. DMT8 Residential off-street parking

66. This states that;

67. Off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere. Full details of the appropriate range of parking provision for residential developments can be found within the Parking Standards at Appendix 9.

68. B. Off-street car parking space provided as part of a development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.

69. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas

70. Supplementary Planning Documents

71. The National Park Authority has a Transport Design Guide prepared this Supplementary Planning Document to provide guidance to supplement the policies in the Development Plan which seek to guide the design of transport infrastructure within the Peak District National Park.

72. In respect of access para 9.31 states that the geometry of the access should be determined by likely vehicle usage, and guidance is provided in the Government's Manual for Streets which sets out guidance for visibility splays and generally for a section of road like this these would be 2.4m set back by 43m minimum in either direction or longer if traffic speeds on average are higher despite the 30mph.

### **73. Assessment**

#### **74. Principle of Development**

75. When planning permission was granted for the creation of this house by conversion of the former barn it also granted permission for an access, space for off road manoeuvring, parking and garaging space. This is subject to a condition requiring the area to be maintained free from any obstruction to its use at all times for this dwelling along with similar provision for the adjacent house.

76. The property is therefore already served by a suitable safe access and adequate off-road parking and garaging in accordance with our policies. There is therefore no overriding need on highway safety grounds for a second access. Nevertheless, our policies DMT3 and DMT8 do allow in principle for new off-street parking but only where *'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.'* And meets the normal high standard of design layout and landscaping required by Policy DMC3.

77. The key issue in the determination of this application is therefore firstly whether the access is safe and secondly the impact of the works to open up the access and parking area upon the setting of the barn conversion and the character and appearance of the street scene.

#### **78. Highway Safety Considerations**

79. Officers have a number of safety concerns about the formation and use of this access. Firstly, it has been created without dropped kerbs and crosses a very narrow footway before the driveway inclines down a steep gradient to the parking area. More importantly, there is inadequate manoeuvring space within the site to enable vehicles to turn before emerging back onto the highway.

80. Therefore, if having entered in forward gear, getting back onto the highway would involve a dangerous and difficult reversing manoeuvre onto the highway with the driver having no visibility of on-coming traffic.

81. As a result, it is more likely that the applicants reverse vehicles into the site. However, this involves stopping on this busy highway to then swing back into the site with an awkward reversing manoeuvre bumping over the raised kerb and then backing down the sloping drive. Furthermore, as the gate across the drive is set at the back of the footway so there is no space to pull clear of the highway in either scenario when the gate is shut resulting in further waiting time on the busy highway.

82. Having carried out the awkward manoeuvre of waiting and then turning on the highway to back into the site, upon re-emerging the driver's visibility of on-coming cars, particularly in the critical direction facing Holme is obstructed by the house and

particularly the raised stub walls either side of the pedestrian gate. The minimum splays are 2.4m x 45m to meet highways requirements which are simply not achievable.

83. In the other 'non-critical direction' visibility is obstructed by the woodland and its boundary wall as well as the presence of a telegraph pole (and frequent bin storage within the narrow footway) close to the access. Whilst it should be possible to have the telegraph pole relocated and perhaps reach agreement with the adjoining land owner over cutting back the trees alongside setting back the walling to improve visibility in one direction the other direction will always remain extremely poor. This is because even if the stub walling and pedestrian gate were moved back to behind or flush with the house wall, this would still leave the house itself remaining as an unmovable obstruction blocking visibility and any chance of achieving the required minimum visibility splays.
84. Consequently, officers can only conclude the proposal is not acceptable on highway safety grounds and is therefore contrary to policies T7B, DMT3, 8 and the NPPF para 111 and guidance within the PDNPA Transport Design Guide.

### **85. Design and Appearance**

86. The pedestrian access off the back of the footway at the corner of the house has been retained. This gives access to steps down to what was formerly the narrow side passage between the house and the boundary wall to the adjacent woodland. A new gate has been fitted flanked by two short sections of stub drystone walling sitting forward of the main wall of the barn which are around 1.2-3m tall and which therefore obstruct emerging visibility.
87. The former boundary wall between the side passage and the woodland has been relocated farther back from the house and the area cleared of trees to create space for the driveway which slopes quite steeply down from the road to space where the owner parks up to two vehicles.
88. The sloping section of the driveway (around the first 5m) is bound with tarmac with a line of setts bounding/marketing the transition between the back of the footpath and the edge of the drive/curtilage. The entrance is also fitted with a timber field style gate at the entrance flush with the back of the footway and there are no dropped kerbs at the roadside edge for the footway crossing.
89. The bottom section of flatter driveway forms the parking area and is surfaced with loose gravel. A gate off the bottom of this leads to the agricultural land beyond.
90. The two raised sections of flat-topped stone stub walling flanking the pedestrian gate, although formed in natural drystone walling, appear as overly prominent and somewhat incongruous gate posts in this location. A combination of their size, projection in front of the house and their flat-topped design does makes them appear somewhat out of place and not reflective of the local walling tradition.
91. Apart from the somewhat incongruous gate posts which could easily be rectified by relocating them back a short distance and topping them with traditional half round coping stones there are, on balance, no concerns about the visual impact of the access and driveway works upon either the character and setting of the barn conversion or the street scene. Nor are there any wider landscape impacts as the proposal is only visible along a short distance of the Woodhead Road

### **92. Amenity Impact**

93. The works are some distance from other residential property so there are no concerns about impacts upon any neighbouring amenity

**94. Impact upon trees/wildlife**

95. No tree report has been submitted. There has been a small loss of trees and habitat when the woodland was cut back to form the wider curtilage. It is not known how many trees were removed and given the work was done between March and September it likely caused some disturbance to wildlife when the work was carried out. Although this clearly has had a negative impact on this small section of woodland it represents only a small part of a much larger block which still remains.

96. The applicants own the adjoining land to the south so had the application been acceptable in other respects then compensatory planting/habitat creation to mitigate the loss of trees and impact upon biodiversity could have been sought.

**97. Environmental Management**

98. None is proposed given the nature of the application.

**99. Conclusion**

100. On balance, there are no concerns about the visual impact of the access works upon the setting the barn or the character of the street scene.

101. The main issue is highway safety. The access is unsafe to use because of inadequate visibility sight lines for emerging vehicles, the steep gradient off the highway and lack of dropped kerbs, on-site turning space or space to pull clear of the highway before opening the gate.

102. The application is therefore recommended for refusal on highway safety grounds contrary to adopted policies T7, DMT3, 8 the NPPF para 111 and our own Transport Design Guide SPD.

103. If the application is refused by the Planning Committee then enforcement action will need to be pursued to firstly ensure closure of the vehicular access and reinstatement of the roadside boundary walling as soon as practicable. As the additional land appears now to be owned by the applicant it would then be open to them to either reinstate the woodland or submit a fresh planning application and seek consent to retain the land as additional garden land with mitigation proposals to offset the lost trees and woodland habitat.

**104. Human Rights**

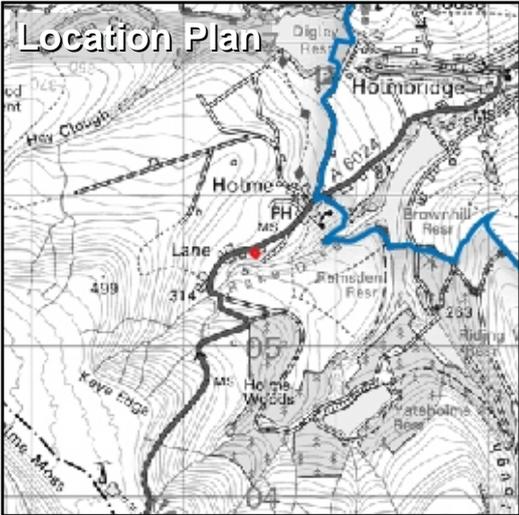
105. Any human rights issues have been considered and addressed in the preparation of this report.

106. List of Background Papers (not previously published)

107. Nil

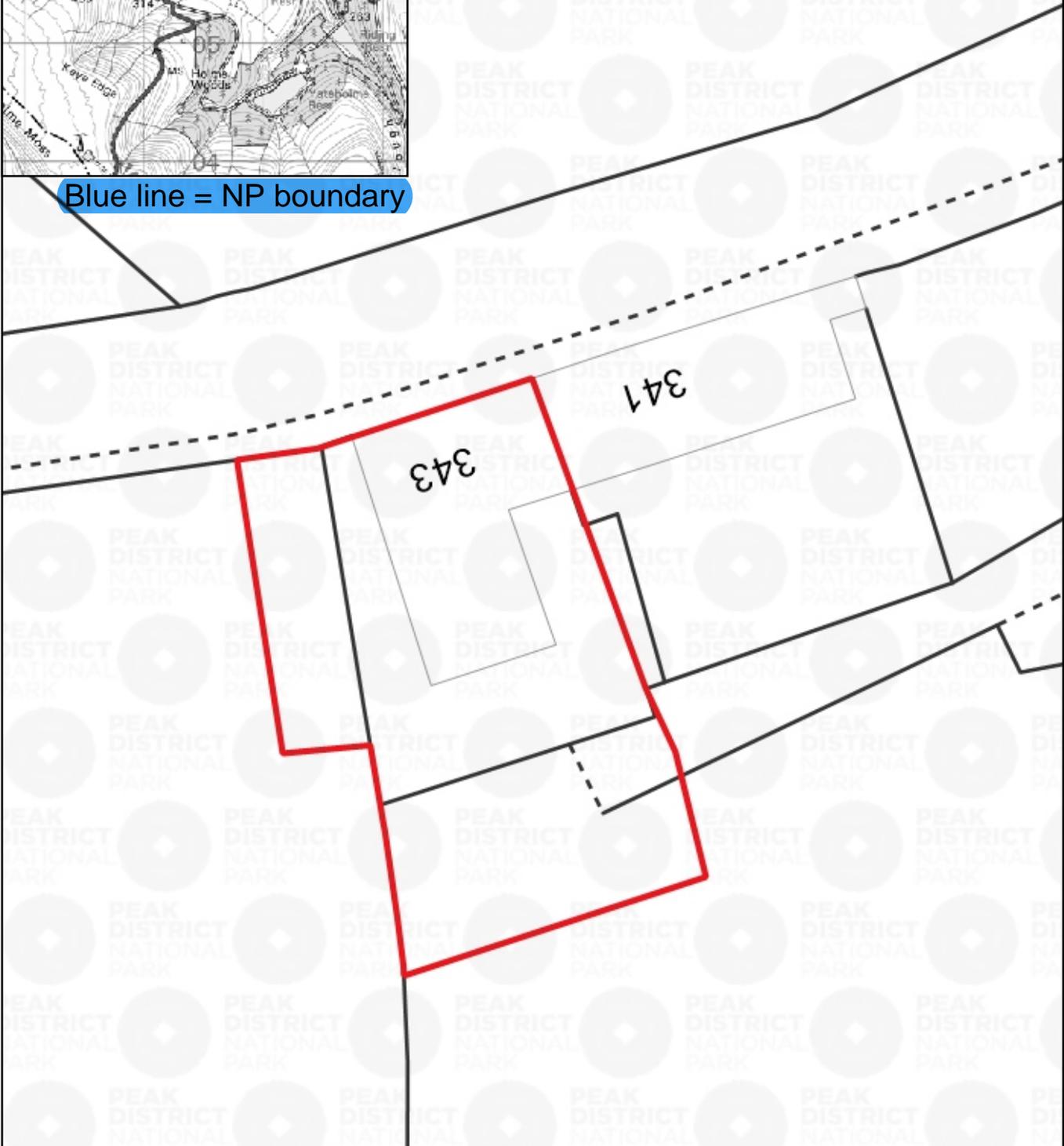
108. Report author: John Keeley – North Area Planning Team Manager

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Blue line = NP boundary



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Committee Date:	08/09/2023	<b>Title:</b> Mistal Barn, 343 Woodhead Road, Holme	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 7		
Application No:	NP/K/0421/0383		
Grid Reference:	410455, 405607		

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**8. FULL APPLICATION – NEW FORESTRY BUILDING ON LAND OFF A625, FROGGATT BRIDGE CALVER.(NP/DDD/0623/0604 Grid Ref 375562.895792) (AS).**

**APPLICANT: MR O WELLS**

**Summary**

1. The Application proposes a new building to store tools and machinery on land which has been recently cleared of trees. The tools and machinery would, according to the Applicant, be used to replant trees and manage the existing woodland within the wider site. There is no evidence the Applicant is licensed to fell trees or otherwise runs a commercial forestry operation from the site.
2. The proposed building would replace several existing structures, which are unlawful – having been constructed without the benefit of planning permission. There is no evidence to suggest that said buildings have become lawful by way of the passage of time.
3. During the consultation period, the Authority received 4 representations objecting to the application and 8 letters of representation in support of the application.
4. Officers are concerned about the lack of any demonstrable need for the structure on the site and about potential landscape impacts.
5. The application is recommended for refusal.

**Site and Surroundings**

6. The application site (the “site”) stands to the west of the A625 on ground which slopes away from the road. The wider site is broadly characterised by its wooded character, and groundcover and its steeply sloping topography - towards the river Derwent – to the west. The part of the site that is most visible lies adjacent the A625; has been cleared of trees and is now characterised by an area of exposed grassland with only some scattered trees remaining. The boundaries of this grassed area are planted with immature hedgerow and marked by post and wire/mesh fencing.
7. The site terminates at its western extent alongside the Derwent Valley Heritage Way (a Public Right of Way (“PROW”)) and is separated from it by post-and-wire fencing.
8. Forming part of an irregular shaped section of woodland, any sense of the site’s wider extent is highly limited by weak boundaries, scattered shrubs and sudden variations in topography.
9. The National Park Landscape Strategy identifies the character of the area as *Riverside meadows*; a landscape characterised by *meandering rivers* and *tightly framed riverside trees* interspersed with *grazing meadows*, with *patches of wet grassland* in places steeply sloping topography with an interlocking pattern of fields and *blocks of woodland both ancient and secondary*.
10. There are 9 structures within the site, 8 of these are sited linearly, against the eastern boundary of the site. The structures are made of timber with the exception of a single shipping container, approximately 12m in length, painted in a dark green colour and covered in camouflage netting. The container is used to store tools while the wooden structures are used to store and season timber. One structure has been built to function as a bar / recreation space.
11. All structures are utilitarian in design, with limited detailing laid out on simple, rectangular plan forms. The timber structures sit beneath corrugated metal roofing,

and are placed atop small stone plinths. The Shipping container sits atop a breezeblock base. As stated none of the structures benefit from the grant of planning permission.

12. The site's setting is characterised by an absence of built development within the immediate vicinity. The closest building to the site is *Barn Close*, a large 1930s detached dwelling on Riddings Lane, approximately 150m east of the site and heavily shielded from views along the A625 by trees and groundcover.
13. There is frequent traffic movement past the site along the route of the A625. Views onto the cleared section of the site are readily available from the road. Otherwise the roadside drystone wall enclosure and tree line is irregular only occasionally opening to reveal views towards/of the site (experiencing seasonal variations in levels of screening).
14. Due to the change in ground levels at this point along the A625, the existing buildings themselves are largely invisible from the highway.

### **Proposal**

15. The building proposed as part of the application under consideration is intended to replace all of the existing structures which currently stand within the site. The building would consist of a single, rectangular structure sitting beneath a pitched roof, standing at a height of approximately 3.25 metres from ground level to ridge. The east and west elevations would run parallel to the road and measure approximately 10.4m in length. In terms of its depth the building would span approximately 4.5m, thus creating a footprint of approximately 46.8m<sup>2</sup>.
16. The building would sit on even ground at a level some 2.5 metres below that of the highway. The east elevation would sit closest to the eastern site boundary, approximately 4 metres from the highway and 1.5 metres from the drystone boundary wall which separates the site from the A625.
17. The building would be constructed from limestone rubble at its base with timber panels, vertically clad, at the upper wall level. The roof would be constructed from sheets of an unspecified material and would be fitted with four polycarbonate rooflights to the west facing roof slope. A large 2.4m x 3m entrance door is to be provided to the south elevation and a second, smaller, door is to be provided at the northern end of the west facing elevation.
18. No alterations or amendments to the existing parking or access arrangements are proposed.
19. As stated the building would provide secure storage for the Applicant's tools, machinery and dry storage for the seasoning of timber.

### **RECOMMENDATION:**

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

1. **Due to a lack of any demonstrable need, the justification provided alongside the application is considered inadequate.**
2. **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**

20. The key issues are whether the development is considered to be necessary, and the effect on the character and appearance of the site and its wider landscape setting.

## **History**

21. 2021 – 2022 Several enquiries from the public about unauthorised work taking place with digger on site, stone and tree clearance, concerns about potential uses.
22. 2023 – Open enforcement case (23/0060) relating to further clearing taking place. No tree planting work taking place to restore what was taken down last year. Unauthorised buildings.

## **Consultations**

23. Derbyshire County Council Highways – No Objections.
24. Derbyshire County Council Flood Team – No response.
25. Peak District National Park Rangers and Ecology – No response.
26. Derbyshire Dales District Council – No response.
27. Curbar Parish Council – No response.
28. Froggatt Parish Council – No response.

## **Representations**

29. 12 representations have been received. Of these representations; 8 comprise letters of support and 4 comprise letters objecting to the proposed development.
30. The letters of support outline the following benefits of the scheme:
  - The structure would be an improvement to the existing container on the site
  - The structure will allow for better maintenance of the public right of way and local habitats
  - The structure would enhance the site
  - The structure will allow the Applicant to continue to better manage the site
  - The structure would facilitate biodiversity enhancement
31. The letters of objection outline the following concerns with the proposed development:
  - The small area of land does not justify the size of the proposed structure
  - It is not clear whether the Applicant possesses a felling license
  - Similar applications have been refused nearby
  - The structure would be visible from the A625 and riverside footpath
  - Habitats and species have been degraded due to the works already undertaken on the site
  - The application, as it stands, lacks the information necessary to justify the proposed structure
  - The materials proposed are unnecessary and unsustainable
  - The existing buildings are adequate for the size of the land being managed
  - The extent of what the building will be used to store is unclear from the information submitted

## **Main Policies**

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1.

Relevant Development Management policies: DME1, DMC3, DMC13.

## **National Planning Policy Framework**

32. 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.

33. 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.*

34. 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*
- (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

## **Core Strategy**

35. 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 promotes sustainable development; and seeks to avoid major development unless it is essential. The need to mitigate localised harm where essential major development is allowed is also material in the context of GSP1.

36. Policy GSP3 sets out the National Park's development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings. Amongst other things it expects that particular attention should be paid to the impact of development on the character and setting of buildings, and it expects that development will, in terms of its scale, be appropriate to the character and appearance of the National Park. Policy GSP3 also

expects the design of development to accord with the National Park Authority Design Guide.

37. Policy DS1 establishes the kind of development considered acceptable in the National Park, in principle, *in all settlements and areas outside of the 'Natural Zone'*. DS1 (C) states that development for agriculture and forestry in the countryside outside the Natural Zone will be acceptable in principle.
38. 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 states that other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

#### Development Management Policies

39. Development Management Policy DMC3 expects that the detailed treatment of development, where it is acceptable in principle, will conform to a high standard in the interests of respecting, protecting and where possible enhancing the attributes which contribute to the landscape's distinctive sense of place. According to DMC3, B. (vi) and in the case of ancillary buildings, *particular attention is to be paid to the detailed design of existing buildings*. In accordance with DMC3 (vii) *amenity, privacy and security of the development and other properties that the development affects*.
40. Development Management Policy DME1 deals specifically with agricultural and forestry development, stating that forestry buildings and *associated working spaces* can be supported provided that it is demonstrated the *scale [of the development] 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.*

The Policy also states that new *forestry buildings, structures and associated working spaces should:*

- (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.*

41. Policy DMC13 outlines the measures that need to be incorporated into planning applications for proposals that affect trees. It states that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly assessed. The policy goes on to state development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved, the onus is on the applicant to justify the loss of trees as part of the development proposal.

### **Supplementary Guidance**

42. The Peak District have an Agricultural Developments SPG adopted in 2003. It offers guidance to applicants in preparing applications for agricultural development and forestry development. It sets out further guidance on what information is required as part of any submission for operational development in connection with agricultural and forestry uses. The information *required in all cases* is as follows:
- *Location and size of farm;*
  - *Type of agriculture practiced on the farm;*
  - *Intended use and size of proposed building;*
  - *Intended location and appearance of proposed building.*

### **Assessment**

#### **Principle of the development**

43. Core Strategy Policy DS1 establishes that, in principle, development for agriculture and forestry in the countryside outside the Natural Zone will be acceptable.

#### **Justification of Need**

44. Policy DME1 goes on to state that this should only be considered the case where such buildings are *demonstrably required*. The Policy also requires that, before new 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.
45. The application site itself encloses approximately 4.2 acres of woodland with the existing structures on the site isolated from any nearby built form. Besides the existing structures, which have been erected without the benefit of planning permission, the site is free from any built development and ahead of the erection of the existing structures there is no evidence to suggest that any permanent structures had ever stood within the site.
46. The application is supported by a Design and Access Statement within which, as per the requirements of the Agricultural Developments SPG, the Applicant has provided information regarding the *intended use and size of the proposed building*; its *location*; and information necessary to assess its *appearance*.
47. In addition, the Applicant would like it known that they have been clearing the site of debris, which they claim is a legacy of the previous use of the land for the purposes of tipping. For the avoidance of doubt, there is no evidence to support the claim that any past use of the site for the purposes of tipping was lawful.
48. Whilst the Applicant is clear that the building would be used for the storage of tools, timber and machinery, no further detail has been provided as to the nature of the machinery and why it is necessary to store this on-site. Regardless, there is no evidence that the Applicant holds a felling license or otherwise runs a commercial forestry operation from the site, and so there is no evidence that the building is

*demonstrably required*. The proposal is not therefore considered to be Policy DME1 compliant.

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

49. 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 and forestry buildings.
50. In so far as it is relevant to the matter in hand and as already stated Policy DME1 B requires new forestry buildings, where such buildings are *functionally required* to support an existing forestry function, to:
- (i) *relate well and make best use of existing buildings, trees, walls and other landscape features;*
  - (ii) *not be in isolated locations requiring obtrusive access tracks, roads or services*
  - (iii) *respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area*
  - (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*
  - (vi) *avoid harm to the setting, fabric and integrity of the natural zone.*
51. As stated, Policy DMC3 provides guidance on the siting, design, layout and landscaping of development, where said development is considered to be acceptable in principle. As officers have pointed out, there is no evidence to claim that the development, is *demonstrably required*, and as such it cannot be said that the development is acceptable in principle. Regardless, where the principle of development is established DMC3 advises *Particular attention will be paid to;*
- (i) *Siting, scale, form, mass, levels, height and orientation in relation to ... impact on open spaces, landscape features and the wider landscape setting which contribute to the valued characteristics and appearance of the area.*
52. Policy DMC13 requires planning applications to be supported by sufficient information so that their impact on *trees, woodlands and other landscape features* can be adequately assessed.
53. The building would replace several existing structures, all of which have been erected without the benefit of planning permission. The question of the lawfulness of these structures is a matter which falls for consideration to the PDNPA's Monitoring and Enforcement Team and one which is set to be investigated outside of the determination of this application. As it stands, there can be no immediate claim that the existing structures are lawful, and so the weight to be given to their presence, as a material consideration, is limited.
54. There is no suggestion that additional trees would have to be felled to accommodate the development, however it is clear that the Applicant does intend to undertake additional tree felling within the site.
55. The site is otherwise free from any other form of built development and is some distance from any other building or settlement. It is not connected to nor does it have a relationship with an existing farmstead.
56. There is a claim to say the proposed building has been designed, in terms of its form

and appearance, in a manner that is sympathetic to the rural character of the site, and views of the building, from within the public domain, would be mitigated to some degree by the presence of existing trees and boundary treatment; and whilst it is noted that the Applicant would *'be willing to carry out any landscape scheme specified by the PDNPA... to protect the amenity and privacy of the site and area'*, it remains the case that the fundamental undeveloped character of the site, in its original form, would be adversely affected by the development resulting in harm to landscape character.

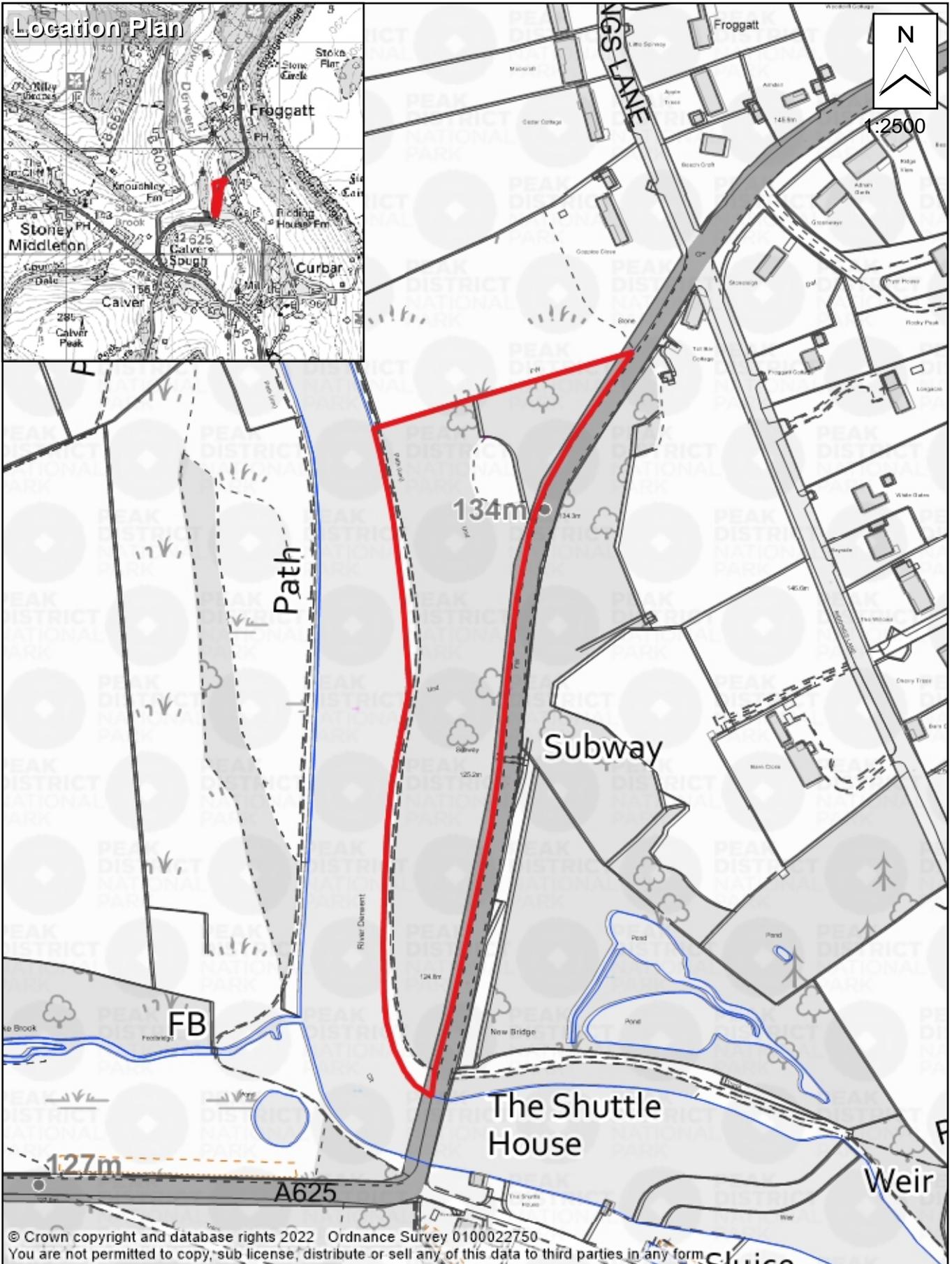
57. Ultimately, it is considered that the building's presence (and particularly its scale and form), as an isolated structure within a clearing on a site that is otherwise heavily wooded would have a significant, harmful, impact on the immediate character and visual amenity of the site and its wider landscape context.
58. Weighing everything in the balance, and in the absence of any demonstrable need, the proposals fail to comply with Policies GSP3, L1, DMC3, DMC13 and DME1.

### **Conclusion**

59. It has not been demonstrated by the Applicant that the proposed building is *functionally required*. Regardless, it is considered, weighing everything in the balance, that the development would have a significantly adverse impact on the site and the valued characteristics of the site's wider landscape setting. As a result, the application is contrary to policies L1, GSP1, GPS3, DME1, DMC3, DMC13 and paragraph 176 of the NPPF.
60. It is therefore recommended that the application be refused and that the PDNPA's enforcement officers investigate the matter of the lawfulness of the existing structures on site as a next step, taking any action thereafter which might be deemed appropriate, including seeking to have the existing structures removed.

### **Human Rights**

61. Any human rights issues have been considered and addressed in the preparation of this report.
62. List of Background Papers (not previously published) Nil
63. Planning Officer – Aslan Saylam (consultant planner)



Committee Date:	08/09/2023	<b>Title:</b> Land off the A625 Froggatt Bridge, Calver	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8		
Application No:	NP/DDD/0623/0604		
Grid Reference:	424408, 375562		

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**9. FULL APPLICATION – PROPOSED AGRICULTURAL BUILDING TO HOUSE LIVESTOCK AND ISOLATION UNIT ON LAND NORTH OF LITTON DALE ROAD, LITTON DALE. (NP/DDD/1222/1583, SC)**

**APPLICANT: MR R BAKER**

**Summary:**

1. The application seeks permission for the erection of a modern agricultural building and associated hardstanding in an isolated location away from the main farmstead.
2. The key consideration is the potential impact on the character and appearance of the landscape.
3. It is considered that the building would have a harmful visual impact on the valued characteristics and appearance of the locality and the wider open landscape setting of the National Park. The application is therefore recommended for refusal.

**Site and Surroundings**

4. The application site is the south-east corner of a strip field off the north side of the Litton Dale road, approximately 160m east of the junction with the B6049.
5. The strip field is some 300m north of the main farm group which is positioned at a higher level on the limestone plateau above the east side of Tideswell Dale, bordering the Wye Valley Site of Special Scientific Interest and Peak District Dales Special Area of Conservation to the west.
6. The applicant farms 95 acres, from the farm base which includes the yard and range of existing portal frame buildings on the opposite side of Litton Dale. Stock levels are approximately 150 sheep plus their followers, a herd of 30 suckler cows and their followers, and 60 young stock being finished.
7. The nearest neighbouring property is Dale View, just over 100m to the west.

**Proposal**

8. The erection of a mono-pitched roof agricultural building to house livestock and store fodder and serve as an isolation unit if required.

**RECOMMENDATION:**

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

9. **The building and associated hardstanding, by virtue of their isolated siting and appearance, would have a significant and adverse visual impact harming the valued characteristics and appearance of the landscape and the wider scenic beauty of the National Park.**

**The proposal is therefore contrary to the landscape conservation objectives set out in the NPPF and the Authority's Development Plan Policies: Core Strategy GSP1, GSP2, GSP3, DS1 & L1 and Development Management Policies DMC3 & DME1.**

### **Key Issues**

10. Principle of development.
11. Potential impact on the character and appearance of the area.
12. Potential impact on residential amenity and highway.

### **Relevant history**

13. None, however, there is an extensive history of applications for agricultural development at the applicant's farmstead.

### **Consultations**

14. Highway Authority - No objections.
15. Parish Council - No objections, support the application for the requirements of the applicant.

### **Representations**

16. None received.

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

17. 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.
18. In particular Para: 176 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
19. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
20. 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**

#### **Relevant Core Strategy (CS) policies:**

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

23. DS1 - *Development Strategy & L1 - Landscape character and valued characteristics*, both support agricultural development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site, paying particular attention to impact upon the character and setting of buildings and siting, landscaping and building materials.
24. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

#### Relevant Development Management (DM) Policies:

25. 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.
26. DME1 - *Agricultural or forestry operational development*. Allows for new agricultural buildings provided that they are functionally required, are close to the main group of buildings wherever possible and in all cases relates well to existing buildings and landscape features, respects the design of existing buildings and building traditions, makes use of the least obtrusive location and does not require obtrusive access tracks, roads or services.
27. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

#### Supplementary Guidance

28. Supplementary Planning Guidance (SPG) is provided in the adopted guidance note '*Agricultural Developments in the Peak District National Park*'. Whilst the Authority's Landscape Strategy and Action Plan offers guidance on the application of landscape conservation policies in the Development Plan.

#### Assessment

##### Principle of the development

29. From the outcome of a site visit and the details submitted in the supporting documents, it is apparent that the land is in use for the purposes of agriculture.
30. In this case, should the siting of the proposed agricultural building have been acceptable, it would be considered reasonably necessary for the purposes of an agricultural operation and proportionate to the needs of the applicants current farming practice, in accord with policy DME1 in those particular respects.

##### Proposed use of building

31. According to the agent the parcel of land subject of this application is a relatively new addition to the applicant's main farm holding, which is sited on the opposite side of the road and at a higher level with the main farm building group some 300m to the south. The building would be sited where currently there are the remnants of a previous structure that has long since fallen into disrepair and of which little remains. As a result, rather than being a replacement for whatever sat on the site it would clearly constitute the

erection of an isolated modern building in the open countryside .

32. The applicant states the building is required as additional shelter and feeding of current stocks and occasionally as an 'isolation unit' for any incoming cattle to be quarantined prior to joining the main herd.
33. Furthermore, the applicant states that a building in this location would enable any vet visits to be carried out more easily, especially when having to deal with injured or ill livestock.
34. Officers have no doubts that the building would be put to agricultural use however the key issue is the remote siting of the building away from the main farmstead and the resultant harmful visual impact upon this open undeveloped landscape setting and whether there are any over-riding material considerations that would outweigh the strong landscape objection and policy objection in DME1 to an isolated building well divorced from the main farmstead.

#### Siting, design and materials

35. As set out above, in terms of siting, policy DME1 states amongst other things, that new farm buildings should be close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing building, trees, walls and other landscape features.
36. The proposed building would be located to the east of the field access to the parcel of land close to the highway and would sit primarily on an area of hardstanding that according to the agent had previously been used for agricultural uses. Access would be through an existing field gate directly off Litton Dale Road.
37. The building would measure approximately 12.1m in length x 6m in width x 2.7m to lower eaves level. The roof would incorporate a factory coated coloured fibre cement sheeted roof, coloured Slate Blue and GRP rooflights, with Yorkshire boarding to the elevations. Below cladding on the north gable elevation and on the internal gable would be pre-stressed bare concrete panels.
38. The design and use of materials of the structure represents that of a modern agricultural building. Whilst the roof form does not reflect the local building tradition for dual pitched roofs it could be amended easily, as could the bare 'white' concrete panels which would otherwise be visually intrusive and harmful to the local landscape. Subject to such improvements to the detailed design and colouring of the building the general form and appearance of the building is not in itself an issue, however this does not outweigh the overriding harmful impact of the siting in this open countryside location, therefore contrary to policies DMC3 & DME1, respectively.

#### Potential landscape impact of the development

39. Policy does support agricultural development in the open countryside, provided that development conserves and enhances the valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics, such as the natural beauty, quality and visual amenity of the landscape.
40. In this case, it is considered the development, by virtue of its isolated siting, would have a harmful impact on the valued character and amenity of the surrounding open and undeveloped landscape, that would only be partially mitigated for by the presence of the few existing trees and the drystone walling along the roadside boundary.

41. With regard to landscaping. A scheme has been submitted with the application, however, it is considered that this modest additional tree or shrub planting would not alleviate the landscape impact concerns particularly in the short to medium terms, and indeed should it be considered would take a number of years before it was properly established. Even when any such planting was established the building would remain clearly visible in the street scene as an isolated building in the open countryside.
42. In landscape terms therefore, the new building and associated hardstanding would in this open setting appear unacceptable in its visual intrusion, having a significant and harmful impact on the locality and the wider landscape setting of the National Park.
43. Consequently, the scheme is considered unacceptable in landscape terms, contrary to Policies DS1, LC1 & DMC3, which seek to safeguard landscape character and the valued characteristic of the area.

#### Potential amenity impacts

44. The nearest property potentially affected by the development, would be Dale View sited around 100m to the west of the development site.
45. Due to the distance of separation, it is considered the development would have no adverse impact on the amenity of this property or any other dwellings in the locality. Consequently, the proposal would accord with policies GSP3 & DMC3 in this respect.

#### Potential Highway matters

46. The Local Highway Authority have no objections on the basis the building is used for agricultural purposes only, in support of existing farming activities carried out on the applicants surrounding and controlled farmland.
47. In this case, with the use being for agricultural purposes only, it is considered the proposal would be acceptable in highway term and generally meets the criteria set out in Policy DMT3 in this regard.

#### Environmental Management & sustainability

48. In itself, it would be a modest construction without the need for heating or mains electricity lighting.
49. In addition, the building would incorporate sustainably sourced timber that is compliant with CE Standards set out by Government.
50. Rainwater would be collected in rainwater harvesting tanks and used as drinking water for the livestock and to wash down any machinery used on this parcel of land when being used as an isolation unit, so as not to contaminate the main farm holding.
51. Accordingly, it is considered the development would essentially follow the principles of Policy CC1 in this regard.

#### Conclusion

52. Whilst it is acknowledged there would be benefits to the applicant's current and future business intentions from any approval granted for the scheme, many of the benefits could be achieved by siting the building at the main farmstead without the landscape harm identified. Therefore, it is concluded in the planning balance that the needs expressed do not outweigh the significant overall harm which would result from the provision of the

overall development in this isolated rural location, which would not relate to any other buildings and only minimal landscape features surrounding.

53. Consequently, the scheme is recommended to members for refusal.

### **Human Rights**

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

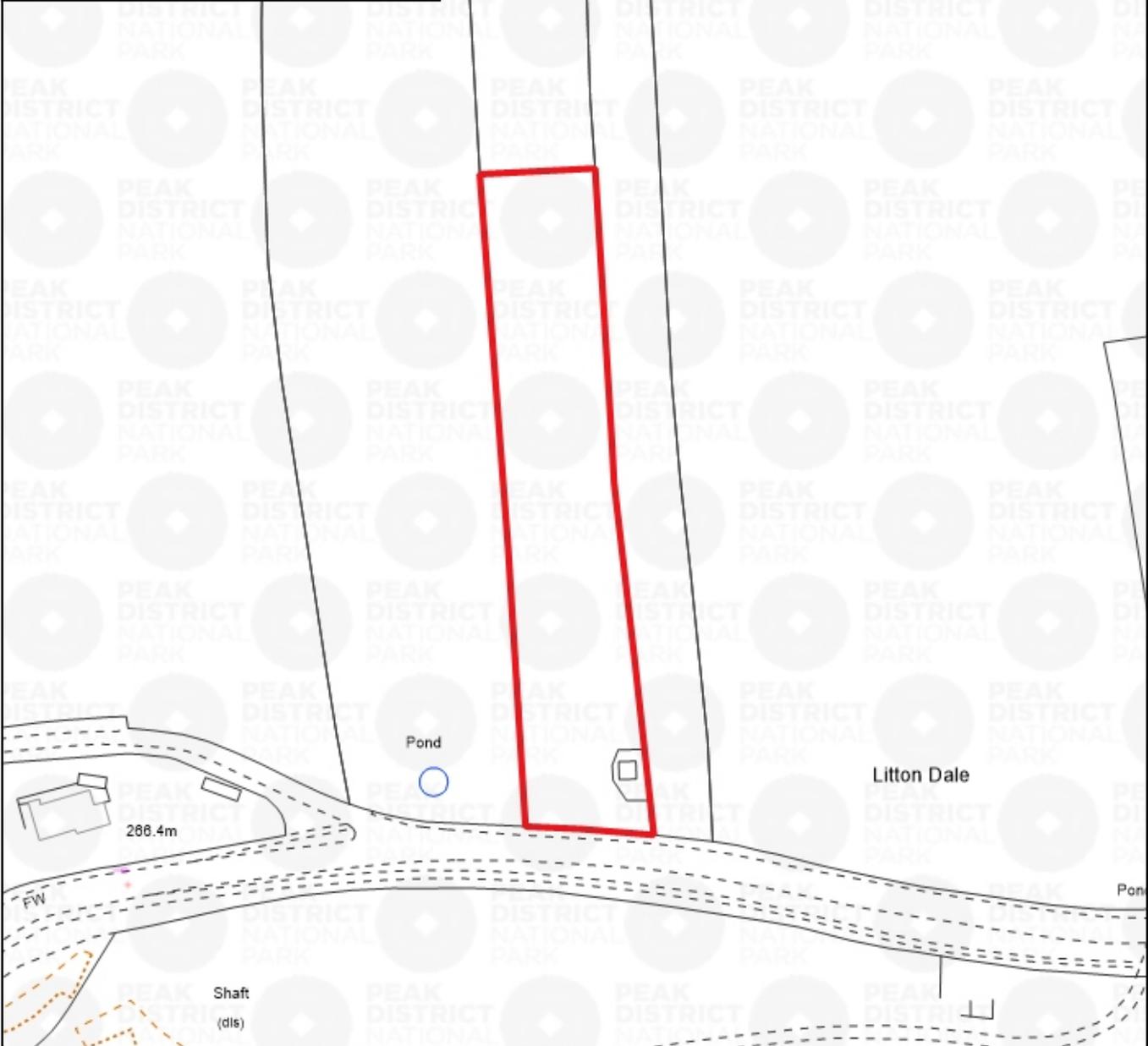
55. List of Background Papers (not previously published)

56. Nil

57. Report Author: Steve Coombes, South Area Planner.



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Committee Date:	08/09/2023	<b>Title:</b> Land north of Litton Dale Road, Litton Dale	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 9		
Application No:	NP/DDD/1222/1583		
Grid Reference:	415689, 374947		

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**10. FULL APPLICATION – S.73 APPLICATION FOR THE REMOVAL AND VARIATION OF CONDITION 2 AND 7 ON NP/DDD/1222/1562 AT NEWBY HOUSE, OVER LANE, BASLOW (NP/DDD/0623/0639, WE)**

**APPLICANT: ALLISON AND SIMON CHALK**

**Summary**

1. This item was deferred by the Committee at the July meeting to enable members to visit the site and view the context before making a decision.
2. This application seeks to vary the conditions attached to a previous permission granted on site (NP/DDD/1222/1562). This permission granted consent for a rear extension to the property, in addition to two small lean-to's off the side elevations of the property, and a new detached garage with changes to the fenestration of the property. The approved plans had been amended during the determination of the application following Officer feedback.
3. This application seeks permission to change the design of the approved scheme through the variation of conditions 2 and 7. This application proposes to change the siting of the rear extension further north on the rear extension of the property, and vary the roof form of all the proposed extensions. Application NP/DDD/1222/1562 granted consent for a hipped roof rear extension, and two lean-to extensions off the side elevations of the property. This application proposes shallow zinc hipped roofs with a central rooflight.
4. It is considered that the proposed development would harm the character and appearance of Newby House through inappropriately designed and sited extensions which do not reflect the prevailing character of the property. It is recommended for refusal on this basis.

**Site and Surroundings**

5. The development site is Newby House, a large detached property off Over Lane in Baslow. The property sits in a large plot, with a large front and rear garden. The property is non-traditional in form, comprising of two projecting gables joined through a hipped roof. Whilst it is non-traditional, the property is constructed from natural stone with an attractive frontage so is considered to have architectural merit.
6. The property currently has a large outbuilding which is used for additional living accommodation and garaging/storage.
7. The property is accessed off a large private track which serves two other bungalow properties. It is outside the Baslow and Bubnell conservation area.

**Proposal**

8. This application seeks to vary condition 2 and 7 attached to application NP/DDD/1222/1562.
9. This application proposes a rear extension which would be located further north on the rear elevation of the property. The rear extension would measure 8m x 5.3m. By virtue of its siting on the rear elevation, it would extend 2.8m beyond the northern elevation of the property.

10. The northern side extension would extend 2.75m from the elevation, and measure 4.85m in length. The southern side extension would extend 2.45m and measure 6.21m in length.
11. The extensions would be heavily glazed, with the rear extension featuring bifold doors on every elevation with natural stone columns. The northern side extension would nearly be completely glazed apart from a 0.9m high stone wall base. The southern extension would be similarly glazed to the proposed northern extension with a glazed front corner; however, there would be more stone walling on the rear and side elevation of this extension.
12. The extensions would feature a zinc roof with a stepped hip leading to a central rooflight. The zinc roof would feature an overhang of approximately 0.6m from the external walling of the extensions.
13. The proposed side extensions would feature sliding aluminium fins.
14. The application proposes changes to the fenestration of the property, including the creation of a 2.5m wide two-storey glazed window on the rear elevation.
15. This application also proposes a new garage. This section of the proposal is unchanged from the previous scheme.

### **RECOMMENDATION:**

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

1. **The proposed development would harm the character and appearance of Newby House through the inappropriate siting of the rear extension, contrasting roof forms to the host property, and a detailed design which does not respond to the host property. It therefore does not meet the high standard of design required by local policy. On this basis, the proposed development is contrary to policies DMC3, DMC7, and the guidance outlined within the Alterations and Extensions SPD.**

### **Key Issues**

- Design and impact on the character and appearance of Newby House
- Amenity.

### **History**

- 2005 - Erection of single-storey timber framed conservatory – Granted conditionally
- 2022 - Demolition of timber conservatory. Conversion of existing garage to living space. Alterations and internal reorganisation of existing house including attic conversion from hipped to gabled roof. Erection of two single-storey side extensions including new garage and connecting links. New landscape design to the front and rear – Refused
- 2023 - Demolition of timber conservatory and existing garage. Alterations and internal reorganisation of existing house including attic conversion and ground source heat pump. Erection of 2no. single-storey lean to side extensions, rear extension and new garage with living space above. Amended drive, terraced areas. Basement gym and plantroom – Granted conditionally

### **Consultations**

16. Derbyshire County Council Highways Authority – No highway objections to the variation of conditions
17. Baslow and Bubnell Parish Council – No comments to make
18. PDNPA Archaeology – No comments to make

### **Representations**

19. The application received 6 representations. All representations were in support of the proposal.
20. The letters of support raised the following comments:
  - The property is not traditional or vernacular so the broad design rules about extending traditional buildings are largely irrelevant;
  - Scale of development has been established through previous application;
  - The proposed scheme is contemporary in design which is supported by design guidance;
  - Sloped roof is an interpretation on hipped roof;
  - Hidden from view and would not impact street-scene or Conservation Area;
  - The scheme is contemporarily designed using local materials;
  - It would not dominate the property;
  - Scheme would result in an enhancement.

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

21. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
22. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 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. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

#### **Core Strategy**

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

landscape and its natural and heritage assets.

25. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
26. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Baslow is a named settlement.
27. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
28. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies

29. 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.
30. Policy DMH7 deals with extensions and alterations to dwellings. It states that extensions and alterations to dwellings will be permitted provided that the proposal does not: (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or (ii) dominate the original dwelling particularly where it is a designated or non- designated heritage asset; or (iii) amount to the creation of a separate independent dwelling; or (iv) create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic.
31. Policy DMH8 outlines that new outbuildings will be permitted provided the scale, mass, form and design of the new building conserves and enhances the immediate dwelling and curtilage.

#### Supplementary Planning Documents

32. The PDNPA has a Supplementary Planning Document (Detailed Design Guide) for alterations and extensions. Chapter 3 relates to extensions to dwellings and states that there are three main factors to consider, massing, materials, detailing and style. All extensions should harmonise with the parent building, respecting the dominance of the original building. The original character of the property should not be destroyed when providing additional development.

#### Assessment

##### Design and Impact on the character and appearance of Newby House

33. The property originally dates to the early 20th century and was originally a relatively modest detached dwelling constructed from natural stone and slate and set within a large garden. The property was substantially extended to the side and front in the early 21st century resulting in a more substantial dwelling with two projecting gables to the principal elevation.

34. The property is non-traditional in style with details including a hipped roof, projecting gables to the front, external chimneys and bay windows. Nevertheless, the property is constructed from local natural materials and has a degree of architectural integrity.
35. Policy DMH7 states that alterations and extensions to properties are acceptable in principle, and policy DMC3 sets out that where a development is acceptable in principle, it will only be permitted provided 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. In particular, policy DMC3 requires attention to be paid to the siting, scale, form, mass height and orientation of the development and the degree to which the developments design, details, materials and finishes reflect or compliment the style and tradition of the locality.
36. The Detailed Design Guide for Extensions and Alterations SPD sets out the three main factors to consider for householder extensions: -
- Massing
  - Materials
  - Detailing and style
37. While Newby House is non-traditional and is not reflective of the wider Peak District building tradition, the property is considered to be of architectural merit. The property is constructed from natural stone, featuring traditional stone surrounds. The property's symmetrical front elevation presents a well-balanced and formal property set within its large curtilage. Whilst features such as the external chimney and hipped roof pull the property away from the local building tradition, its detailed design and material relate well to the locality and give the property a strong sense of character and attractive appearance.
38. The rear extension is broadly the same size as the previously approved scheme. As such, its scale is considered acceptable. Notwithstanding this, its location on the northern end of the western elevation is considered problematic. It would result in the extension going beyond the northern elevation of the property, creating a small appendage which extends beyond the existing built-form of the property. It is acknowledged that within the submitted scheme, when viewed from the principal elevation, this section of the rear extension would be concealed by the northern side extension; however, when assessing the impact on the property itself, it is considered to appear unresolved and poor in relation to the existing form of the property. The Authority are mindful of paragraph 3.8 of the Alterations and Extensions SPD which states that *extensions located on a corner of the parent building are best avoided because they only half-house the extension on the original building. The resultant massing is over-complicated and at odds with the vernacular traditional.*
39. The rear extension would feature a "stepped" roof. The Planning Statement suggests that the roof has been designed to take its inspiration from the hipped roof of the host building whilst giving it a contemporary style and design. The Alterations and Extensions outlines that contemporary detailing for an extension is a valid approach; however, it is noted that this is a contemporary style in form (as opposed to detailing). It is considered that if constructed, the extension would broadly be interpreted as flat-roofed, which the SPD outlines are "rarely appropriate" due to them being used as *the easy way of covering an unresolved plan*. There is also concern over the appearance of the flat-roof. By virtue of its steps, there are concerns that the roof would appear thick after construction. According to the plan, if viewed directly on, from the bottom of the overhanging eave to the top of the rooflight, the roof would measure 0.75m in thickness. It is considered that this would be contrary to policy DMC3 which requires detailed treatment which is of a "high standard".

40. The concerns over the roof-structure are equally relevant to the side extensions. Whilst the provision of two side extensions would assist in conserving the symmetry of the wider property, it is considered that the extensions would appear out of keeping with property, resulting in a confused form.
41. In addition to concerns over the form and massing of the proposed extension, there are also concerns over the materials and detailed design. Whilst parts of the extension would be constructed from natural stone to match the host dwelling; the vast majority of the extensions would be glazed with a zinc roof. On the rear elevation, there would only be minimal columns between the bifold doors which would remain stone, whilst on the side extensions, there would be a small section of walling up to 0.9m; however, the majority of them would be glazed, including the corners.
42. In addition to the heavy glazing, the extensions would also feature contemporary design features such as the aluminium fins on slides. The Alterations and Extensions SPD outlines that contemporary detailed design is acceptable, however, it is best accomplished if the remaining variables, massing and materials, are both treated in a traditional manner.
43. As discussed, neither the massing or materials of the extensions can be considered “traditional”. As such, there is little which relates the proposed extensions to the existing property. The roof form would contrast the existing property, whilst the limited stone and heavy glazing would contrast the solid character; and the detailed design would similarly contrast the broadly traditional detailing of the property.
44. It is acknowledged that there was a lot of glazing permitted under the extant permission; however, the provision of the lean-to’s which matched the angle of the house and the hipped roof rear extension, in addition to the more substantial masonry in the original design, pulled the scheme back to the host property in terms of character and appearance.
45. In isolation, the proposed two-storey window is appropriate; the existing scheme granted consent for a similar window detail, and whilst this one would be wider than approved, the other changes to the fenestration on the rear of the property would result in a stronger solid-to-void ratio. However, it is acknowledged that the decrease in windows on this elevation is due to the off-setting of the rear extension, which is considered inappropriate.
46. The proposed development would result in the construction of 3 extensions to Newby House. The extensions do not reflect the form, detailed design, or material of the existing property. The proposed development would result in a property with a confused form featuring insensitive and inappropriate alterations which detract from its character. When viewed from the principal elevation, the lean-to’s would appear out of keeping with the host property by virtue of their roof form, materials and design. When viewed from the rear, the proposed rear extension would extend beyond the northern elevation of the property, which would appear unresolved and inappropriate, and result in a confused massing to the wider property.
47. On this basis, the proposed development is considered contrary to policies DMC3, and DMC7. It would result in alterations to the property which do not respond to the form, mass, or orientation of the existing building. Additionally, the materials, details and finishes would not complement the style of the host property. As such, it is considered that the proposed development would detract from the character and appearance of the property, and also dominate the property through alterations which drastically contrast the original style, form, and design.

48. The proposed garage and ancillary living accommodation are considered appropriate and complies with policy DMC8.

### **Amenity**

49. The development site is set on a large plot with a front and rear garden. As such, the extension, garage, or alterations to the fenestration would not have an impact on the residential amenity of the neighbouring properties by way of loss of privacy or overbearing.

### **Other matters**

50. The proposed garage would ensure that appropriate carparking spaces can be provided to the property, in line with policies DMT3 and DMT8 and Appendix 9 of the Development Management Policies Plan.
51. The proposed ground source heat pump is only shown indicatively on plans. If approved, a condition requiring full details of the system to be submitted and approved in writing by the National Park Authority shall be applied. A condition would also be applied stating that prior to completion of the extension and garage, the ground source heat pump shall be in operation.

### **Conclusion**

52. It is considered that the proposed design alterations to the approved scheme would harm the character and appearance of Newby House. Whilst these alterations are acceptable in principle, it is considered that the proposed siting of the rear extension would result in the property having a confused form and massing. The proposed roof structure of all the extensions would contrast that of the wider property, whilst the detailed design would result in heavily glazed alterations which do not respond to the largely solid character of Newby House. As a result, the proposed plans are considered contrary to policies DMC3, DMC7, and adopted design guidance.

### **Human Rights**

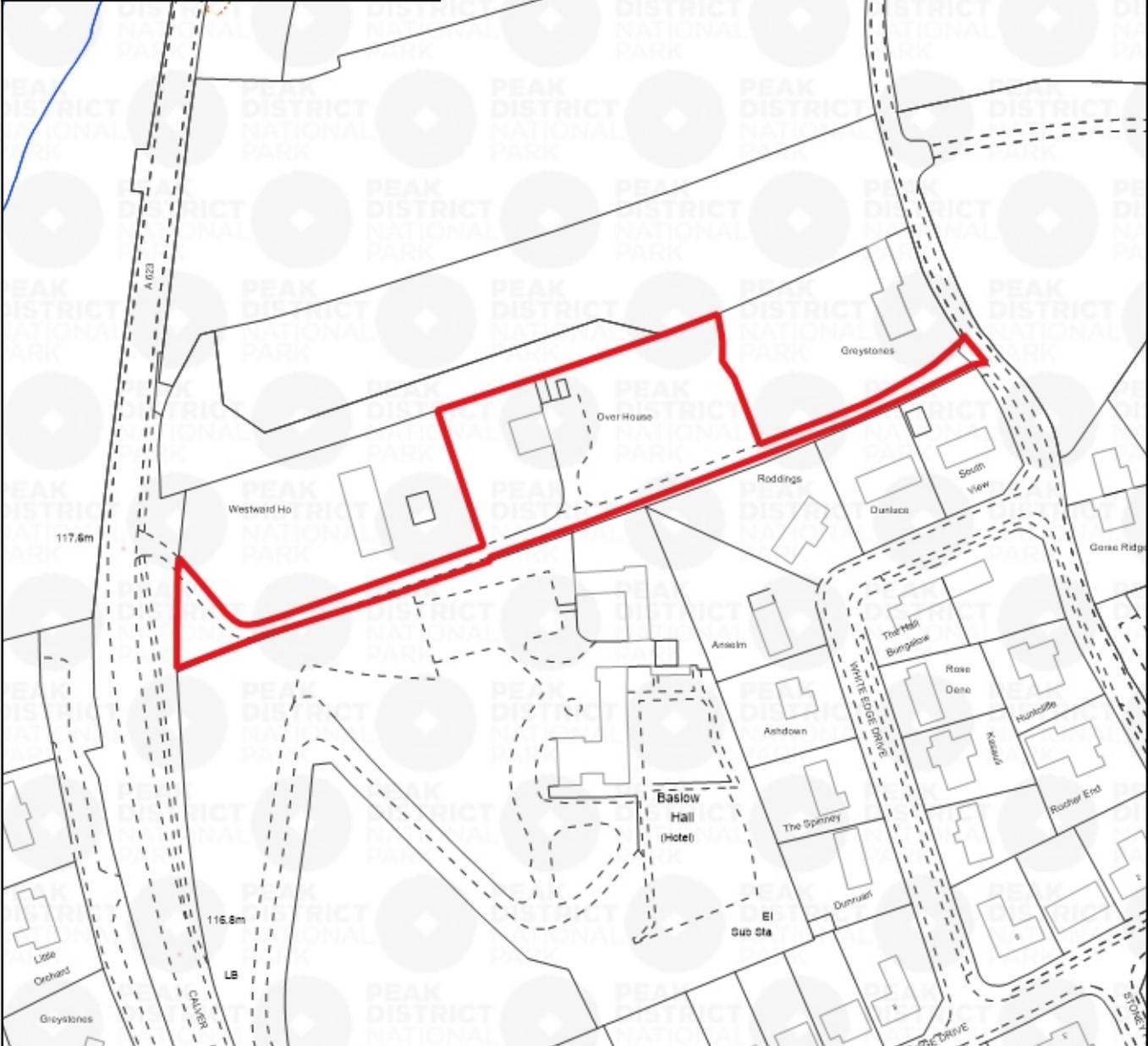
53. Any human rights issues have been considered and addressed in the preparation of this report.
54. List of Background Papers (not previously published)
55. Nil

Report author: Will Eyre, North Area Planner

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Committee Date:	08/09/2023
Item Number:	Item 10
Application No:	NP/DDD/0623/0639
Grid Reference:	425054, 372959

**Title:** Newby House, Over Lane, Baslow



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**11. FULL APPLICATION – CHANGE OF USE FROM DOMESTIC GARDEN TO CAMPING POD SITE, AT TOP RILEY, RILEY LANE, EYAM (NP/DDD/1121/1299, AM)**

**APPLICANT: MR M BELIVANIS**

**1. Background**

2. The application was originally considered at the meeting of the Authority's Planning Committee on the 16<sup>th</sup> June 2023 (to be referred to here as "the first report"). The application was recommended for refusal but members of the Planning Committee were minded to approve.
3. Approval of this scheme would be a significant departure from policies.
4. The Authority's Standing Orders (Section 1.48) state that where a Committee is proposing to make a decision which would be a departure from policy and/or the officer recommendation, final determination shall be deferred until a future meeting.
5. The Head of Planning authorised such a deferral in order that the Planning Committee can consider a further paper to explore the policy implications and risks. This report sets out those implications and risks:
6. *The impact on adopted planning policies RT3 and DMR1.*
7. *Comparisons and consistency with previous decisions.*
8. *The cumulative impact of development.*

**9. Impact on adopted planning policies RT3 and DMR1.**

10. The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development (para 11). To do this it advocates approving development proposals that accord with an up-to-date development plan, but clarifies in para 12 that:
11. *'Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
12. This planning application does not demonstrate any material considerations to indicate departure from the Local Plan. The first report recommended that the application be REFUSED because the proposal is unacceptable by virtue of the number, scale and nature of the pods, and is in conflict with Core Strategy policy RT3 and Development Management Policy DMR1.
13. Core Strategy policy RT3 B states:
  - B. Static caravans, chalets or lodges will not be permitted.
14. Development Management Policy DMR1 C states:
  - C. Exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or a single shepherd's hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.

15. Static caravans, chalets, lodges and other non-traditional structures are commonly incompatible permanent features in a National Park. It is an area of policy in which the Sandford Principle applies. The permanent presence of such non-traditional structures in open tracts of landscape is incompatible with the conservation of our special qualities and must outweigh the promotion of public enjoyment in these cases. For this reason, the Authority has maintained a long-standing (at least 30 years) strategic policy presumption against such development, through successive iterations of the Local Plan, from the 1994 Structure Plan through to the current Core Strategy .
16. Non-traditional structures may change over time. At the time of writing the Structure Plan in 1994 and the Core Strategy in 2011 the non-traditional structures on the market were static caravans, chalets and lodges. However the 2011 plan anticipated the growth of this new market and refers to small wooden structures potentially being acceptable as a limited exception to this rule. It was important to set firm rules in place in order to carefully control the boom in these and other glamping products that were starting to emerge.
17. The Development Management Policies in 2019 sought to define this area of exception as a boost to the tourism industry, and in the knowledge that other non-traditional structures were steadily entering the market – amongst them so-called ‘shepherd’s huts’ and camping pods. Paragraph 5.20 of the DMP makes it clear that applications for camping pods will be determined against Core Strategy RT3. This means that camping pods - like caravans, chalets and lodges - are incompatible with our conservation purpose and will not be permitted unless they meet the exceptional criteria set out in DMR1C.
18. The application proposes structures that do not meet these criteria because they are not small or simple. They are permanent structures akin to chalets or lodges that are resisted in principle by Core Strategy RT3 B. The fact that the proposed structures are ‘pod-shaped’ rather than rectangular is insignificant in considering the policy implications.

#### **19. Size**

20. The proposed 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. ‘Small’ is not defined in policy but much smaller pods do exist. There are a range of much smaller pods currently on the market (e.g. 2.8m x 4.7, 2.4 x 3.6). Those approved at North Lees are all significantly smaller (basic 2.56 x 3.94m, accessible 2.83 x 4.76m and family 3.4 x 5.4m). and considered to exemplify the terms of policy by being simple camping pods. (This is illustrated in Appendix 1.)

#### **21. *The proposed structures are not small and therefore contrary to Policy RT1 C.***

#### **22. Simplicity**

23. The intent of Development Management Policy DMR1C is that the structures should be simple and limited by numbers and location. This means that they should be basic sleeping accommodation with facilities provided elsewhere. In considering this point in Appeal an appeal at Haddon Drive Bakewell (against the refusal of an application for similar structures) the Inspector determined that pods that feature ‘many of the elements’ of a chalet or static caravan (such as separate living and bedroom, bathroom or kitchenette) ‘are not simple structures.’ The pods in question contain 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.

#### **24. *The form of pods proposed have therefore already been tested on appeal and found to fail. The proposed structures are even bigger, not simple and therefore contrary to Policy RT1 C and DMR1C.***

25. The long-standing policy principle that the permanent presence of any non-traditional structures is incompatible with our conservation purpose, is seriously undermined if members are minded to approve the application.
26. If Members are minded to approve the application on the grounds that the proposed structures **are** 'small and simple' (compatible with DMR1C), this risks re-defining 'small and simple' for future applications and therefore our intent of protecting the National Park's open, undeveloped areas and also for permitted a higher level of clutter at domestic scales (e.g. back gardens and the setting of many traditional buildings and landscape features). Camping pods are relatively cheap to purchase, easy to install and manage using on-line platforms, and offer a good return on investment. There is already considerable pressure for us to permit bigger structures and more of them. This pressure is likely to continue and grow.
27. If Members are minded to approve the application on the grounds that the proposed structures are not 'small and simple' (not compatible with DMR1C), but that other exceptional circumstances exist, this undermines strategic policy as a whole (RT3 B) and could compromise decision-making on future applications for any non-traditional structure.

## **28. Comparisons and consistency with previous decisions in similar locations.**

29. At a meeting of the Planning Committee on 15 June 2018 the application for 4 camping pods (5.8m long, 3.1m wide, and 3m tall) in a woodland setting at Haddon Drive Bakewell was refused and upheld at Appeal. The original officer's report notes at para 9.2:
30. *"The proposed camping pods are permanent timber structures which would be placed on the ground within an area of woodland adjacent to the property's curtilage. The character and potential impacts of the proposed pods would therefore be more comparable to siting chalets or lodges on the land rather than either touring caravans or conventional tents."*
31. The Minutes of the meeting note that Members 'felt that the pods were too large'. The second reason for refusal was that 'the development was contrary to Policy RT3 which does not permit cabins or structures, and contrary to emerging Policy DMR1 because the pods proposed didn't represent small, simple wooden pod structures.'
32. The Inspector's report notes at para 16 that:
33. *"The proposal would also not meet the Emerging Policy which seeks that the structures are small, simple, wooden pod structures in woodland locations and is therefore contrary to the emerging policy DMR1 taken as a whole. The structures have more in common with chalets or static caravans than they do with simple camping huts for accommodation and as a result of these considerations I find that the proposal would not enhance or conserve the landscape quality of the National Park."*
34. 2.2 At a meeting of the Planning Committee on 12 April 2019 the application for 4 camping pods (2.5m tall, 3.5m wide and 8.5m long) at Upper Elkstones was refused in line with officer recommendation. The Minutes of the meeting note that 'Members were concerned about the size of the pods.' The first reason for refusal was 'the permanence, size, and design of the pods means that their potential impacts would be comparable to siting chalets or lodges on the land, which policy RT3(B) states will not be permitted.'

### **35. The cumulative impact of development.**

36. We have permitted many camping pods and shepherd's huts in line with policy and without harm to the landscape or special qualities. All camping pods, large and small, are relatively cheap to buy and install (compared to converting a redundant building to a holiday home) and can generate significant income due to the increased and on-going demand for 'glamping' accommodation. Many of the products now coming onto the market are bigger and more complex. They more closely resemble lodges or chalets than the 'small simple timber structures' envisioned by our policy, and they require more extensive facilities to support their use. In addition, developers often wish to include more units, with more formally arranged spacing.
37. Unless we adhere to policy and uphold our long-standing restrictive approach to all types of non-traditional permanent structures, we are at real risk of encouraging and permitting more contrary to policy applications. More individual developments, consisting of more and bigger structures, would be seriously detrimental to the conservation purpose of a national park.
38. This issue is being considered as part of the local plan review. The Local Plan Review Member Steering Group agreed at the meeting on 23 February 2023 that ***we should retain a restrictive approach to all types of semi-permanent structures used as holiday accommodation.***

### **39. Conclusion**

40. A decision to grant permission for the current application is considered to be a major departure from the Development Plan.
41. Camping pods are non-traditional permanent structures. Their development conflicts with our conservation purpose. They are therefore not permitted (Core Strategy RT3B) unless, exceptionally, they are 'small, simple, wooden pod structures in woodland locations with minimal landscape impact' (DMP RT1 C).
42. The pods in question are in a woodland location but as demonstrated, they are not 'small and simple.'
43. If the application is approved, this risks redefining 'small and simple' to include the larger, more complex structures that are now on the market. This is inconsistent with previous decision-making, undermines development management policy and risks undermining the long-standing strategic policy. Consumer demand for this form of accommodation is growing and coupled with the high return on investment and ease of marketing and managing the product using on-line platforms, it is considered crucial that the Authority is able to maintain its policy position.
44. Experience has shown that by paying proper regard to the development plan, long term spatial objectives can be achieved for landscape, special qualities and sustainability. This furthers National Park purposes and duty.
45. There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently especially where they are up-to-date and relate specifically to the development concerned, as in this case.
- 46. In these circumstances, the Planning Committee is respectfully urged to reconsider its view on the current application and uphold the original recommendation of refusal.**

**47. Human Rights**

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

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

50. None

**51. Appendices**

52. Appendix 1 – Diagrams of Camping Pods

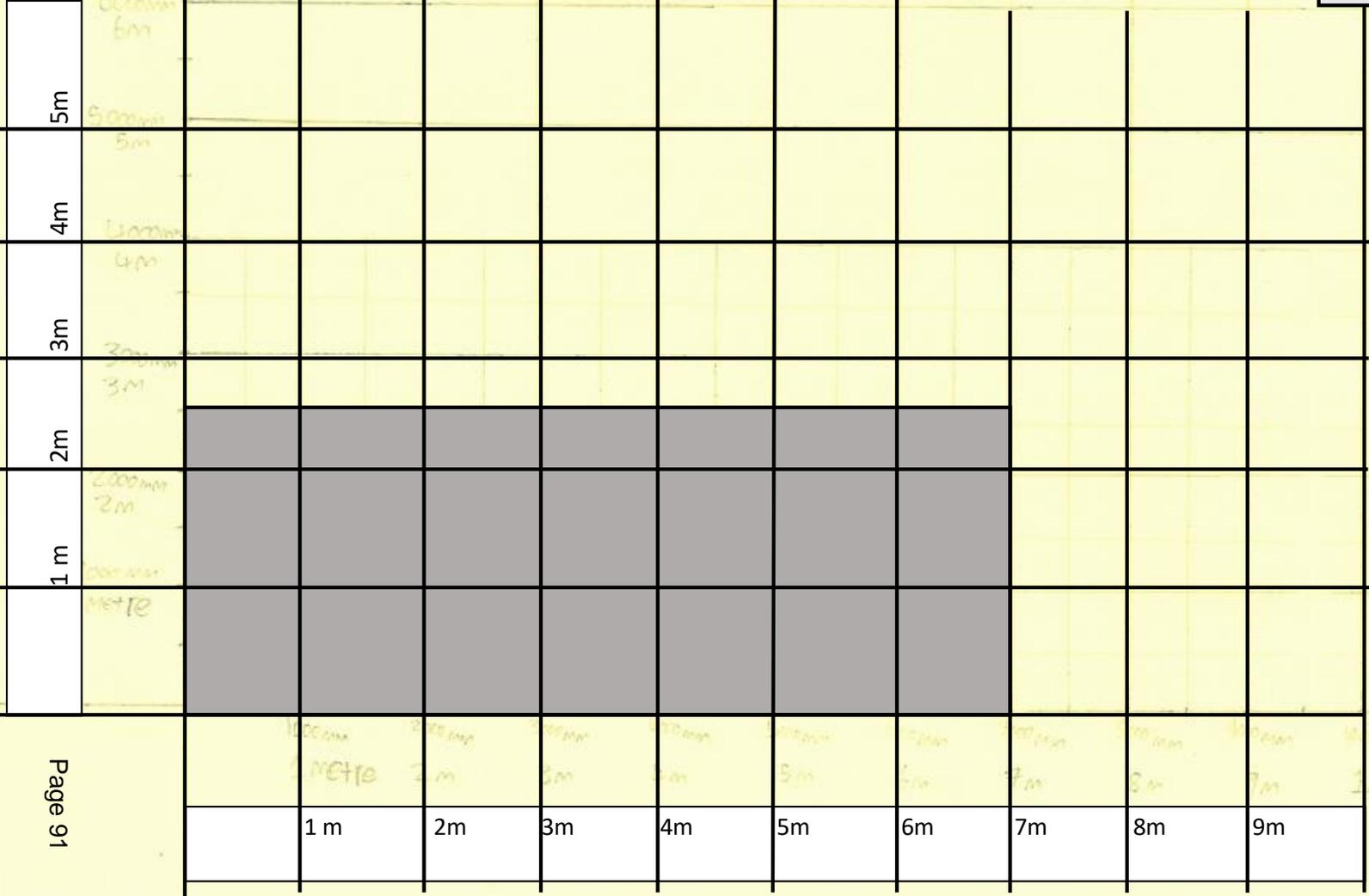
**53. Report Author and Job Title**

54. Adele Metcalfe – Policy and Communities Team Manager

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Eyam  
1121/1299

Total of 8 pods, 7x3 metres,  
2.6 metres high

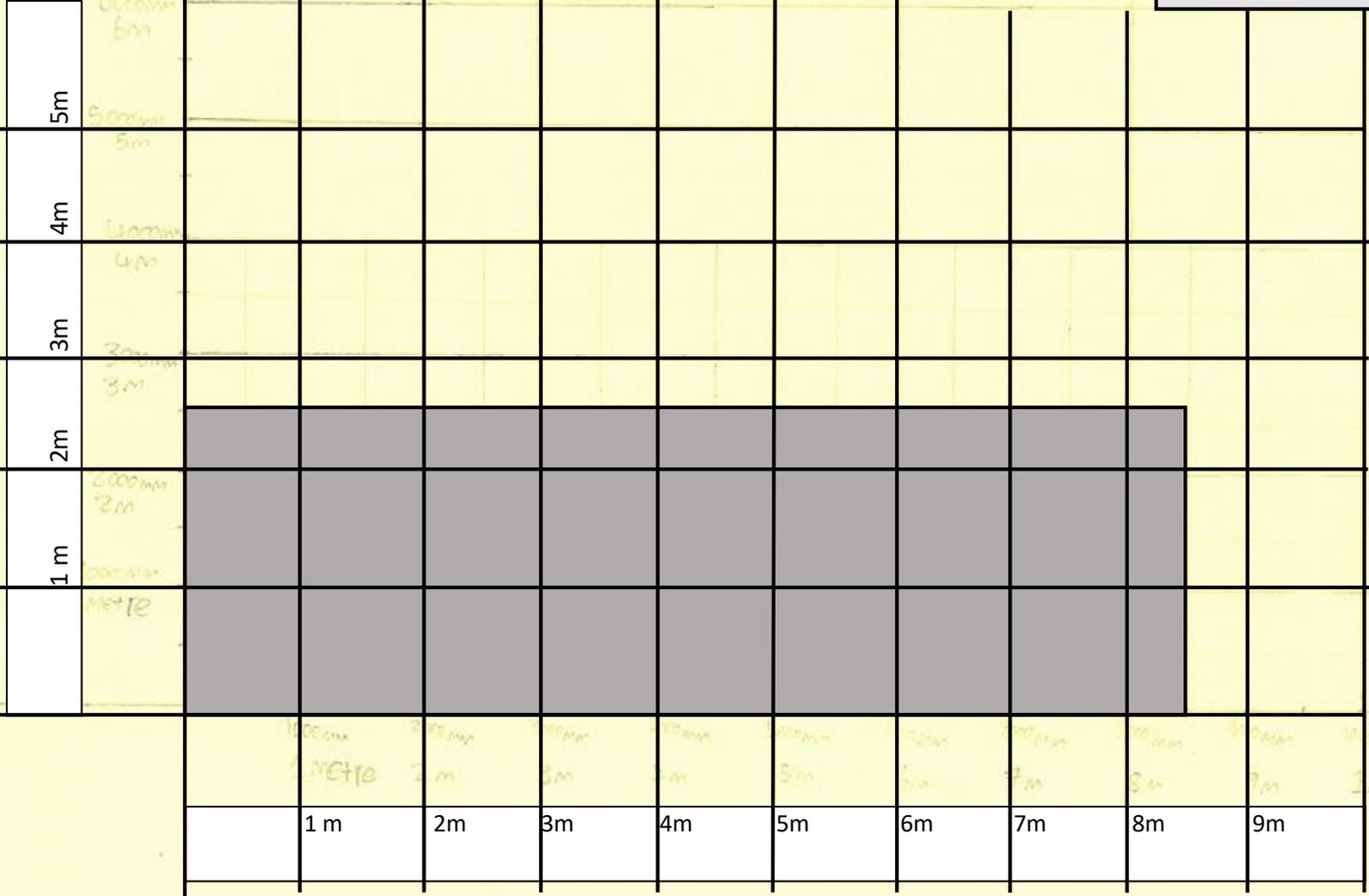


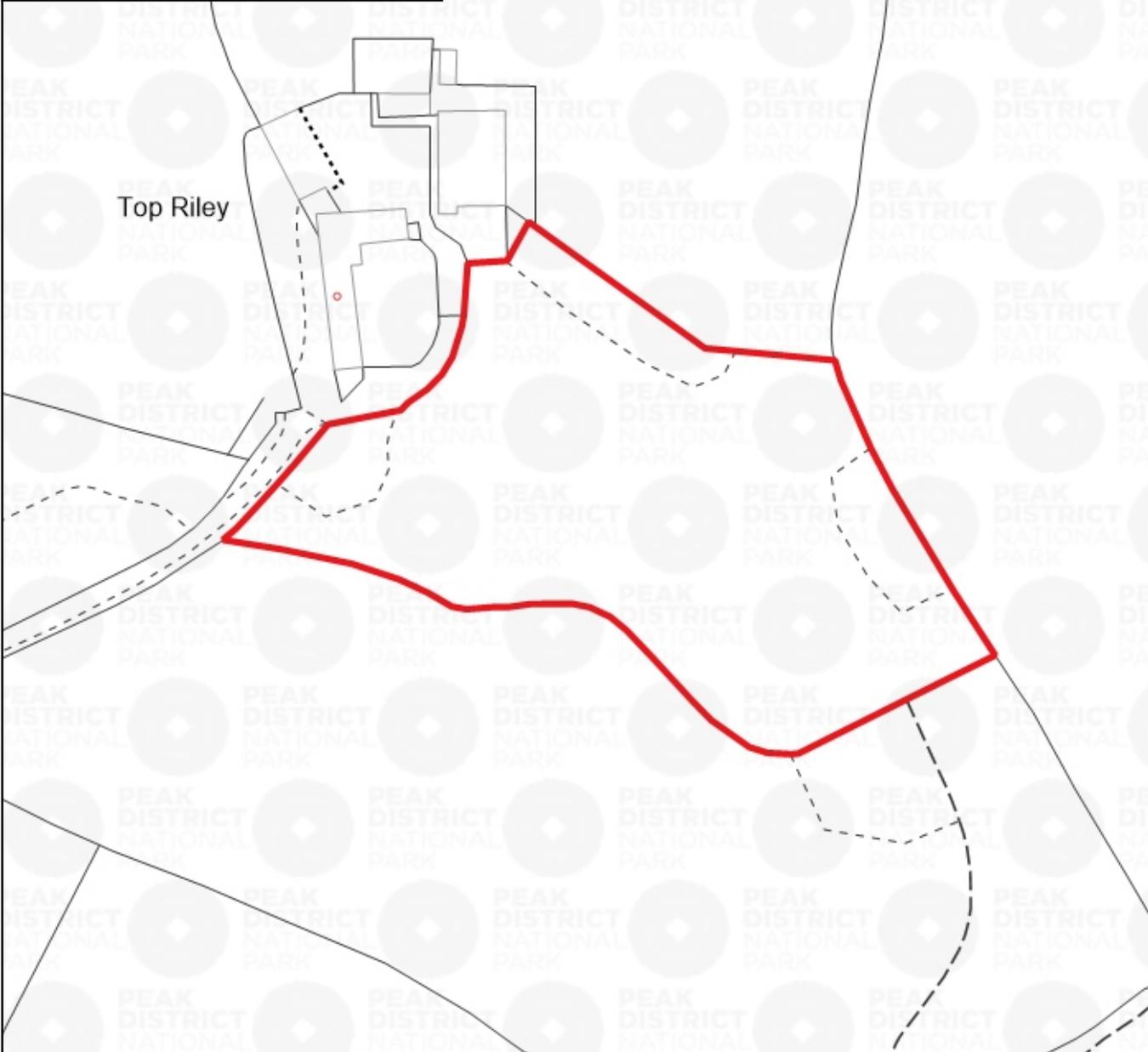




# Upper Elkstones, Warslow (refused) 0219/0103

3.5 x 8.5 metres,  
2.5 metres high





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Committee Date:	08/09/2023	<b>Title:</b> Top Riley, Riley Lane, Eyam	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 11		
Application No:	NP/DDD/1121/1299		
Grid Reference:	423152, 376414		

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**12. FULL APPLICATION – RETROSPECTIVE APPLICATION FOR THE ERECTION OF TIMBER STRUCTURES AND PLATFORMS FOR USE AS HOLIDAY ACCOMMODATION AT ROCKING STONE FARM, ROWTER LANE, BIRCHOVER. (NP/DDD/0523/0521/SC)**

**APPLICANTS: MR & MRS O’ROURKE**

**Summary:**

1. The application seeks full retrospective planning permission for the retention of unauthorised timber structures and platforms for use as holiday accommodation on land (in the applicants’ ownership) to the west of Rocking Stone Farm.
2. In this case, the development amounts to the siting of new build permanent holiday accommodation, contrary to Development Plan Policies RT2C & RT3B and DMR1 in particular, therefore recommended for refusal in principle.

**Site and Surroundings**

3. Rocking Stone Farm consists of the main farmhouse and traditional outbuildings the latter of which have been converted to holiday accommodation.
4. The buildings and associated land lie within the ‘Derwent Valley Gritstone Village Farmlands’ as defined in the Authority’s Landscape Strategy.
5. This landscape consists of rolling gritstone uplands, pastoral farmland enclosed by drystone walls, small to medium-sized fields, gritstone villages with outlying farms and dwellings, wide views to surrounding high hills, and slopes and valleys with woodland character.
6. The cabin and associated structures (Subject of this application) are sited on a small wooded hill (Bradley Rocks) around 100 metres to the west of Rocking Stone Farm, which itself is west of Birchover village and considered within open countryside.
7. The presence of large boulders on the hillside means that some of the structures have been constructed to integrate into this localised landscape.
8. The cabin and associated structures are accessed along a rising footpath off the private track to the farm. There is an area recessed into the hillside along the track which is used as a vehicle parking area for guests staying at the cabin.
9. The nearest residential properties lie over 100m to the south east of the development site.

**Proposal**

10. The application seeks full retrospective planning permission for the retention of unauthorised timber structures and platforms for use as holiday accommodation.

**RECOMMENDATION:**

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

- 1 The development amounts to the siting of new build permanent holiday accommodation akin to chalets and static caravans, contrary to CS policies RT2C & RT3B and Development Management Policy DMR1.**

- 2 By virtue of the isolated location in open countryside, the existing cabin and associated structures do not meet the criteria set out in part A of CS Policy L1, which requires development to conserve and enhance the valued landscape character of the area.**

### **Key Issues**

11. The principle of development, neighbourly amenity, potential landscape and highway impacts.

### **Relevant Planning History**

12. June 2021 – PE/2022/ENQ/42898 stating that there was a cabin up amongst the rocks (Bradley rocks) with a hot tub and standalone toilet (from member of the public).
13. May 2022 – PE/2022/ENQ/45426 Enquiry about cabin being used as holiday let (from member of the public).
14. October 2022 – PE/2022/ENQ/46552 PNDPA received another enquiry providing more specific details about the whereabouts of the cabin, and the owners (from member of the public).
15. October 2022 – ENF 22/0057 Enforcement created.
16. September 2022 - Letter sent to owners explaining that the structures were in breach of planning control and that planning permission was required.
17. Between 23 September 2022 and 24 January 2023 There have been several email exchanges in which the owners have been informed that the cabin and associated structures are in breach of planning controls and must be removed, and requests for further details about what structures are on site.
18. They were advised by the Authority's Monitoring & Enforcement Officer that they can make an application to retain the developments, however, it was made clear that such an application would unlikely be supported.
19. February 2023 – PCN issued.
20. March 2023 – PCN returned.
21. May 2023 – Retrospective planning permission sought - (Current application).

### **Consultations**

22. Highway Authority – No objections to the proposal subject to conditions. (Reported in full in the Highway section below).
23. Parish Council – No response at the time of writing the report.

### **Representations**

24. Twenty one (21) letters of support have been received. The planning relevance are summarised below.
- No landscape impact
  - Eco friendly & sustainable design

- Supports local businesses
- No amenity impact
- No ecological impact
- No traffic issues
- Provides local employment

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

25. 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.
26. In particular Para: 176 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
27. Para: 84 states amongst other things, that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
28. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
29. 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**

#### **Relevant Core Strategy (CS) policies:**

30. 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.
31. 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.
32. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
33. 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.
34. RT2 - Hotels, bed & breakfast & holiday accommodation. States amongst other things, that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
35. RT3 - Caravans and camping. States amongst other things, that static caravans, chalets, or lodges will not be permitted.

36. CC1 - *Climate change mitigation and adaptation*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

Relevant Development Management (DM) Policies:

37. 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.
38. DMR1 - *Touring camping and caravan sites*. 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 Shepherds Hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.
39. DMR3 - *Holiday occupancy of self-catering accommodation*. States, that where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation for no more than 28 days per calendar year by any one person.
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.

**Assessment**

Principle of the development

41. The development site lies in open countryside for the purposes of Development Plan Policies.
42. CS Policy RT3B states that static caravans, chalets or lodges will not be permitted. This is because the open character of large parts of National Park landscape means that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park, with the potential impact on its valued landscape characteristics.
43. DM Policy DMR1 goes on to say that, 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 Shepherds Hut, where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.
44. Consequently the policy considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore policy RT3B remains applicable.
45. CS Policy RT2, states amongst other things, that new build holiday accommodation will not be permitted.
46. The supporting text of CS policy RT2 is pertinent, stating amongst other things that '*Most opportunities for development will occur through conversions or change of use of existing traditional buildings in towns and villages or on farms.*'

47. And that... *'there is concern about oversupply of self-catering accommodation, particularly in some parts of the National Park. This could mean that providers and operators may not receive the anticipated return in income from what may be a significant investment. Conversions and changes of use of existing traditional buildings of historic or vernacular merit will provide ample opportunities for small scale holiday developments'*.
48. It is clear from this, that the development of permanent holiday accommodation other than through the conversion of heritage assets is contrary to adopted policy and purposes, having the potential to result in a proliferation of other development that undermines the intent to drive the conversion and conservation of heritage assets, and the viability of existing holiday let businesses.
49. The rationale for both core strategy policy and development management policy is to protect both the open and undeveloped characteristics of the National Park, but also to prevent undue clutter from non-traditional structures in inappropriate locations where the cumulative growth in such structures over time will undermine the special qualities of the area.
50. Consequently, the development is considered in conflict with CS Policies RT2C & RT3B in respect of the principle of development and policy DMR1 which elaborates on the specific nature of exceptions to this principle in order to protect the special qualities of this National Park.

Siting, design and materials of the cabin and associated structures.

51. Policy DMC3 in particular states, 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
52. The cabin and associated structures are sited on various levels on the hillside (Bradley rocks). The presence of large boulders in this locality means that some of the structures have been constructed to integrate into this localised landscape setting.
53. The table below shows the individual and cumulative scale of the development:

<b>54. <u>Structure</u></b>	<b><u>Length (metres)</u></b>	<b><u>Width (metres)</u></b>	<b><u>Height (metres)</u></b>
Cabin	2.93	2.93	2.98
Kitchen area with cover	3.74	2.4	0.18
Eco composting toilet	1.46	1.27	2.4
Decking/Japanese sauna	2.1	3.5	0.16
Further decking area	2.07	1.74	/

55. The information in the above table was taken from the returned PCN.
56. Whilst neither the hut nor the associated structures are considered reflective of the local building traditions, they do follow a design and use of materials generally accepted for these type of timber structures. Therefore, the overall scheme is considered to be acceptable in terms of the siting, design and appearance in accordance with DM Policy DMC3.

Landscape and visual impact

57. CS Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.

58. Views towards the hillside can be seen at distance from Winster Road, however, due to the existing mature and intervening landscape, the cabin and associated structures are not detectable.
59. Consequently, if the development was acceptable in principle the siting of the cabin and associated structures would generally satisfy the requirements of CS Policies DS1 & L1 in these respects.
60. However, whilst the limited prominence of the development in the landscape means that these impacts would be relatively localised, the absence of a justification in principle for the proposed development, means that there are no material planning benefits to outweigh this harm.

#### Potential amenity issues

61. The nearest properties lie over 100m to the south east of the development site. Due to the distance between the development and these properties, the development would have no adverse impact or significantly harm the amenity of any residential properties in the locality.
62. Consequently, the development accords with policies GSP3 & DMC3 in these respects.

#### Local Highway matters.

63. The Local Highway raise no objections subject to the holiday accommodation remaining ancillary to Rocking Stone Farm and that the existing parking associated with the holiday accommodation shall be maintained in perpetuity free from any impediment to its designated use.
64. Should members be minded to approve the scheme, these matters would be conditioned accordingly. Regarding this, the proposal is acceptable in highway terms, according with policies DMT3 in these respects.

#### Environmental Management and sustainability

65. No details explaining how the proposal would reduce carbon emissions and incorporate measures to reduce the contribution to climate change have been submitted, consequently the scheme does not address the measures set out in accordance with CS policy CC1.
66. However, the cabin and associated structures are fabricated using locally sourced and sustainable low carbon materials.

#### Conclusion

67. In conclusion, the retention of the cabin and associated structures for use as holiday accommodation are recommended for refusal for the reasons stated in the 'Recommendation' section of this report, above.

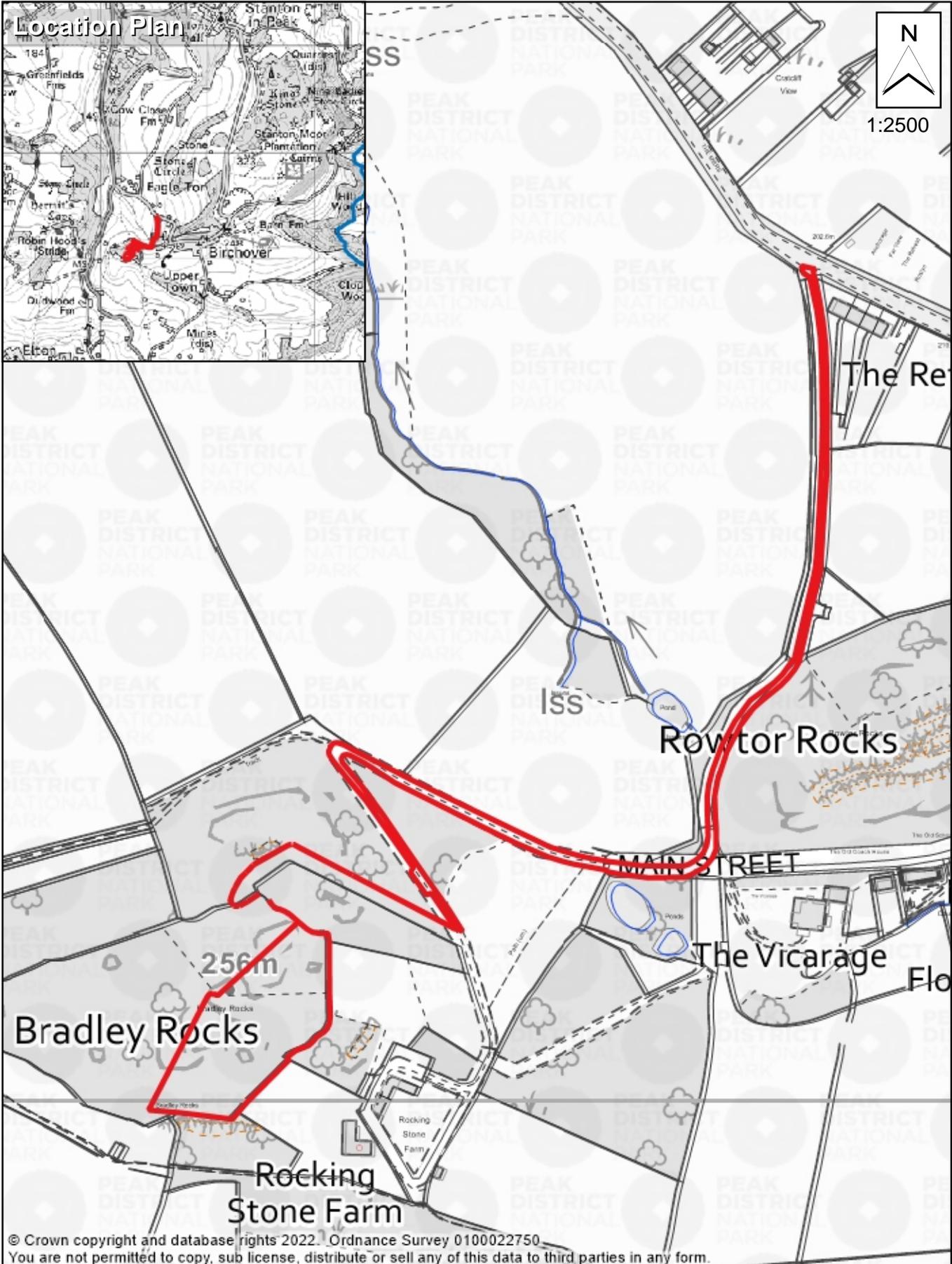
#### Human Rights

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

70. Nil

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

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Committee Date:	08/09/2023	<b>Title:</b> Rocking Stone Farm, Rowter Lane, Birchover	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 12		
Application No:	NP/DDD/0523/0521		
Grid Reference:	423315, 362079		

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**13. FULL APPLICATION - CHANGE OF USE OF LAND (AREA 10) FROM TOURING/CAMPING PLOTS TO STATIONING OF HOLIDAY LODGES AND STATIC CARAVANS, ASHBOURNE HEIGHTS CARAVAN PARK ASHBOURNE ROAD FENNY BENTLEY (NP/DDD/0523/0520, JS)**

**APPLICANT: MR MATTHEW PURDOM (PARK HOLIDAYS UK LTD)**

**Summary**

1. The application seeks full planning permission for the change of use of land (area 10) from touring/camping plots to stationing of holiday lodges and static caravans at an established caravan and camping site. It is considered that the proposal can be accepted as an exception to the normal presumption against lodges and static caravans by virtue of the well-established and well screened nature of this part of the site, the fact that the units will replace a higher number of seasonal touring pitches, and the proposals for landscape and biodiversity enhancement. The application is therefore recommended for approval.

**Site and Surroundings**

2. Ashbourne Heights is an established caravan and holiday park located to the west of the A515, approximately 700 metres north of Fenny Bentley. It has a mixture of static caravan pitches, lodges and touring pitches, together with buildings providing facilities for visitors to the site; these are in predominantly traditional buildings in the centre of the site. The site takes access off the A515 and crosses over the Tissington Trail which runs immediately to the east of the site. The Park currently consists of a mixture of touring caravan and camping pitches, static caravans and lodges. There are a number of ancillary facilities on site, including, a shop, office, bar and swimming pool.
3. The application relates to part of the site known as Area 10 or Thorpe Meadow. This field is located north of the current facilities buildings within the existing site. It has an area of approximately 1ha. The total site ownership has an area of approximately 21.8ha, within this the “operational” site has an area of approximately 10.2ha. Following planting schemes carried out under previous planning permissions the site is now relatively well screened in the landscape, with the exception of the southern boundary, which is relatively open.
4. The site lies within the Derbyshire Peak Fringe Landscape Character area, characterised as Village Farmlands on shale ridges. The site does not lie within the defined Natural Zone or within a Conservation Area. The surrounding landscape, and some parts of the site have historic ridge and furrow field systems, although none are scheduled as ancient monuments.

**Proposal**

5. The application is for the change of use of land (area 10) from touring/camping plots to stationing of holiday lodges and static caravans. Area 10 is a field in the north-western corner of the site, to the north of the facilities buildings. The development proposes the siting of modern lodge and static caravan accommodation in the touring field known as Area 10 or Thorpe Meadow on a permanent basis, replacing the existing touring caravan use. The area has a current potential capacity of around 40 plots for touring caravan/camping. The proposal is for 20 pitches, with the plans showing 16 static caravan units and 4 lodges.
6. The new lodge/static accommodation is proposed to have a seasonal occupation restriction to preclude occupation from 16 January to 1 March to align with recent

planning conditions elsewhere on the site.

7. The Planning Statement accompanying the application explains that as part of a landscape and ecology led approach substantial new tree and hedgerow planting is proposed, increasing the site's landscape screening and biodiversity. This includes a water "detention" basin in the south-west corner of the area to manage water run-off, with a wooden walkway around it.
8. The application is accompanied by a Planning Statement, setting out the proposal and summarising the supporting documents:
  - Design and Access Statement.
  - Landscape and Visual Impact Assessment
  - Preliminary Ecological Appraisal
  - Bat and Reptile surveys
  - Flood Risk Assessment and Drainage Strategy
  - Heritage Statement (Archaeology and Built Heritage)
  - Landscaping Planting schedule and Landscape detailed layout soft landscaping
  - Transport Statement
  - Arboricultural Impact Assessment and Method Statement

**RECOMMENDATION:**

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

- 1 **Statutory 3 year commencement.**
- 2 **Compliance with submitted plans and specifications, subject to the following:**
- 3 **Submit details of the design and external appearance, including colour of the static caravans and lodges.**
- 4 **Occupancy of units to be short stay holiday accommodation, maximum 28 days per person per calendar year, no occupancy permitted 16 January to 1 March in each calendar year**
- 5 **Submit and implement a Landscape and Ecological Management Plan (LEMP) to include the location and specification of bat and bird features along with objectives and management prescriptions for the enhancement of the habitat on site (including details regarding the proposed water basin, grassland and trees).**
- 6 **Submit and implement woodland management plan.**
- 7 **Scheme of Archaeological Works:**
  1. ***No development shall take place until a Written Scheme of Investigation for a programme of archaeological work (trial trenching and any subsequently required mitigation) has been submitted to and approved by the National Park Authority in writing. The scheme shall include an assessment of significance and research questions; and***
    1. ***The programme and methodology of site investigation and recording;***
    2. ***The programme for post investigation assessment;***
    3. ***Provision to be made for analysis of the site investigation and***

**recording;**

- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
  - 5. Provision to be made for archive deposition of the analysis and records of the site investigation;**
  - 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.**
- 2. No development shall take place until all pre-start elements of the approved scheme and any subsequent mitigation required have been completed to the written satisfaction of the local planning authority, and all subsequent development will take place in accordance with the Written Scheme of Investigation approved under condition a).**
  - 3. Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the (set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.**
- 8 Submit and implement Travel Plan for both staff and visitors staying at the site.**
  - 9 The holiday lodges and static caravans, the subjects of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking of visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.**
  - 10 Drainage conditions recommended by the Lead Local Flood Authority (see report).**

### **Key Issues**

- The principle of development
- Impact on the landscape character and special qualities of the National Park
- Travel and transport

### **History**

9. The site at Ashbourne Heights was originally known as Highfields Farm. It has a long and complex planning history, with numerous applications for both planning permission and certificates of lawful use, together with various enforcement issues, which are summarised below.
10. The original farm had been in a mixed use for agriculture and the siting of caravans dating back to the 1950s. In 1966 planning permission was granted for the siting of 14 touring caravans in the south west corner of the farm subject to an Agreement that an 'established' use would cease on the other fields. Further planning permissions were granted on other specific areas of land on the farm in the 1970s. In 1990 the farm was sold to a new owner who continued the mixed caravan site and agricultural use. In the 1990s, a number of planning permissions were granted for ancillary facilities at the site to serve the larger holiday caravan and camping park.

11. In 2004, 11 Lawful development applications (LDCs) were submitted which covered 11 specific areas which became known as Plots 1-11. At the time of these applications, it became clear that the primary use of Highfields Farm was now as a caravan and camping site and that any agricultural use had ceased. Of the 11 applications submitted in 2004, those relating to 5 were granted, either in whole or in part, and the applications relating to 6 plots were refused. Around 2009 the name of the site was changed from Highfields Farm to Ashbourne Heights, and the then owners submitted a number of further LDC and planning applications relating to the use of individual areas within the site. The planning status of the site at that time was very complex, with different areas of the site authorised by a number of planning permissions and LDCs relating to changes of use on specific areas. In addition, there are a number of planning permissions relating to ancillary facilities for the general running of the site.
12. The current planning status as a holiday park was established by a Certificate of Lawful Existing use and Development (CLEUD). This was granted in December 2016 and consolidated the preceding complex planning history and confirmed the use of most of the site as a Holiday Caravan and Camping Site. The Certificate identifies specific areas of the site and the nature of the lawful use of those areas at that time, with seasonal use of most of the site as 1st March to 31st October, with some parts having an extended season of 1st March to 16th January, and one part (the eastern field) having a shorter season of July and August.
13. NP/DDD/1222/1572: An application for change of use of land for the stationing of holiday lodges, static caravans and glamping pods, redevelopment of existing facilities to provide new amenity facilities was submitted in November 2022. This included the current application site, the field along the eastern side of the site, and a substantial new facilities building replacing the original farmhouse and barn. This application was withdrawn following discussions with Planning Officer, indicating that the application likely to be recommended for refusal.

### **Consultations**

14. Highway Authority: *“On the basis of the sites extant use it is not considered that the proposal would result in any negative impact from a Highways safety point of view, therefore, the Highway Authority has no objections to the proposal, and it is recommended the following condition is included in any consent:*
  1. *The holiday lodges and static caravans, the subjects of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking of visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.”*
15. District Council: No response.
16. Fenny Bentley Parish Council: No objection.
17. Environment Agency: The site is located within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There is an ordinary watercourse which runs close to the site located to the east of the site which the EA do not hold modelled data for however the LLFA may hold data for this watercourse. There are no other constraints associated with the site which fall within the remit of the EA however given that a connection to the foul drainage network is not possible on this site then please refer the applicant to the below advisory note.
18. Derbyshire County Council as the Lead Local Flood Authority (LLFA): No objection

subject to the conditions:

*“No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:*

- a. Flood Risk Assessment for Park Holiday UK LTD, Doc Ref: SHF.202.143.HY.R.001.E, Dated May 2023 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”*
  - b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.*
19. *Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.*
20. *Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).*
21. **PDNPA Policy:** *The response sets out the relevant policies and provides the following conclusions on compliance with these policies:*  
*“Accordance with policy GSP1: The application focuses on providing accommodation and facilities in line with the second National Park purpose. However, the impact of the delivery of the static accommodation elements of the scheme are in conflict with other National Park planning policies aimed at limiting the impact of static accommodation structures at camping and caravanning sites on the landscape. Therefore, the development is in conflict with part C of Policy GSP1. The scale of the development, with the proposed provision of an additional 20 static units would constitute major development within the National Park. If so, unless the applicant is able to demonstrate exceptional circumstances in support of the development, it would be contrary to Part E of Policy GSP1.*

*Accordance with Recreation and Tourism policy: The provision of additional static structures (static caravans or lodges) is clearly contrary to Part B of Policy RT3. Whilst Part C of Policy DMR3 allows for the exceptional development of accommodation structures, the policy only allows for small scale development of this nature. The text accompanying Policy RT3 highlights the use of provision of camping pods where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or of 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. The proposed provision of an additional 20 static units is of a scale that is contrary to the intent of Policy DMR1. It is noted that the development would see a potential reduction in the overall number of units from 38 touring units to 20 static units. However, these would be semi-permanent units and would almost certainly each take up more space than a single touring caravan. There would also be a requirement to ensure that each unit is connected to services including waste, water and electricity. This is effectively a more permanent and intense development than the current use as a site for touring caravans. It is assumed that the season of operation will also be longer than the current touring caravan operation of this particular part of the site.*

*Accordance with Transport policy: The current proposal includes the provision of one car parking spaces per unit, this is in accordance with the Peak District National Park Parking Standards. The current application does not include a Travel Plan for either staff or visitors to the site. A development of this scale offers the opportunity to influence travel behaviours, particularly those of visitors to the site. People enjoying a leisure experience are known to be more amenable to new experiences, including modal shift. In the event of planning permission being granted, it should be conditional on the provision of a Travel Plan for both staff and visitors staying at the site”*

22. **PDNPA Ecology:** No objection subject to conditions. Recommend the production of a Landscape and Ecological Management Plan (LEMP) to include the location and specification of bat and bird features along with objectives and management prescriptions for the enhancement of the habitat on site (including details regarding the proposed water basin, grassland and trees) to be secured through a planning condition. Note the inclusion of some native species within the Planting as shown on the Planting layout by Enzygo (2023) but would prefer all species included with any planting scheme to be native and preferably of local provenance which will generally provide greater value to wildlife. The Mitigation Strategy within the Landscape and Visual Assessment illustrates a hibernacula and this is welcomed within the design. To further achieve net gain (in line with NPPF) we welcome the production of a Woodland Management Plan (WMP) in relation to the 1ha section of the mixed young plantation woodland in the west of the holiday park.
23. **PDNPA Archaeology:** (Following submission of a Heritage Impact Assessment). *Taking into accounts current use and previous impacts and the estimate of significance outlined above I recommend that this is dealt with by a staged programme of archaeological investigation secured by condition (see above in recommendation). This should start with evaluation by trial trenching across the development area, which will inform any subsequent mitigation required. Should the results of the evaluation be negative then no mitigation will be required. This is proportionate response and likely to be more time and cost effective than an uninformed and untargeted watching brief.*

The following detailed comments were made (summarised):

**Significance and potential**

*I agree with the assessment with respect to the ridge and furrow. This is likely to be medieval in origin, resulting from ploughing activity. The ridge and furrow earthworks in this area are less well preserved than in other areas of the immediately surrounding landscape, but they are still clearly visible on available LiDAR data... These are non-designated heritage assets of historic and archaeological interest. Their eroded and degraded nature means they are of local significance.*

*This legibility of the ridge and furrow is evidence that previous impacts in this field e.g. installation of the electrical connection and use by touring caravans hasn't been enough to fully erode the earthworks. So, whilst some disturbance of buried archaeological remains could have taken place, this isn't deemed enough to destroy any previous archaeological interest.*

*The historic environment assessment assesses the archaeological potential of this area for pre-medieval archaeological remains to be low. However, it acknowledges such sites surveyed elsewhere in the landscape and that there is no evidence to preclude similar activity within the site..... the potential for pre-medieval remains in this area is actually **unknown**. ... the survival of ridge and furrow in this area demonstrates that this land has not been ploughed or significantly disturbed in modern times, thus that there is potential for earlier archaeological remains to survive. Any such remains would*

*be considered non-designated heritage assets of archaeological interest, but the nature, extent or level of significance of any such remains is **unknown**. Taking into account the archaeological context of the site, I would estimate that the risk of any surviving remains being features of high or very high (national) significance would be relatively low and due to the fact that there have been previous impacts in this area both with respect to medieval agriculture and later activity, it is unlikely the any surviving earlier remains would be entirely undisturbed or exceptionally well preserved.*

**Impact**

*The groundworks required to create the hardstanding for the caravans and cabins, for the access road and tracks, for the water attenuation ponds, for services and drainage will cause harm to the ridge and furrow earthworks, resulting in their complete loss, and on potential for previously unknown and unrecorded archaeological remains and features that survive below the ridge and furrow earthworks”.*

**Representations**

24. We have received one representation, from the Ramblers Derbyshire Dales Group, which has no objection providing that:
- i) Fenny Bentley FP 20 remains unaffected at all times, including the path surface, both during and after any development
  - ii) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
  - iii) Any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team
  - iv) From the three site plans, it would have been helpful to have shown the Right of Way

**Main Policies**

25. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L3, RT3, T1, T2, T7, CC1.
26. Relevant Development Management policies: DMC3, DMR4, DMT3, DMT8.

**National Planning Policy Framework**

27. 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.

28. Paragraph 178 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

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. Policy L3 says that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance. Other than, in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.

36. 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. Part B makes it clear that static caravans, chalets or lodges will not be permitted. Part C requires that the provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself. Part D states that development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged
37. Policy T1: *Reducing the general need to travel and encouraging sustainable transport* sets out the Plan's aim of encouraging modal shift and reducing the number of journeys by private car. Policy T2: *Reducing and directing traffic*; Part F of the policy states that Travel Plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments. Policy T7: *Minimising the adverse impact of motor vehicles and managing the demand for car and coach parks*: Part B states 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.
38. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.

#### Development Management Policies

39. The most relevant development management policies are DMC3, DMC5, DMC11, DMR1, DMT3.
40. 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.
41. Policy DMC5 requires 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. Development of a designated or 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 (from its alteration or destruction, or from development within its setting), unless: for non-designated heritage assets, the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
42. Policy DMC11 relates to safeguarding, recording and enhancing nature conservation interests and aims to achieve net gains to biodiversity or geodiversity as a result of development.
43. Policy DMR1 *Touring camping and caravan sites* states:
- A. The development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.*

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

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

44. 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.

## **Assessment**

### **Principle of proposed development**

45. The proposed development would result in the loss of 38 touring caravan pitches and their replacement with 20 lodge and static caravan pitches (4 lodges and 16 static units) which would be on site all year round, but with restricted occupancy so that they would be vacant for part of January and most of February and March. They would be permanent structures, with their own facilities, although they would also have access to the wider site facilities. Policy RT3(B) of the Core Strategy specifically states that static caravans, chalets or lodges will not be permitted. However, 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.

46. The supporting text to DMR1 is important so it is quoted in full: *“5.20 Core Strategy policy RT3 is clear that static caravans, chalets and lodges are not acceptable features in the National Park. The open character of large parts of landscape particularly in the White Peak and Dark Peak mean that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park. There is however a growing range of alternative forms of accommodation such as camping pods, yurts, shepherd's huts etc. which have come onto the market in response to a demand for greater quality and comfort. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore they will be determined against Core Strategy policy RT3B.*

*5.21 There may be exceptional circumstances where some structures may be acceptable. For example, experience has highlighted that wooden pod structures with no associated development can provide a sensitive, low key form of accommodation particularly in woodland settings where the scope for landscape harm is negligible. Such solutions can help to support the local economy by extending the tourism season. Similarly, the traditionally styled shepherd's hut accommodation can also provide an alternative form of provision with very minimal landscape impact but can only be justified as exceptional if only one hut is installed on any one agricultural holding. Such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2. Policy DMR1 then requires that such development is located close to an existing farmstead where existing access, parking arrangements and facilities can be utilised”.*

47. The proposal is therefore in conflict with these policies unless it can be demonstrated that there are exceptional reasons for approval, as suggested in the extracts quoted above. This issue has been dealt with in the Planning Statement, which states: *“The preclusion of static caravans and lodges in policy RC3 B is recognised as not being a total preclusion of such accommodation in paragraph 10.26 of the CS which states “Exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape.” The scheme will therefore fulfil the requirement of CS Policies GSP1 and GSP2 and RC3 and DMP Policies DMC3 and 5”*. In response to this, officers agree that the site is well screened and, unlike other recent proposals elsewhere, it is a well-established site with good access. The proposed units would also replace a larger number of seasonal touring pitches. However, it is also the case that the proposed lodges and static caravans are larger than the wooden pod structures referred to in the Development Plan extract above.
48. The Authority's Policy team response suggests that the proposed development is major development. In assessing this application there are two definitions of major development. Firstly, the technical definition in the Town and Country Planning (Development Management Procedure) (England) Order 2015 is development (other than housing) carried out on a site having an area of 1 hectare or more. The application site area is approximately 1 hectare. However, footnote 60 of the NPPF says: "For the purposes of paragraphs 176 and 177 (i.e. development impacting on a national park), whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined". Using this definition, a judgement can be made as to whether or not a development is "major". For the reasons set out in this report, it is considered that the siting of permanent static caravans and lodges on a part of an established site where a greater number of touring units is approved would not be major development by virtue of its very limited impacts on the special qualities of the National Park. In other words there is no appreciable harm arising from the proposals, and as such the criteria in the NPPF relating to significant adverse impacts do not arise. As this report sets out, the site is well established, with good screening, but the application would result in additional screening and biodiversity, with a near 50% reduction in the number of units, albeit with the new units being permanent and generally larger than a standard touring unit
49. Taking these various issues and considerations into account, it is concluded, on balance, that the replacement of the seasonal touring units on part of the site with permanent, but seasonally occupied, units is acceptable in this specific case. The site is relatively large and this part of it is well screened. It would still offer a range of accommodation and pitches on the site, with the eastern field being available for short season touring and camping. The approval of this application would not set a precedent for further approvals on the site because this part of the site is one of the best screened and has a lawful use for a relatively long season for 38 touring units. An approval also provides an opportunity for additional landscape and biodiversity enhancements. On this basis, an exceptional approval is appropriate, but the detailed impacts are assessed in the following sections

### Landscape Impacts

50. Ashbourne Heights is an established large-scale holiday park, having developed and expanded over many years. As a result of landscaping requirements from previous planning permissions, the site is well screened and is not highly visible from the surrounding landscape. A detailed assessment of potential visual impact has been carried out and submitted with the application as a Landscape and Visual Impact Assessment (LVIA). This concludes that *“The receiving landscape, although of potentially high sensitivity, is visually contained such that the development of the*

*proposed areas for .....static caravans could be successfully incorporated without any long-term detrimental effects on the local or wider landscape character.”*

51. The application also includes additional landscaping to further reinforce the screening of the site from its landscape setting and surroundings. It is proposed to plant a new tree and hedgerow along the northern boundary of Area 10 and additional trees to the north-western corner of this field, as the area to the north and north-west are the most exposed in terms of this part of the site, although views from the road between Tissington and Thorpe are now much better screened than they were several years ago.
52. This additional planting will also create enhanced habitat and biodiversity gains, which is considered to be necessary given that parts of the site are relatively “manicured” in terms of management and some of the screening is from conifers rather than native species. The response of the Authority’s Ecologist and her recommendations echo this. In the event of this application being approved, a condition requiring additional details and management is considered to be reasonable and necessary. Whilst the replacement of existing touring pitches with permanently sited static caravan/lodge accommodation would have a more permanent impact, the fact that the existing site, and Area 10 in particular, is visually well-contained means that the development would not affect the wider. Any visual impact would be confined to occupants of the holiday park and users of the public footpath that runs through the holiday park (this aspect is dealt with below).
53. The LVIA conclusions are considered to be accurate and it is accepted that the change from touring plots to static/lodge accommodation would not materially increase the visual impact of the site or affect the wider landscape setting of the site. It would therefore conserve the valued landscape character and valued characteristics of this part of the National Park and provide opportunities for enhancement, in accordance with Policies GSP1, GSP2, and L1 of the Core Strategy.

#### Highway Issues:

54. Access to the proposed development would be via the existing access off the A515 and through the existing site. The Highway Authority does not object to the application, subject to conditions, which can be added to any permission.
55. The application is accompanied by a detailed Transport Assessment. This concludes that the site currently has permission for around 289 plots for both touring/static caravans, lodges and tent pitches (178 touring caravan/tent pitches and 111 static caravans. On the basis that the applicant proposes to convert a section of the existing site (Area 10) from 38 existing touring/camping pitches to allow for 20 holiday lodges/static pitches, the assessment says that this would allow for a revised composition of circa 131 static pitches and 140 touring/tent pitches, a net reduction of 18 plots. with an overall. As a result there would be a small net decrease of 1 trip in the morning peak and 3 trips in the evening peak. The redevelopment would also remove an element of caravans being towed into / out of the site access along the A515 (loss of 38 touring pitches), and instead be replaced by cars visiting the static caravans/lodges. This would therefore represent a betterment to the operation of the existing access and surrounding junctions on the public highway network. The Transport Assessment therefore concludes that the proposal would not give rise to a severe or detrimental impact on the surrounding wider highway network. It also notes that parking would be provided adjacent to each plot, to ensure that no parking occurs along the internal access roads.
56. However, the Authority’s Transport Policy Officer has advised that a development of this scale offers the opportunity to influence travel behaviours, particularly those of visitors to the site. People enjoying a leisure experience are known to be more amenable to new

experiences, including modal shift. He recommends that in the event of planning permission being granted, it should be conditional on the provision of a Travel Plan for both staff and visitors staying at the site.

### Economic Impact and Market Demand

57. The supporting Planning Statement includes a detailed section on economic Impact and market demand, providing data on the number of sites, their ownership and the contribution they make to the economy. The Planning Statement says that this demonstrates the strong demand for static holiday/lodge caravan pitches in England and the significant economic contribution their visitors make. In particular, it adds:

*“The holiday park industry continues to respond to the developing needs of the UK holiday sector through the upgrading and improvement of parks, use of modern evolutions of the caravan in varying formats which are capable of use throughout an extended season. Despite concerns with the state of the global economy, the current domestic holiday market remains strong. Holidaymakers are tending to opt more for domestic breaks; the so-called ‘staycation’. Issues surrounding Brexit and the recent COVID-19 pandemic is further reinforcing the staycation market. One of the main factors limiting the ability of camping to meet increasing staycation demand is weather which results in a shorter tourism season. The best way to deal with our relatively short tourism season is to create more all-weather packages, truly resilient to poor weather throughout the entire year. Ashbourne Heights is ideally placed to do this having an existing swimming pool and with improved ancillary facilities and replacing camping/touring pitches with well insulated static and lodge accommodation.*

*Direct spending by tourists creates multipliers in the local economy, providing vital additional income for small businesses, resulting in greater economic diversity and job creation. The proposed development will therefore benefit the local economy”.*

58. This is not disputed and the contribution that overnight holiday accommodation makes to the local economy is acknowledged. However, the duty to *foster the social and economic wellbeing of the local communities within the National Park*” in carrying out these purposes is secondary to the statutory purposes of national Parks so if a development is considered to be in conflict with the purposes, the socio-economic duty must be secondary.

### Impact on footpath users:

59. A public footpath crosses through the site. It would not be directly affected or obstructed by the proposal, but users will obviously have a slightly different experience from walking adjacent to a site with lodges and static caravans, rather than touring caravans. This would be even greater given that when there are no touring caravans this part of the site is empty, whereas the proposal would result in units all year round, even if they are not occupied. However, the footpath also passes through other parts of the site where there are permanent units and it has the character of a well-established holiday part, with areas of managed grass and other facilities, such as play areas. Overall, the proposal would not result in a significant change to the experience of footpath users, in accordance with 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. Derbyshire Ramblers do not object to the application.

### Impact on residential amenity

60. The nearest neighbouring property is a farm to the south, which also has a camping and caravanning use. The field which is the subject of this application is on the northern part of the Ashbourne Heights site, furthest away from the neighbouring farm so there would

be no impact on the privacy and amenity of that property, so the proposal accords with policies GSP3 and DMC3.

#### Climate Change and Carbon Reduction Measures:

61. No specific measures are specifically proposed in the application, but the Design and Access Statement says that the new lodges and static caravans will be insulated to current requirements. LED energy efficient light fittings will minimise energy consumption, any external lighting will be aimed downwards and be switched off when not in use to minimise light pollution. Permeable gravel footpaths will help reduce water run-off from the site. Water efficient sanitary-ware will further reduce the reliance on mains water. Sustainable and local materials will be used wherever possible, supporting local businesses and minimising transportation of materials. Any excavated material from site will remain on site and be redistributed. Although these are fairly generic statements and any units are likely to be manufactured off site, given the nature of the development, this is considered to be acceptable.

#### Conclusion

62. It is concluded, on balance, that in this case the replacement of the seasonal touring units on part of the site with permanent, but seasonally occupied, units is acceptable as an exception to the normal policy presumption against permanent static caravans and lodges. As noted above, the site is relatively large and this part of it is well screened. It would still offer a range of accommodation and pitches on the site, thus contributing to the enjoyment of the National Park. The approval of this application would not set a precedent for further approvals on the site because this part of the site is one of the best screened and has a lawful use for a relatively long season for 38 touring units. An approval also provides an opportunity for additional landscape and biodiversity enhancements and also provides an enhancement to the quality of the tourism provision at this site.

63. There are no other site specific reasons for refusing the application.

#### Human Rights

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

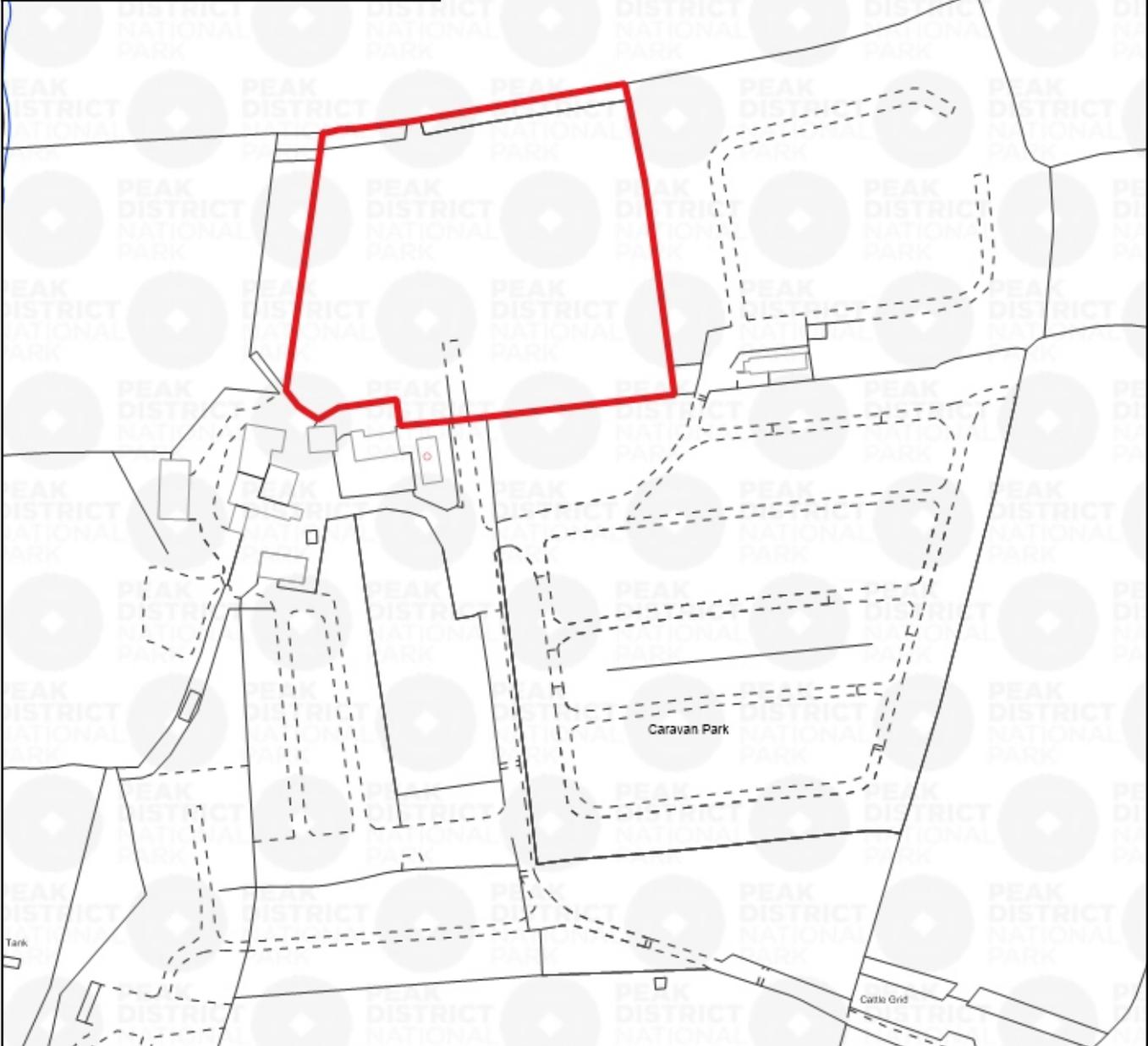
#### List of Background Papers (not previously published)

65. Nil

66. Report Author: John Scott



1:2000



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Committee Date: 08/09/2023  
 Item Number: Item 13  
 Application No: NP/DDD/0523/0520  
 Grid Reference: 416998, 351070

**Title:** Ashbourne Heights Caravan Park, Ashbourne Road, Fenny Bentley



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**14 . 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/MN)**

**APPLICANT: MR R WRIGHT**

**Summary**

1. A decision on this application was deferred by Members of the planning committee at the June 2023 planning committee meeting. The reason for deferral was to allow a Member site visit to be carried out, to better appreciate the landscape setting of the development.
2. As submitted, and as considered by Members at the June committee meeting, 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.
3. Since the June meeting, amended plans have been submitted by the applicant, cutting the building further in to the hillside, reducing heights, and increasing the extent of the proposed landscaping.
4. Officers remain concerned about landscape impacts of the proposals on the special qualities of the national park, whilst the intensification of use of the existing access to the site – which meets the B5056 at an acute angle – is a material consideration.
5. The application is recommended for refusal.

**Site and Surroundings**

6. 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.
7. 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.
8. 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.
9. 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.

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

### **Proposal**

12. 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.
13. 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.
14. 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.
15. 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.
16. Amended access plans have been received clarifying access arrangements and improved achievable visibility splay.

### **RECOMMENDATION:**

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

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**

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

## **History**

18. No planning history pertaining to the site.

## **Consultations**

### **Derbyshire County Council Highways**

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

## **Representations**

22. 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**

23. 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.
24. 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.'

25. 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

26. 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.
27. 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.
28. 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.
29. 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.
30. 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

31. 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.
32. 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**

- 33. 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.
- 34. 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.
- 35. 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.

36. 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.
37. Officers recognise that there would be functional agricultural benefits arising from the proposed development, and 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

38. 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.
39. The proposal as amended 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 amendments to the appearance of the building made since the application was considered by member at the June 2023 planning committee meeting are the height of the storage section of the building has been reduced by 800mm and the livestock housing has been changed from an apex design to a monoslope with weather canopy to reduce the height of the building that faces the roadside. The building is proposed to be dug into the bank by a further 700mm giving an overall height reduction of 1.87m, and the proposed sheet cladding has been brought further down the walls to conceal more of the exposed concrete panelling.
40. 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
41. An amended landscaping plan, superceding te previous amended landscaping plan, has also been submitted since the June committee. In addition to the previously proposed tree planting (beech and oak) to the northern site boundary hedgerow, east of the access point, a new hedgerow is now also proposed to along the line of the roadside post and witre fence the runs to the immediate west of the site access. The intention of this is to reduce visibility of the building on the critical approaches along the B5056 from where views to the building would be intermittent but possible.
42. 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. Whilst the amended plans do reduce the

amount of fill required at the front edge of the building and yard area, there would remain a degree of level-raising, increasing the perceived height and prominence of the building, and particularly the north-west elevation which is nearest to public viewpoints along the B5056. The degree of excavation proposed by the amended plans (increased from the previously considered plans) would continue to 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. 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.

43. 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. Highway safety considerations are covered separately below.
44. 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, and therefore displaying an open and undeveloped character. 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. This is a key special quality of the National Park and while the proposed planting scheme may in time bring about some screening this would take a number of years to establish and would remain seasonal in effectiveness.
45. 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

46. 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.
47. Derbyshire Highway Authority requested further usage 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.

48. 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**

49. This proposed scheme would have a materially detrimental impact on the special qualities of the area and in particular 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.

50. It is therefore recommended that the application be refused.

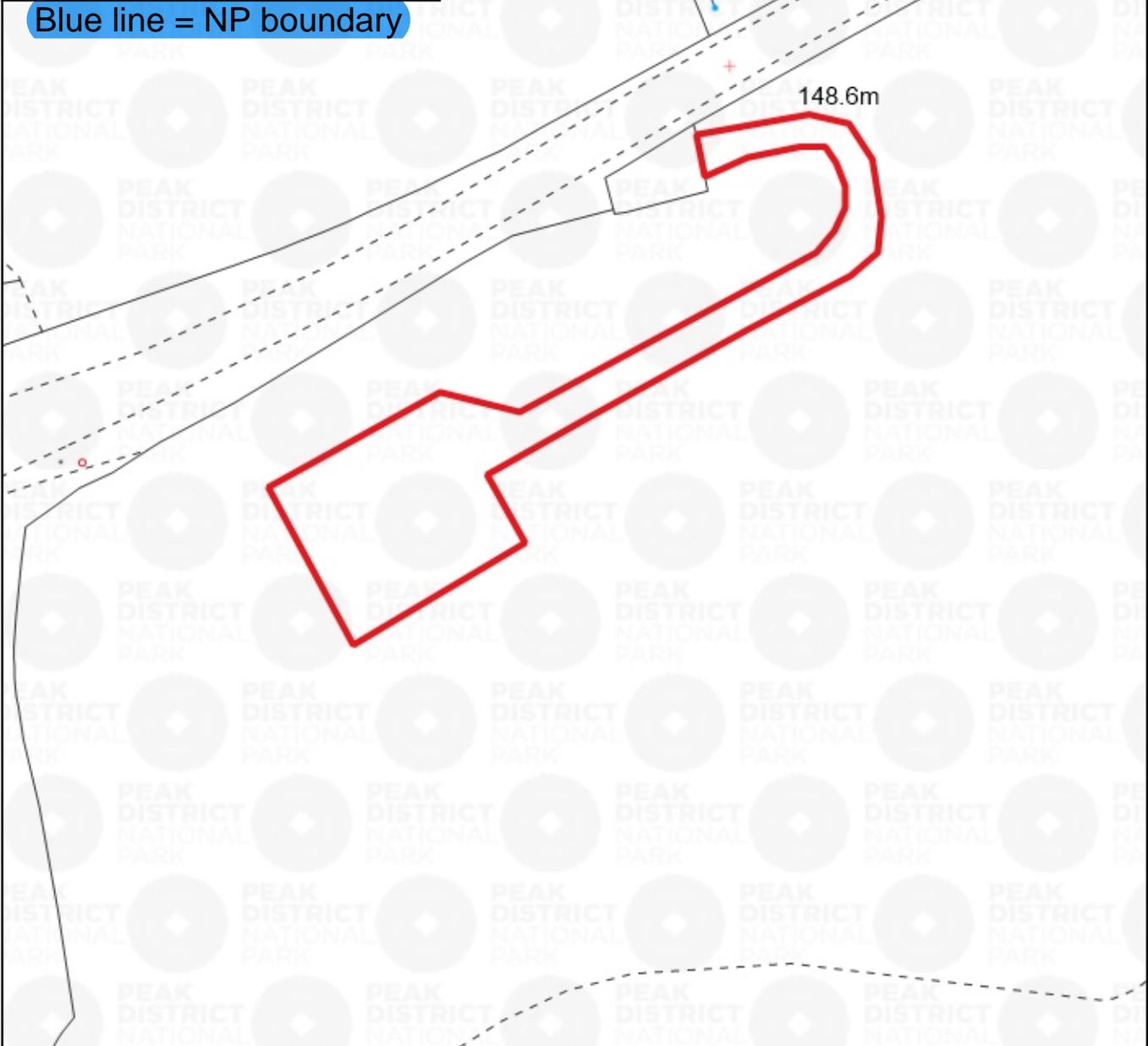
### **Human Rights**

51. Any human rights issues have been considered and addressed in the preparation of this report.
52. List of Background Papers (not previously published) Nil
53. Planning Officer – Graham Bradford (consultant planner)/ Mark Nuttall (South Area Team Manager)



1:800

Blue line = NP boundary



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Committee Date:	08/09/2023	<b>Title:</b> Land south of B5056, Fenny Bentley	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 14		
Application No:	NP/DDD/1222/1557		
Grid Reference:	418283, 350102		

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**15. LISTED BUILDING CONSENT APPLICATION: CONVERSION OF TRADITIONAL, CURTILAGE LISTED FARM BUILDINGS TO 6 NO. DWELLINGS, GREENCROFT FARM, MIDDLETON BY YOULGRAVE (NP/DDD/1122/1464, JRS)**

**APPLICANT: MR GUY BRAMMAR**

**Summary**

1. This is an application for listed building consent for proposals to convert a range of traditional barns to six dwellings at Greencroft Farm, Middleton by Youlgrave. Greencroft Farm is a listed building and the barns are considered to be curtilage listed. There is an associated application for planning permission (see preceding item on the agenda).
2. This report concludes that the proposals would be sympathetic conversions of the traditional buildings, which are important in the Middleton by Youlgrave Conservation Area. The conversions would be within the shell of the existing buildings and would retain their special character and interest. There would be some alterations to the external and internal appearance of the buildings, but subject to some amendments and to conditions, the scheme is considered to retain the special architectural and historic interest of the site.

**Site and Surroundings**

3. Greencroft Farm is located in the centre of the village of Middleton-by-Youlgrave. The farm group consists of an 18<sup>th</sup> century Grade II listed farmhouse with attached two storey shippon, an L-shaped range of mainly single storey stone-built barns, and a detached former cart shed/granary, abutting the Weaddow Lane boundary. To the north of the buildings there is a 0.3 hectare paddock. The farmhouse is set away from the yard and traditional buildings. The farmhouse is also attached to an agricultural range, the end of which is part of the current application.
4. The site is bounded to the north by Rake Lane and to the east by Weaddow Lane. There are three vehicular access points in total, one onto Rake Lane and two onto Weaddow Lane. The access drive to Middleton Hall forms the western site boundary. The southern boundary adjoins the residential curtilages of Church Cottage and The Garden House. The north eastern boundary abuts the village public toilets and a small play area fronting The Square. On the opposite side of Weaddow Lane lies Church Barn and a small chapel. The 1980s residential development along The Pinfold lies on the same side of Rake Road to the north.
5. All of the buildings in the building group at Greencroft Farm are considered to be curtilage listed and the site lies within the Middleton Conservation Area. Until recently a modern, portal framed agricultural building abutted the eastern elevation of the range of barns and extended across the former farmyard, infilling the area between the barns and the cart shed. This structure has now been removed and the historic pattern of the original farmyard is now visible.
6. Apart from the small paddock, there is now no other land associated with the former farm, this having been sold off separately.

**Proposal**

7. The application seeks listed building consent for the works associated with a change of use of the traditional, stone built, agricultural buildings on the site to dwelling houses. This includes the shippon attached to the farmhouse but excludes any works to the farmhouse itself. The refurbishment of the farmhouse is the subject of a separate application for listed building consent, but it would remain as a dwelling.

8. The scheme proposes the creation of six dwellings (in addition to the existing farmhouse). Four of these (units 1-4) would be in the L shaped range of barns and would consist of two 2-bedroomed units and two 3-bedroomed units. A further 2-bedroomed unit (unit 5) would be provided by conversion of the cart shed/granary, and a 3-bedroomed unit would be in the shippon (unit 6).
9. The former farmyard would be kept free of subdivision and will not be incorporated into any curtilage. It would be used and maintained as communal amenity space without vehicular access.
10. In addition to the detailed plans, the application is supported by a Planning Statement, a Heritage Statement, a protected species survey, a structural survey, and a viability assessment.

### **RECOMMENDATION:**

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

- 1 **Statutory 3 year commencement.**
- 2 **Compliance with submitted plans and specifications, with use of buildings to be as described in the application, subject to the following:**
- 3 **Submit and agree samples of any new materials (walling stone and roof slates/tiles) for all new and restored buildings.**
- 4 **Submit and agree window and door details on all buildings, including materials, profiles, method of opening, external finish, recess, and any surrounds.**
- 5 **Submit details of rainwater goods, and external flues and vents.**
- 6 **Agree precise details of rooflights.**
- 7 **Submit and agree detailed scheme for site layout, landscaping, and management, including any soft landscaping, hard surfacing and boundary treatment.**
- 8 **Archaeology and building recording conditions:**
  - **Archaeology:** Scheme to be carried out in accordance with recommendations of site evaluation and WSI.
  - **Historic Building Recording:** No development shall take place until a Written Scheme of Investigation for a programme of Level 2/3 historic building recording has been submitted to and approved by the local planning authority in writing. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological WSI.
- 9 **Development to be carried out within existing buildings, with no rebuilding other than where specifically agreed with Authority.**

### **Key Issues**

- Whether the development conserves and/or enhances the designated and non-designated heritage assets.

## **History**

11. There is a no planning history relevant to these buildings but in 2021 pre-application advice was given on a draft scheme for the site The Planning Statement says that current scheme aims to respond to the issues raised at pre-application stage.

## **Consultations**

12. Parish Council: *“Middleton and Smerrill Parish Council supports this application which appears to meet architectural standards commensurate with its central village surroundings. It notes that the development is for private dwellings and this wholly meets the village aspirations to remain a rural community welcoming families and not second or holiday homes. It considers it vital that small peak district communities are protected from occasional use dwellers who stifle community life and welcomes new residents who keep the village alive. Our only concern is for the single access from the Rakes for 5 dwellings and trusts that DCC Highways will require an entrance splay that will retain the essential parking on the opposite side of the carriageway for the existing houses. It notes that the centre of the village will become busier but not impacted as parking for the new dwellings is off road. Should planners be minded to approve the garages then there is a desire for the block by the road to be at a lower level to minimise it’s visual impact”.*

13. Highway Authority: response relates to the planning application

14. District Council: No response.

15. PDNPA Conservation Officer: Conclusion as follows, with full comments available on the website:

*“Overall, the principal of conversion is supported, and there would be a public benefit in securing the optimum viable use of the buildings. There is much to be commended in the current application, particularly in the use of hopper windows and boarded doors to maintain the character of the buildings. However, as it stands, the scheme proposes an excessive amount of structural remodelling, large numbers of large rooflights and an excessive subdivision (and domestication) of formally open yard spaces. This would reduce the contribution that the curtilage listed buildings make to the significance of the listed building, as well as the significance to the farm buildings as non-designated heritage assets. As per paragraph 202 of the NPPF, and the Peak Park’s development management policies DMC5 and 7, this harm would need to be outweighed by the public benefit arising from the proposal. The proposal is also currently in conflict with the PDNPA’s policy on conversions DMC10, which states that the conversion of a heritage asset will be permitted provided that it can accommodate the new use without changes that adversely affect its character. At present, the application is also missing key details that are needed to inform any decision making. This includes details of insulation, structural repairs, rainwater goods, and soil vent pipes.*

*If the application is approved then the details that are missing from the application will need to be conditioned, as will a programme of building recording to HE level 2, prior to work starting.*

16. PDNPA Archaeology: Response relates to the potential for buried archaeological remains to be located on the site and the potential for such remains to be impacted by the proposed development.

*The below ground archaeological interest:*

- *Parts of Greencroft Farm have high archaeological interest and potential for belowground remains.*
- *The heritage statement concludes that that the site has moderate potential for archaeological remains of Roman and Medieval date to survive, particularly in the paddock area.*

- *Whilst the area of the main building ranges and central farmyard area, with concrete flooring and previous disturbance have a lesser degree of archaeological interest and potential, the undisturbed areas such as the paddock and area along Rake Lane have much higher potential.*
- *A 2019 investigation by ARS at the adjacent orchard associated with Middleton Hall encountered remains dating to the Anglo-Saxon, Medieval and Post-medieval period were encountered, including the post pads of a medieval building and Anglo-Saxon pottery (ARS 2019, report still in draft). Such remains are of considerable significance.*
- *This points to the paddock and other undisturbed and undeveloped areas of the Greencroft Farm site having a high potential for archaeological remains of medieval date.*
- *Any such remains would be considered to be heritage assets of archaeological interest, and likely to be of at least regional significance. But, the nature, extent and level of their significance will need to be sufficiently well understood prior to the determination of any application and pre-determination evaluation will be required.*

*In light of the original recommendations that pre-determination evaluation is required to assess the impact of the proposed development I would recommend that the application is not determined until such evaluations are undertaken. If the evaluations are not undertaken then the application should be rejected.*

In response to this the applicant's heritage consultant has carried out additional work which is expected to be received before the date of the Committee meeting. Unless it raises significant issues, this will be used to inform the detailed design and conditions, including monitoring and recording of any features of archaeological interest.

### **Representations**

17. We have received one representation on the LBC application, raising issues relating to access. These are dealt with in the accompanying report on the planning application.

### **Main Policies**

18. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L3.
19. Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8, DMC10.

### **National Planning Policy Framework**

20. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
21. Paragraph 178 states that "*great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*"

## Peak District National Park Core Strategy

22. Policy 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.
23. 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.
24. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
25. Policy 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.
26. Policy L3 ‘Cultural heritage assets of archaeological, architectural, artistic or historic significance’ states that:
- A. *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 or special interest;*
- B. *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 of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;*
- C. *Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.*

## Development Management Policies

27. The most relevant development management policies are DMC3, DMC5, DMC7, DMC8, DMC10.
28. Policy DMC3A 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.
29. Policy DMC3B 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.
30. 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.
31. Policy DMC7 relates to listed buildings. It states that planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate: (i) how their significance will be preserved; and (ii) why the proposed development and related works are desirable or necessary. Applications will not be considered if they do not contain sufficient information to assess impact on significance. Proposals that adversely affect the listed building will not be permitted, particularly if they lead to a loss of original fabric or seek unnecessary alterations to key features. DMC7 also resists the loss of curtilage features which complement the character and appearance of the building. Consistent with the NPPF, the policy allows for properly justified impacts that are less than substantial or that have a public benefit. Where change to a Listed Building is acceptable, an appropriate record of the building will be required.
32. DMC8 requires 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.
33. 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 tranquility, dark skies, or other valued characteristics.
34. Peak District National Park Authority Design Guide:  
The Design Guide states that, when considering a conversion, the building in question should be of sufficient historic or architectural merit to warrant its conversion. Factors such as location, size and character of the building and its means of access will all be assessed. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.
35. Peak District National Park Conversion of Traditional Buildings SPD (2022): The SPD provides detailed guidance on the principles to be considered when proposing the conversion of traditional buildings. This is set out as 6 key principles:

1. Understanding the building and its setting
2. Working with the existing form and character
3. Following a conservation approach
4. Creating responsive new design
5. Using appropriate materials and detailing
6. Conserving and enhancing the setting.

## **Assessment**

### **Whether the development is required to conserve a heritage asset**

36. As this is an application for listed building consent, this report deals with the listed building issues rather than any wider planning issues. The report considers whether the proposed development would conserve and enhance the designated heritage assets.
37. L3, DMC7 and DMC10 require proposals to conserve and enhance the buildings, which are considered to be listed by virtue of being within the curtilage of main listed building. The application is supported by a Heritage Statement which says that the remains of the site and buildings have historic and archaeological significance. The Heritage Statement sets out the principles that have guided the design approach to scheme and assesses the impact on the heritage assets (these are also summarised in the Planning Statement). It concludes:
- “The proposed conversion of the outbuildings and renovation of the farmhouse will provide a viable use for the buildings thus preventing them from becoming at risk. Furthermore, the proposed re-development provides the opportunity to enhance the historically significant parts of the property by the removal of modern structures and the repair of historic fabric damaged in recent years”.*
38. The heritage assessment has been considered by the Authority’s Senior Archaeologist and Conservation Officer (see detailed comments above). Development plan policy DMC5 requires an assessment of significance to be with an application which relates to a heritage asset and reflects paragraph 189 of the National Planning Policy Framework.
39. The assessment of the impact of the scheme on the heritage assets sets out each part of the proposed development and concludes that the impacts range from minor impact to moderate beneficial impact. The Authority’s Conservation Officer had some concerns about aspects of the proposed scheme and has been involved, with the Planning Officer in detailed discussions with the applicant to address these. As a result, amended plans have been received which largely overcome the concerns, although some more minor amendments are required and conditions will need to be imposed to achieve a satisfactory scheme. Overall, however, the conversion of the buildings will conserve their character and their setting. It will also give an opportunity for some aspects of the original buildings to be restored, particularly on the front elevation of units 1-4, the single storey buildings facing into the farmyard, which were until recently covered by a modern structure and where original openings had been removed. The amended scheme will provide for the restoration of these openings.
40. In other parts of the scheme, the proposal makes use of existing openings where possible and removes later additions. With regard to the more recent cart shed (unit 5), this is an open-fronted, more recent limestone building. The original scheme proposed raising this by 600mm and infilling the open gable with stone and large glazed openings. Amended plans have been discussed and agreed which infill with timber and glass and do not raise the roof. This is considered to be a more sympathetic approach. The applicant had been asked to consider using this building for garaging or storage but he considers that its conversion is necessary for the viability of the scheme and also wishes to avoid introducing cars into this part of the site.

41. One concern that was raised by officers was the relatively recent and large excavation to the rear of units 1-4 and the insertion of a second floor in this relatively low range of buildings. The applicant explained that this excavation was the result of works to establish where the foundations of the buildings were. The revised plans show this ground being reinstated, other than a small area to give access to the rear of the building, via steps. The mezzanine level in the building has been retained, but with the number of rooflights on the front elevation reduced. Subject to conditions to control the detailing and size of the rooflights this is now acceptable.
42. The layout of the site is an important consideration as the setting of the barns must be protected from unnecessary suburbanisation. The scheme was initially unclear on this, with some plans showing subdivision whilst others did not. The Planning Statement explains that the central yard area will be kept free of walling and car parking and will be used as a communal amenity space. Units 1-4 will have gardens within the wider walled area shown on the historic 1890 plan. These dividing walls will be constructed of natural limestone and can be made slightly lower than the main boundary wall to give the line of the 1890s enclosure greater emphasis. The applicant has been advised that the scheme must retain the open character of the main farmyard areas; this can be controlled by a condition and approving a plan which shows this.

#### Impact on setting, including the Conservation Area

43. The proposed conversions would retain the farm building group, which is important in the centre of this small village and the designated Conservation Area. The new garage building adjacent to Rake Lane would be of a traditional massing and design and would be set at a lower level than the road. Overall, the scheme would not have a significant landscape impact and would retain the character of the farm group and its setting in the Conservation Area, as required by policies L1 and L3 of the Core Strategy and policy DMC8 of the Development Management plan.

#### Conclusion

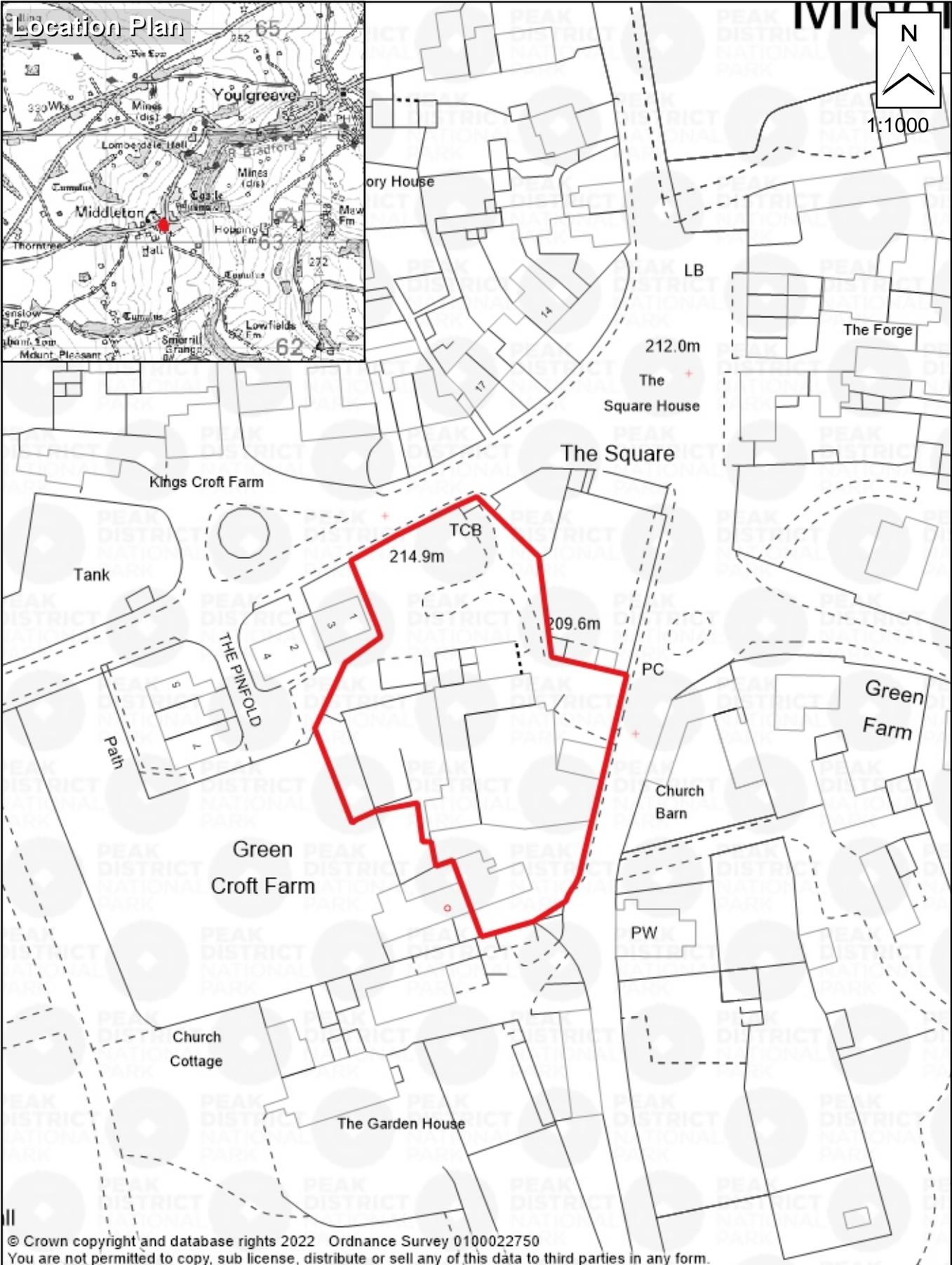
44. This application is for listed building consent in relation to a proposal for the conversion of the existing range of traditional farm buildings to six open market dwellings. It is considered that the scheme conserves and enhances the designated heritage assets and their setting in the Conservation Area, giving the redundant buildings a beneficial use. Subject to amended plans and conditions, it is considered that the proposed development complies with the Authority's adopted policies and with the NPPF.
45. Having taken into account all material considerations, we conclude that the proposed development is acceptable for the reasons set out above. The application is therefore recommended for approval.

#### 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)

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



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Committee Date: 08/09/2023  
 Item Number: Item 15 & 16  
 Application No: NP/DDD/1122/1464 & NP/DDD/1122/1463  
 Grid Reference: 419537, 363147

**Title:** Greencroft Farm, Middleton by Youlgrave



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**16. FULL APPLICATION: CONVERSION OF TRADITIONAL, CURTILAGE LISTED FARM BUILDINGS TO 6 NO. DWELLINGS, GREENCROFT FARM, MIDDLETON BY YOULGRAVE (NP/DDD/1122/1463, JRS)**

**APPLICANT: MR GUY BRAMMAR**

**Summary**

1. The application relates to proposals to convert a range of traditional barns to six dwellings at Greencroft Farm, Middleton by Youlgrave. Greencroft Farm is a listed building and the barns are considered to be curtilage listed, so there is an associated application for listed building consent.
2. This report concludes that the proposals would be sympathetic conversions of the traditional buildings, which are important in the Middleton by Youlgrave Conservation Area. The conversions would be within the shell of the existing buildings and would retain their special character and interest. There would be some alterations to the external and internal appearance of the buildings, but subject to some amendments and to conditions, the scheme is considered to retain the special architectural and historic interest of the site. The report also concludes that the scheme would not be viable enough to support the provision of affordable housing.

**Site and Surroundings**

3. Greencroft Farm is located in the centre of the village of Middleton-by-Youlgrave. The farm group consists of an 18<sup>th</sup> century Grade II listed farmhouse with attached two storey shippon, an L-shaped range of mainly single storey stone-built barns, and a detached former cart shed/granary, abutting the Weaddow Lane boundary. To the north of the buildings there is a 0.3 hectare paddock. The farmhouse is set away from the yard and traditional buildings. The farmhouse is also attached to an agricultural range, the end of which is part of the current application.
4. The site is bounded to the north by Rake Lane and to the east by Weaddow Lane. There are three vehicular access points in total, one onto Rake Lane and two onto Weaddow Lane. The access drive to Middleton Hall forms the western site boundary. The southern boundary adjoins the residential curtilages of Church Cottage and The Garden House. The north eastern boundary abuts the village public toilets and a small play area fronting The Square. On the opposite side of Weaddow Lane lies Church Barn and a small chapel. The 1980s residential development along The Pinfold lies on the same side of Rake Road to the north.
5. All of the buildings in the building group at Greencroft Farm are considered to be curtilage listed and the site lies within the Middleton Conservation Area. Until recently a modern, portal framed agricultural building abutted the eastern elevation of the range of barns and extended across the former farmyard, infilling the area between the barns and the cart shed. This structure has now been removed and the historic pattern of the original farmyard is now visible.
6. Apart from the small paddock, there is now no other land associated with the former farm, this having been sold off separately.

**Proposal**

7. The application seeks full planning permission (and listed building consent, covered by a separate application) for the change of use of the traditional, stone built, agricultural buildings on the site to dwelling houses. This includes the shippon attached to the farmhouse but excludes any works to the farmhouse itself. The refurbishment of the

farmhouse is the subject of a separate application for listed building consent, but it would remain as a dwelling.

8. The scheme proposes the creation of six dwellings (in addition to the existing farmhouse). Four of these (units 1-4) would be in the L shaped range of barns and would consist of two 2-bedroomed units and two 3-bedroomed units. A further 2-bedroomed unit (unit 5) would be provided by conversion of the cart shed/granary, and a 3-bedroomed unit would be in the shippon (unit 6).
9. A detached garage block for four cars is proposed on the area of land at the northern edge of the site, to the west of the existing access off Rake Lane. The spaces in this garage would be allocated to the four units within the L shaped range of barns to reduce car parking around the listed buildings. The former farmyard would be kept free of subdivision and will not be incorporated into any curtilage. It would be used and maintained as communal amenity space without vehicular access.
10. A small strip of land immediately south of the public toilets adjoining the site would be gifted to the Parish Council to assist with access to and maintenance of the toilet facilities.
11. In addition to the detailed plans, the application is supported by a Planning Statement, a Heritage Statement, a protected species survey, a structural survey, and a viability assessment.

#### **RECOMMENDATION:**

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

- 1 **Statutory 3 year commencement.**
- 2 **Compliance with amended plans and specifications, with use of buildings to be as described in the application, subject to the following:**
- 3 **Submit and agree samples of any new materials (walling stone and roof slates/tiles) for all new and restored buildings.**
- 4 **Submit and agree window and door details on all buildings, including materials, profiles, method of opening, external finish, recess, and any surrounds.**
- 5 **Submit details of rainwater goods, and external flues and vents.**
- 6 **Agree precise details of rooflights.**
- 7 **Submit and agree detailed scheme for site layout, landscaping, and management, including any soft landscaping, hard surfacing and boundary treatment.**
- 8 **Archaeology and building recording conditions:**
  - **Archaeology:** Scheme to be carried out in accordance with recommendations of site evaluation and WSI.
  - **Historic Building Recording:** No development shall take place until a Written Scheme of Investigation for a programme of Level 2/3 historic building recording has been submitted to and approved by the local planning authority in writing. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological WSI.

- 9 Development to be carried out within existing buildings, with no rebuilding other than where specifically agreed with Authority.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no improvement or other alteration to the external appearance of the dwellings shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, solar or photovoltaic panels, gates, fences, walls or other means of boundary enclosure (other than those specifically approved by this application) shall be erected on the site without an application for planning permission having first been made to and approved in writing by the National Park Authority
- 11 Submit details of any external lighting, scheme to be in accordance with approved details.
- 12 Any service lines associated with development should be placed underground.
- 13 Highway and parking conditions.
- 14 Bat and nesting boxes be provided as part of the scheme to provide opportunities for bats and birds to roost/nest on site.

### **Key Issues**

- Whether the development is acceptable in principle and whether affordable housing is required as part of the scheme.
- Whether the development is required to conserve the designated and non-designated heritage assets and whether the proposed scheme does so.
- Impact on archaeological interest
- Highway issues, including impact on heritage assets

### **History**

12. There is a no planning history relevant to these buildings but in 2021 pre-application advice was given on a draft scheme for the site The Planning Statement says that the current scheme aims to respond to the issues raised at pre-application stage.

### **Consultations**

13. Parish Council: *“Middleton and Smerrill Parish Council supports this application which appears to meet architectural standards commensurate with its central village surroundings. It notes that the development is for private dwellings and this wholly meets the village aspirations to remain a rural community welcoming families and not second or holiday homes. It considers it vital that small peak district communities are protected from occasional use dwellers who stifle community life and welcomes new residents who keep the village alive. Our only concern is for the single access from the Rakes for 5 dwellings and trusts that DCC Highways will require an entrance splay that will retain the essential parking on the opposite side of the carriageway for the existing houses. It notes that the centre of the village will become busier but not impacted as parking for the new dwellings is off road. Should planners be minded to approve the garages then there is a desire for the block by the road to be at a lower level to minimise it’s visual impact”.*

14. Highway Authority: Initial response as follows:

*“Drawing No. 2089-11 Rev C suggests the proposed site is served via three access points, with 4 dwellings from The Square and one each from Weaddow Lane. Nevertheless the Local Highway Authority (LHA) would request the applicant to clarify site access arrangements. The Applicant should provide detailed site access plans, demonstrating width, radii, gradient and visibility splays.*

*The applicant is advised for an access serving two to five dwellings, the effective width for a minimum of 5 metres back should be 4.25 metres and for an access serving a single dwelling a minimum access width of 2.75m is required. In all cases an addition of 0.5 metres should be added if bounded by a wall, fence hedge, line of trees or other similar construction on one side, 1m if bounded on both sides. Vehicular visibility splays should be from a 2.4 metres setback distance in both directions in accordance with Delivering Streets and Places Design Guide (DSPDG). Visibility splays should be located entirely within the applicant’s land, or within the public highway. Additionally the applicant may wish to undertake a speed survey in the vicinity of the site access in order to demonstrate that appropriate visibility, in line with the 85th percentile speeds of passing traffic can be achieved.*

*Finally, for completeness the LHA request the applicant to submit trip generation which compares the existing and proposed vehicular demand to the site during the network peak hours and over a day, to allow the LHA to fully assess the impact of the proposals on the existing highway network.*

*Consequently, until the above is addressed the LHA is unable to determine if the development proposal is acceptable in highway terms”.*

15. District Council: No response.

16. Natural England: No comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

17. PDNPA Conservation Officer: Conclusion as follows, with full comments available on the website:

*“Overall, the principal of conversion is supported, and there would be a public benefit in securing the optimum viable use of the buildings. There is much to be commended in the current application, particularly in the use of hopper windows and boarded doors to maintain the character of the buildings. However, as it stands, the scheme proposes an excessive amount of structural remodelling, large numbers of large rooflights and an excessive subdivision (and domestication) of formally open yard spaces. This would reduce the contribution that the curtilage listed buildings make to the significance of the listed building, as well as the significance to the farm buildings as non-designated heritage assets. As per paragraph 202 of the NPPF, and the Peak Park’s development management policies DMC5 and 7, this harm would need to be outweighed by the public benefit arising from the proposal. The proposal is also currently in conflict with the PDNPA’s policy on conversions DMC10, which states that the conversion of a heritage asset will be permitted provided that it can accommodate the new use without changes that adversely affect its character. At present, the application is also missing key details that are needed to inform any decision making. This includes details of insulation, structural repairs, rainwater goods, and soil vent pipes.*

*If the application is approved then the details that are missing from the application will need to be conditioned, as will a programme of building recording to HE level 2, prior to work starting.*

18. PDNPA Archaeology: Response relates to the potential for buried archaeological remains to be located on the site and the potential for such remains to be impacted by the proposed development.

*The below ground archaeological interest:*

- *Parts of Greencroft Farm have high archaeological interest and potential for belowground remains.*
- *The heritage statement concludes that that the site has moderate potential for archaeological remains of Roman and Medieval date to survive, particularly in the paddock area.*
- *Whilst the area of the main building ranges and central farmyard area, with concrete flooring and previous disturbance have a lesser degree of archaeological interest and potential, the undisturbed areas such as the paddock and area along Rake Lane have much higher potential.*
- *A 2019 investigation by ARS at the adjacent orchard associated with Middleton Hall encountered remains dating to the Anglo-Saxon, Medieval and Post-medieval period were encountered, including the post pads of a medieval building and Anglo-Saxon pottery (ARS 2019, report still in draft). Such remains are of considerable significance.*
- *This points to the paddock and other undisturbed and undeveloped areas of the Greencroft Farm site having a high potential for archaeological remains of medieval date.*
- *Any such remains would be considered to be heritage assets of archaeological interest, and likely to be of at least regional significance. But, the nature, extent and level of their significance will need to be sufficiently well understood prior to the determination of any application and pre-determination evaluation will be required.*

*In light of the original recommendations that pre-determination evaluation is required to assess the impact of the proposed development I would recommend that the application is not determined until such evaluations are undertaken. If the evaluations are not undertaken then the application should be rejected.*

In response to this the applicant's heritage consultant has carried out additional work which is expected to be received before the date of the Committee meeting. Unless it raises significant issues, this will be used to inform the detailed design and conditions, including monitoring and recording of any features of archaeological interest.

## **Representations**

19. We have received three representations, raising the following points:

- *A development of this sort clearly will only benefit second home owners and the "Air BNB" market, it brings no benefit to the local community. We are seeing an increasing number of holiday rental and second homes within the village all of which brings associated mess and disruption to the local community for example "wheelie bins" remaining out well after the weekly collection, increased traffic etc I would hope that the PDNPA ensure that the developers of the properties and / or future owners that there is some kind of recompense to the local community in the form of a Section 106 agreement. In this instance I would suggest that the developers and / or owners pay the entire Parish Council Tax precept for up to 20 years, this annually approximately £2,500 annually, on behalf of the local community, and that this payment is linked to future increases. This would compensate for future disruption and ensure that the village profits from a development of this kind.*
- *The planner's advice deals only 'with the preservation of the character and heritage significance of the buildings as a whole'. But the key issue is not just the preservation of these buildings but how they are used. This is an unrepeatable opportunity, in this village, to meet the critical local need for affordable rented homes. These are required for local people who need homes in Middleton and Smerrill, but who cannot afford either to buy or rent them. Such provision will meet urgent need and also strengthen local economy and life. One or more home should be let at an affordable rent. Alternatively, the Peak Park housing association can be consulted about buying these homes with the help of government subsidy. Any*

*planning decision should be deferred to allow further consideration on the use of these four homes.*

- *I don't entirely object to the idea of renovating the farmhouse and potentially the conversion of the farm buildings, but I have reservations about what is being proposed. Firstly, I am concerned that this is just for the second home market and therefore will not add community to our village. Since we moved to the village in 2018 five properties have been sold and only one of them has 2 people permanently living in them, three of the empty/second homes had families living in them previously. In this time one family left the village as they could not afford to buy (they were in a rental here), and I know of another family who looked and could not buy here as they were also priced out. We do need homes in this area but it is no good if they go to people who only come a couple of times a year. We are a small community as it is and really it would be nice to have people living in the village. The next issue is the conversion of farm buildings. In the last few years the Peak Park rejected the erection of a barn (which subsequently went through appeal). To me it would seem at odds if the conversion of the farm buildings were approved. These buildings were used by farmers until the landlord decided to sell the property and they moved out. If they can be made good enough to live in then it seems likely that they can be made good enough for livestock. I feel the erection of a new build garage in the curtilage of a listed building seems unnecessary. A garage in this village is a rarity, we all manage with our cars outside, and the site is plenty big enough for parking. It is hard to build something new that is truly sympathetic to the site. After reading the bat survey I was surprised to read that there was no evidence of bats, but there was a lot of removal of hardcore from the barns last year so maybe the evidence was lost. The survey also suggests that the developers should take care when removing the roof. After our experience I would expect that the works would need to involve an ecologist, yet they have been removing and replacing the roof on the house already. I would have expected this to have come under requiring planning permission.*

### **Main Policies**

20. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1, L2, L3, and CC1.
21. Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8, DMC10, DMC11, DMC13, DMT3.

### **National Planning Policy Framework**

22. 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.
23. Paragraph 178 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

24. 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.
25. 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.
26. 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.
27. 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.
28. Policy DS1 sets out the Development Strategy for the National Park.
29. Policy HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local need.
30. Policy L1 states that development must conserve and enhance valued landscape character and valued characteristics.
31. Policy L2 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 it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

32. Policy L3 'Cultural heritage assets of archaeological, architectural, artistic or historic significance' states that:
- A. *'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 or special interest;*
  - B. *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 of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;*
  - C. *Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.*
33. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.

#### Development Management Policies

34. The most relevant development management policies are DMC3, DMC5, DMC7, DMC8, DMC10, DMC11, DMT3.
35. Policy DMC3A 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.
36. Policy DMC3B 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.
37. 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.
38. Policy DMC7 relates to listed buildings. It states that planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate: (i) how their significance will be preserved; and (ii) why the proposed development and related works are desirable or necessary. Applications will not be considered if they do not contain sufficient information to assess impact on significance. Proposals that adversely affect the listed building will not be permitted, particularly if they lead to a loss of original fabric or seek unnecessary alterations to key features. DMC7 also resists the loss of curtilage features which complement the character and appearance of the building. Consistent with the NPPF, the policy allows for properly justified impacts that are less than substantial or that have a public benefit. Where change to a Listed Building is acceptable, an appropriate record of the building will be required.

39. DMC8 requires 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.
40. 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 tranquility, dark skies, or other valued characteristics.
41. Policy DMC11 Safeguarding, recording and enhancing nature conservation interests. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development and that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, features and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
42. 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.
43. Peak District National Park Authority Design Guide:  
The Design Guide states that, when considering a conversion, the building in question should be of sufficient historic or architectural merit to warrant its conversion. Factors such as location, size and character of the building and its means of access will all be assessed. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.
44. Peak District National Park Conversion of Traditional Buildings SPD (2022): The SPD provides detailed guidance on the principles to be considered when proposing the conversion of traditional buildings. This is set out as 6 key principles:
1. Understanding the building and its setting
  2. Working with the existing form and character
  3. Following a conservation approach
  4. Creating responsive new design
  5. Using appropriate materials and detailing
  6. Conserving and enhancing the setting.

## **Assessment**

### **Principle of proposed development**

45. In terms of the principle of the development, the Authority's adopted policies do not allow new housing in the National Park unless there are exceptional circumstances. With regards to the principle of residential use, policy HC1(C)I of the Core Strategy states that exceptionally new housing can be accepted where, in accordance with core policies GSP1 and GSP2, it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings. The main justification for the proposed development is that it will provide the buildings on site, which are considered to be curtilage listed, to have a beneficial use, together with consequential works of enhancement and restoration. These works would also support the restoration of the house. The conversion of farm buildings to dwellings may be acceptable in principle, on the basis that these developments would enhance the setting of the listed buildings and their setting in the Conservation area. However, as set out above, these developments would only be acceptable if they can be shown that they are required to conserve or enhance the listed buildings and their setting

and are shown to do so. The following sections conclude that they would do so, subject to amended plans and conditions.

#### Affordable Housing:

46. Core Strategy policy HC1C requires that any scheme that is capable of providing more than one dwelling will be required to restrict occupation of additional units to those with a local qualification and housing need unless viability prevents this. Development Management policies set out the maximum floorspace standards for local needs dwellings.
47. The submitted Planning Statement says that the application is supported by a detailed Viability Assessment undertaken by Milner Commercial. This concludes that, given the costs involved in the conversion of the building compared to likely returns, it is not financially viable to offer any of the dwellings as local needs affordable units: *“Despite Benchmark Land Value being less than Residual Land Value the project cannot support the provision of either on site or off site affordable housing and at the same time return an acceptable level of return to a developer”*.
48. Officers accept that there are significant costs involved with the refurbishment of the main house as well as the conversion of the curtilage listed farm buildings and that it is unlikely that local needs affordable housing would be capable of cross-subsidising the level of investment required to enhance this site to an appropriate standard. Officers note the concerns raised in some representations regarding the provision of open market housing that could potentially be occupied as holiday accommodation. However, we agree with the findings of the viability assessment that the amount of specialist work needed to be undertaken to a standard commensurate with a designated heritage asset it is likely to mean that requiring a contribution to affordable housing provision would make the scheme unviable. Overall, officers therefore consider that the focus must be on the conservation and enhancement of the heritage assets.

#### Whether the development is required to conserve a heritage asset

49. This section of the report considers whether the proposed development is required to conserve a heritage asset and if it is, whether the development would actually achieve this.
50. The conversion of the farm buildings to open market dwellings could, in principle, be in accordance with policies HC1C and DMC10, provided they conserve and enhance the buildings, which are designated heritage assets within the curtilage of the main listed building. The application is supported by a Heritage Statement which says that the remains of the site and buildings have historic and archaeological significance. The Heritage Statement sets out the principles that have guided the design approach to scheme and assesses the impact on the heritage assets (these are also summarised in the Planning Statement). It concludes:  
  
*“The proposed conversion of the outbuildings and renovation of the farmhouse will provide a viable use for the buildings thus preventing them from becoming at risk. Furthermore, the proposed re-development provides the opportunity to enhance the historically significant parts of the property by the removal of modern structures and the repair of historic fabric damaged in recent years”*.
51. The heritage assessment has been considered by the Authority’s Senior Archaeologist and Conservation Officer (see detailed comments above). Development plan policy DMC5 requires an assessment of significance to be with an application which relates to a heritage asset and reflects paragraph 189 of the National Planning Policy Framework.

52. The assessment of the impact of the scheme on the heritage assets sets out each part of the proposed development and concludes that the impacts range from minor impact to moderate beneficial impact. The Authority's Conservation Officer had some concerns about aspects of the proposed scheme and has been involved, with the Planning Officer, in detailed discussions with the applicant to address these. As a result, amended plans have been received which largely overcome the concerns, although some more minor amendments are required and conditions will need to be imposed to achieve a satisfactory scheme. Overall, however, the conversion of the buildings will conserve their character and their setting. It will also give an opportunity for some aspects of the original buildings to be restored, particularly on the front elevation of units 1-4, the single storey buildings facing into the farmyard, which were until recently covered by a modern structure and where original openings had been removed. The amended scheme will provide for the restoration of these openings.
53. In other parts of the scheme, the proposal makes use of existing openings where possible and removes later additions. With regard to the more recent cart shed (unit 5), this is an open-fronted, more recent limestone building. The original scheme proposed raising this by 600mm and infilling the open gable with stone and large glazed openings. Amended plans have been discussed and agreed which infill with timber and glass and do not raise the roof. This is considered to be a more sympathetic approach. The applicant had been asked to consider using this building for garaging or storage but he considers that its conversion is necessary for the viability of the scheme and also wishes to avoid introducing cars into this part of the site.
54. One concern that was raised by officers was the relatively recent and large excavation to the rear of units 1-4 and the insertion of a second floor in this relatively low range of buildings. The applicant explained that this excavation was the result of works to establish where the foundations of the buildings were. The revised plans show this ground being reinstated, other than a small area to give access to the rear of the building, via steps. The mezzanine level in the building has been retained, but with the number of rooflights on the front elevation reduced. Subject to conditions to control the detailing and size of the rooflights this is now acceptable.
55. The proposed new garage block, adjacent to Rake Lane is a relatively large building, but it will provide parking and storage away from the main building group. Subject to being slightly relocated to push it further into the ground, closer to the road, this is considered to be acceptable. This will also address the Parish Council's concerns.
56. The layout of the site is an important consideration as the setting of the barns must be protected from unnecessary suburbanisation. The scheme was initially unclear on this, with some plans showing subdivision whilst others did not. The Planning Statement explains that the central yard area will be kept free of walling and car parking and will be used as a communal amenity space. Units 1-4 will have gardens within the wider walled area shown on the historic 1890 plan. These dividing walls will be constructed of natural limestone and can be made slightly lower than the main boundary wall to give the line of the 1890s enclosure greater emphasis. The applicant has been advised that the scheme must retain the open character of the main farmyard areas; this can be controlled by a condition and approving a plan which shows this.
57. The site plan shows a double garage to the rear of unit 1; this is the subject of a separate application and is considered to be unacceptable. The applicant is currently considering an alternative siting.

### Impact on Archaeology

58. The initial response from the Authority's Archaeologist is set out above. He considered that parts of Greencroft Farm have high archaeological interest and potential for belowground remains. The submitted heritage statement concludes that the site has moderate potential for archaeological remains of Roman and Medieval date to survive, particularly in the paddock area; this area is largely unaffected by the proposal, other than possibly the access road which would pass through the eastern edge of it. Our Archaeologist considers that any such remains would be considered to be heritage assets of archaeological interest, and likely to be of at least regional significance and advises that prior to the determination of any application and pre-determination evaluation will be required. The applicant's Heritage Consultant has been asked to carry out this work; at the time of writing this report his assessment is awaited, but expected to be received before the date of the Committee. Unless this raises significant issues, the conclusions can be used to inform the final detailed design and any conditions relating to archaeological monitoring and recording.

### Impact on setting, including the Conservation Area

59. The proposed conversions would retain the farm building group, which is important in the centre of this small village and the designated Conservation Area. The new garage building adjacent to Rake Lane would be of traditional massing and design and would be set at a lower level than the road. Overall, the scheme would not have a significant landscape impact and would retain the character of the farm group and its setting in the Conservation Area, as required by policies L1 and L3 of the Core Strategy and policy DMC8 of the Development Management plan.

### Design, sustainable building and climate change

60. Policy CC1 and the NPPF require development to 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. The application does not set out how the scheme would meet the requirements of policy CC1 and our adopted Supplementary Planning Guidance 'Climate Change and Sustainable Building, but this has been discussed with the applicant. The heritage and physical constraints on the site make it difficult to include energy options such as solar panels, a ground source heat system or air source heat pumps, so the focus is on making best use of existing buildings, using local and recycled materials, and making the dwellings as thermally efficient as possible.

61. In these circumstances, the proposal is considered to satisfy the requirements of policy CC1 and CC2.

### Impact on amenity

62. The site is in the small village of Middleton-by-Youlgrave. There are other properties around the site, with the closest being the relatively modern development of flats to the north (The Pinfold), which overlook the paddock immediately to the north of the farm buildings. These are at a higher level and are sufficiently far away from the proposed conversions that there would be no impact on the privacy and amenity of any neighbouring dwellings. The proposed garage building adjacent to Rake Lane would be a relatively low single storey building, set into the ground so it would not have an adverse impact on the outlook or amenity of the dwellings to the north. The proposal therefore accords with policies GSP3 and DMC3 in these respects.

### Trees and protected species

63. Protected Species surveys were undertaken by Dunelm Ecology in accordance with Development Plan policy DMC11. These did not identify any priority or other protected species using the site. Although no evidence of bats was recorded, the farm buildings were assessed as having moderate roost potential owing to the presence of several features and the proximity of valuable foraging habitat in the form of semi-natural broadleaved woodland. None of the trees were found to support potential roosting features. There is therefore very low risk to biodiversity as a result of these proposals and accord with NPPF paragraph 180 and Core Strategy L2. Four trees previously existed on the site – three self-set sycamores and a Norway Spruce. All were found to be in poor condition or were compromising the listed structures. They were removed with the consent of the Authority in January 2022. There are no significant trees on the site, so there is no conflict with policy DMC13.
64. It is recommended that bat and nesting boxes be provided as part of the scheme to provide opportunities for bats and birds to roost/nest on site.

### Highway issues

65. There are currently three accesses into the site, one off Rake Lane and two off Weaddow Lane. Each of these has been an agricultural access, with the southernmost one off Weaddow Lane also serving the farmhouse. The proposal would result in the majority of the dwellings being served by an improved access off Rake Lane, and the two accesses off Weaddow Lane being used by one dwelling each. The Highway Authority has recommended improvements to all three accesses, but these works would have an adverse impact on the character of the boundary walls, which are important in the setting of the listed buildings and the conservation Area. Consequently, officers have agreed that the southern access off Weaddow Lane should be retained as it is, given that this would see a reduction in usage and is on a lightly trafficked section of road. The northern access, to the rear of the roadside barn (building 6) would be repositioned slightly so that it moves away from the rear of the building, to improve visibility, but this is not thought to be an original access. The access to the site from Rake Lane would be improved and repositioned slightly as this would be the main access to the site.
66. Parking would be provided within the site, in either designated parking spaces or garaging.
67. As requested by the Highway Authority when the application was first submitted, the applicant carried out an assessment of traffic movements from the proposed development. Subject to the alterations set out above, the proposal is now considered to achieve an appropriate balance between conservation of the heritage assets and highway safety. As the proposals raise no significant highways issues, the proposed access arrangements are acceptable and conform with NPPF paragraph 111 and Development Management policies DMT3 and DMT8.

### Conclusion

68. This application proposes the conversion of the existing range of traditional farm buildings to six open market dwellings. It is considered that the scheme conserves and enhances the designated heritage assets and their setting in the Conservation Area, giving the redundant buildings a beneficial use. Subject to amended plans and conditions, it is considered that the proposed development complies with the the Authority's adopted policies and with the NPPF.
69. Having taken into account all material considerations and the issues raised in representations, we conclude that the proposed development is acceptable for the reasons set out above. The application is therefore recommended for approval.

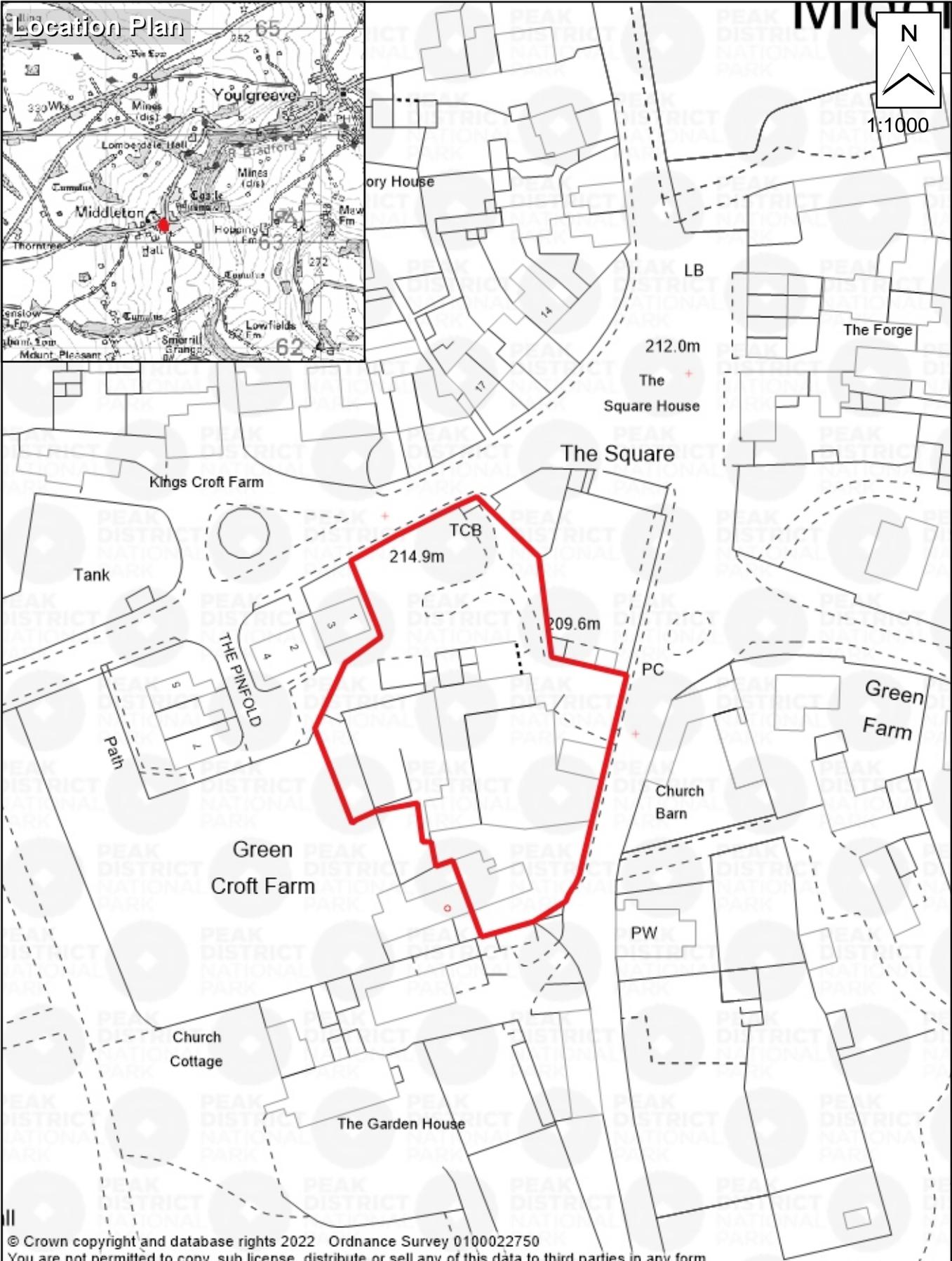
## **Human Rights**

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

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

71. Nil

72. Report Author: John Scott, Consultant Planner.



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Committee Date:	08/09/2023	<b>Title:</b> Greencroft Farm, Middleton by Youlgrave	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 15 & 16		
Application No:	NP/DDD/1122/1464 & NP/DDD/1122/1463		
Grid Reference:	419537, 363147		

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## **17. STATEMENT OF COMMUNITY INVOLVEMENT (CW)**

### **1. Purpose of the report**

To inform members about the process and consultation that has taken place leading to the proposed revision of the Statement of Community Involvement. And to progress the adoption of a revised and updated version in support of the Local Plan review.

### **2. Recommendation**

- 1. That, subject to any further comments, members agree the draft revised version of the Statement of Community Involvement at Appendix 1; and**
- 2. In accordance with the authorisation granted by full Authority on the 19<sup>th</sup> May 2023, that approval of the final version be passed to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee.**

### **How does this contribute to our policies and legal obligations?**

3. The preparation of the Statement of Community Involvement (SCI) is a statutory requirement outlined in the Planning and Compulsory Purchase Act 2004. It explains how the National Park Authority will involve individuals, local communities and stakeholders in planning processes. Once the SCI is adopted, all planning policy documents and the determination of planning applications must conform to the engagement processes described in the SCI.

### **Background Information**

4. The Peak District National Park SCI was first produced in 2006, and subsequently reviewed in 2012 and 2018. Some amendments were made temporarily to the SCI in 2021 to reflect changes in circumstances due to COVID, however, the 2018 document remains the current version.
5. National planning policy guidance (para 71) outlines that local planning authorities must review their SCI every five years from the adoption date. This is important to ensure effective community involvement at all stages of the planning process. The SCI should be regularly reviewed and updated to reflect any changes to engagement.
6. Para 35 of national planning policy guidance notes that there is no requirement for local planning authorities to consult when reviewing and updating their SCI. However, the guidance notes that it is good practice for authorities to inform the public of their intentions to update the document and of the changes that have been made.
7. During April 2023 the Policy and Communities team undertook informal consultation on the revised SCI with internal staff and the Peak Park Parishes Forum (PPPF), and the SCI was amended to reflect comments received.
8. At Authority Committee on 19<sup>th</sup> May 2023 the members approved the revised SCI for public consultation and that any minor amendments following the public consultation be delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of the Planning Committee. It was also agreed that the final approval of the SCI be delegated to the Head of Planning in consultation with the Chair and Vice-Chair of the Planning Committee.

9. Following the Authority Committee, the SCI was subject to a public consultation between Friday 26<sup>th</sup> May and Monday 24<sup>th</sup> July 2023. Thirteen responses were received. These made minor comments, as summarised in Appendix 2.

### **Proposals**

10. The revised SCI is included in Appendix 1. In line with national planning policy guidance, it is considered that the revised document results in a more concise and accessible document. It is acknowledged that the 2018 SCI has still been used as the basis for the document and it is intended that following adoption of a revised Local Plan, the SCI will receive a more comprehensive re-draft.
11. As well as updated general references and processes, and the correction of typographical errors, the main changes are:
- A clear section outlining how the public are involved in the plan making process (section 4) and planning application process (section 6).
  - In para 2.5 the planning service and parishes accord (agreed in Nov 2011) has been incorporated into the SCI, and the role of the PPPF has been defined.
  - In para 6.16 the wording has been amended to advise that people who comment on a planning application via letter or email are directed to the Authority website to view the decision.
  - Boxes and flowcharts embedded throughout the 2018 SCI have been incorporated into a processes table in Appendix 2 (for plan making) and Appendix 5 (for planning applications) of the SCI. All appendices have been moved to the end of the document.
  - Table 1, outlining methods for engaging in plan making, has been removed and incorporated into the processes table in Appendix 2 of the SCI.
12. With regards to the change to para 6.16 as referred to above, the Authority's Legal Team has advised that the Authority is not obliged to directly inform those that have commented on a planning application of a planning decision. The process has been amended to reflect this advice. It is now more efficient and responsive to the proposed reduction in staff resources, as the information is readily available on the Authority website.

### **Are there any corporate implications members should be concerned about?**

#### **Financial:**

13. The report outlines some amendment to processes which will reduce costs incurred by the Authority. The cost of the SCI consultation will be absorbed by the Policy and Communities Team.

#### **Risk Management:**

14. Having an up-to-date SCI is one of the soundness tests for the preparation of Development Plan Documents, hence reduces the risks at the examination stage. It is important to be able to demonstrate how the standards have been taken into account in the planning processes.

#### **Sustainability:**

15. None

**Equality, Diversity and Inclusion:**

16. Issues surrounding equality, diversity and inclusion have been considered during the drafting of the SCI, as required by the Regulations, and additional requirements as per the Authority's commitment to engage hard to reach groups.

**17. Climate Change**

No issues to raise.

**18. Background papers (not previously published)**

None

**19. Appendices**

Appendix 1 - Revised Statement of Community Involvement.

Appendix 2 - Comments received at consultation stage

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

Clare Wilkins, Community Policy Planner, 30 August 2023  
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## STATEMENT OF COMMUNITY INVOLVEMENT

Post-consultation draft (July 2023)

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**This and other Local Development Plan documents can be made available in large copy print, audio recording or languages other than English. If you require the document in one of these formats please contact the Policy and Communities Team, Peak District National Park at the address above or email [policy@peakdistrict.gov.uk](mailto:policy@peakdistrict.gov.uk)**



## STATEMENT OF COMMUNITY INVOLVEMENT

Post-consultation draft (July 2023)

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## 1 Introduction

### What is a Statement of Community Involvement?

- 1.1 This Statement of Community Involvement (SCI) explains how the Peak District National Park Authority (PDNPA) will involve individuals, local communities and stakeholders when preparing and revising planning policy documents, and determining planning applications.
- 1.2 The Authority will prepare all planning policy documents and consider all planning applications, in accordance with the SCI.

### Why are we updating the Statement of Community Involvement?

- 1.3 Local Planning Authorities are required to keep their Statement of Community Involvement up-to-date and, as a minimum, carry out a review every 5 years from the adoption date.
- 1.4 The SCI was first prepared in 2006 and reviewed in 2012 and 2018. (It was temporarily amended during the COVID-19 pandemic).
- 1.5 The review process considers:
  - whether the procedures set out in this document have achieved a representative level of public involvement;
  - whether there have been any significant changes in priorities or resources; and
  - whether any factors should trigger an earlier review of the SCI.

### The planning system and community involvement

- 1.6 Planning shapes the places where people live, work and spend their leisure time. The Government recognises that people should be able to take an active part in the process. A key objective of the planning system is to encourage more meaningful community and stakeholder involvement. By developing partnerships with local communities, groups and individuals, they can be encouraged to contribute to the development of a vision for their area

The SCI is required by the Planning and Compulsory Purchase Act (2004). The legal requirement for consultation is set out in various Acts and accompanying Regulations<sup>1</sup>.

- 1.7 The Authority will encourage and enable people and organisations to get involved in the development of planning policies and the determination of planning applications. In doing so we must also prepare plans and make decisions in a timely way, and within the resources available. The

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<sup>1</sup> [1 The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2012/1222)

Authority believes a reasonable balance is achieved by the methods set out in this document.

- 1.8 The Policy & Communities Team is responsible preparing planning policy documents and the two Development Management Area Teams deal with planning applications. The Minerals Teams is responsible for strategic policy and determining applications with regard to minerals and waste.

### Peak District National Park context

- 1.9 The Peak District National Park Authority has two statutory purposes, which were confirmed in the 1995 Environment Act:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
  - To promote opportunities for the understanding and enjoyment of its special qualities by the public.
- 1.10 In pursuing these purposes, the National Park Authority also has an associated statutory duty to seek to foster the social and economic well-being of its local communities. Section 62(2) of the Act places a general duty on all relevant Authorities to have regard to these purposes. This background, together with the Peak District National Park Authority's location across different regions and different local government boundaries (as seen on the following map), means that a complex and widespread range of consultees is necessary.

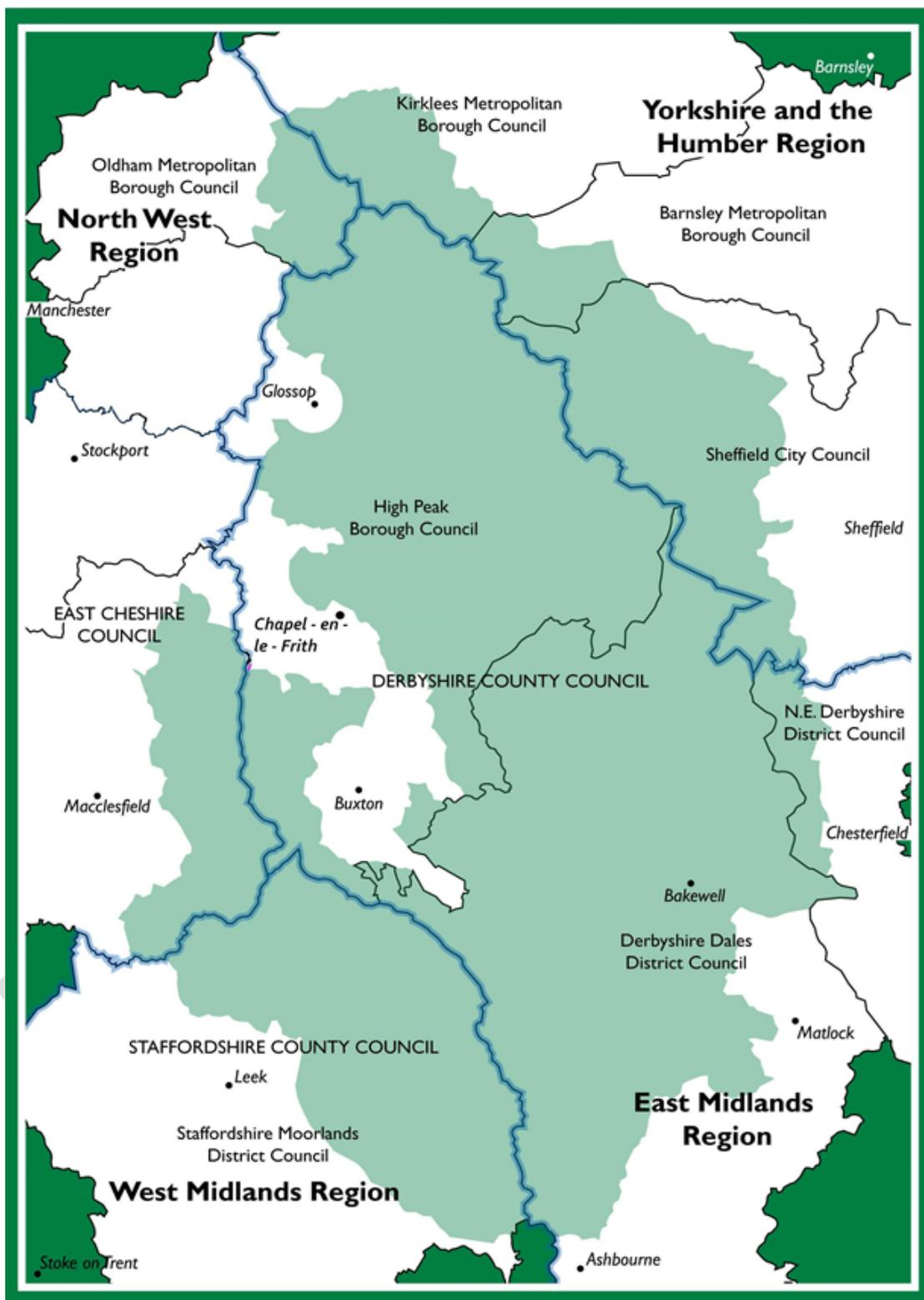


Fig 1. Local Administrative Context Showing Constituent and Neighbouring Authorities

## 2 Community involvement in planning

- 2.1 The planning system is often complex and can be difficult to understand, but it can affect everybody who lives or works in the National Park, or visits it for leisure and recreation purposes. Providing information and opportunities to comment on planning applications, and encouraging peoples' involvement in policy preparation and decision-making plays a vital part in increasing understanding of, and support for, the planning responsibilities of the National Park Authority.
- 2.2 The Authority acknowledges the different interests and perspectives of our stakeholders so engagement will be tailored to suit their different needs (including other Authorities, government agencies, and organisations, Parish, Town and community councils, farming and land management interests and commerce and employment bodies). To increase effective involvement we will employ a range of techniques including community and neighbourhood planning, public meetings and exhibitions, and workshops with groups living and working in the National Park. These can take place in person, online or as hybrid meetings.
- 2.3 We monitor the response to policy consultations and will target under-represented groups. Whenever individuals or groups make informal approaches to the Authority seeking involvement or discussion on plan review matters, officers will seek to meet and discuss their particular concerns, and they will be invited to receive future correspondence.
- 2.4 We will represent national park purposes and respond constructively to consultations undertaken by other Authorities and bodies which cover the National Park. For example, the National Farmers' Union, Business Peak District and Local Enterprise Partnerships (LEPs)<sup>2</sup>.

### Parish Councils and Meetings

- 2.5 The Planning Service & Parishes Accord was agreed in November 2011 and outlines the Authority's commitment to Parish Councils and Meetings, and what the Parishes will do in return. Its provisions have now been incorporated in full into the SCI (at para 2.6 below, Appendix 2 and Appendix 5.)
- 2.6 The Peak Park Parishes Forum (PPPF) plays a role in enabling consultation between the National Park and Parishes. The context of that role is:
- 2.6.1 National Park Authorities (NPA) have a duty, under Environment Act 1995, schedule 7, para 16, to "make arrangements with each parish council for informing and consulting them about the NPA's discharge of its functions".

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<sup>2</sup> It is acknowledged that government support for LEP's is due to be withdrawn. PDNP will work with any subsequent alternative.

2.6.2 PPPF was established in 1994 at the behest of PDNPA (Peak Park Planning Board as it then was) to help make necessary Parish consultations more effective, it being seen as very onerous for the Authority to consult with each Parish individually.

2.6.3 Accordingly, PPPF comments or makes representations on behalf of member Councils on any matter upon which PPPF is consulted by PDNPA.

2.7 The Planning Service will provide planning training events periodically to Parish representatives by arrangement with the Peak Park Parishes Forum.

2.8 Whenever possible, Parishes will be allowed eight weeks for parish consultations responses on matters other than planning applications.

2.9 For parish engagement to be correctly targeted, it is necessary for parishes to ensure the Authority is informed of any changes of contact details.

### Using the Results of Consultation

2.10 All comments received by the Authority will be recorded, read carefully and taken into account, whether in relation to the preparation of planning policy documents or the determination of planning applications. Anonymous comments on planning applications and planning policy documents will usually be disregarded by the Authority.

### Customer Service

2.11 The Authority aims for effective and efficient service to all customers, as set out in the Customer Service Charter<sup>3</sup>. The Charter will be used alongside this SCI and other statutory requirements.

### Plain English

2.12 The Authority will use concise, clear language and produce accessible, easy-to-use documents. A glossary of terms is at Appendix 6.

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<sup>3</sup> [Customer service charter: Peak District National Park](#)

### 3 Plan making in the Peak District National Park

- 3.1 At the time of writing the Authority is reviewing its development plan documents (the Core Strategy and the Development Management Policies.) This review will combine the two documents into a single Local Plan document for the National Park.
- 3.2 The Authority's [Local Development Scheme](#) (LDS) sets out a timetable for the preparation of planning policy documents. The current LDS is available from the Authority or on the website<sup>4</sup>.
- 3.3 The Local Development Plan sets out spatial policies and guidance for the use and development of land to achieve the statutory purposes of the National Park.
- 3.4 The LDS identifies the following documents:
- Core Strategy (adopted 2011) – This sets out the vision, objectives and spatial strategy for the National Park, and the primary policies for achieving the vision.
  - Development Management Policies (adopted 2019) – This contains policies to ensure that development meets certain criteria and contributes to the achievement of the Core Strategy.
  - Policies Map – This illustrates the spatial application of the planning policies and proposals on an Ordnance Survey base map.
  - Supplementary Planning Documents – These provide guidance to support policies in the Core Strategy and Development Management Policies DPD, to be used in assessing planning applications.
  - Made Neighbourhood Plans – These contain policies for the relevant neighbourhood area, written by a parish council or neighbourhood forum.
- 3.5 The Authority is also required to produce Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment reports. These consider the social, health, environmental and economic effects of the options and policies proposed in the review of the Local Plan. These are also subject to public consultation.
- 3.6 The following documents also inform part of the plan preparation process, but are not subject to public participation:
- Background survey and evidence documents – These contribute to the evidence base of policies and proposals.
  - Annual planning policy Monitoring Report (AMR) – This sets out the progress in producing documents in the LDS and implementing policies, the actions needed to meet targets, and any changes needed.
- 3.7 All of the documents referred to above are available to view on the Authority's website<sup>5</sup>.

<sup>4</sup> [www.peakdistrict.gov.uk/planning/policies-and-guides/supporting-documents](http://www.peakdistrict.gov.uk/planning/policies-and-guides/supporting-documents)

<sup>5</sup> [www.peakdistrict.gov.uk/planning/policies-and-guides](http://www.peakdistrict.gov.uk/planning/policies-and-guides)

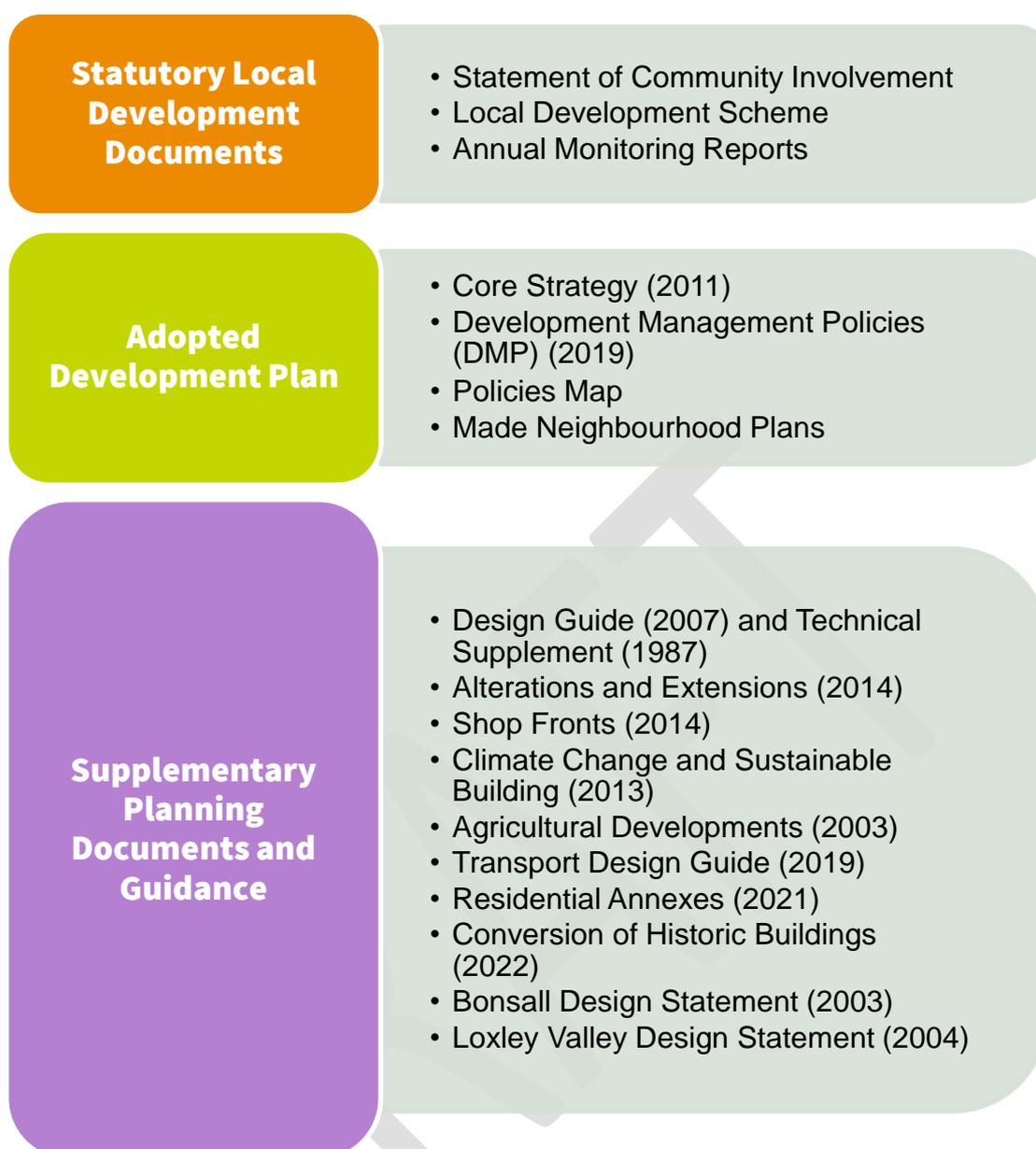


Fig 2. Peak District National Park Development Plan documents

### Neighbourhood Plans

- 3.8 Neighbourhood Plans (introduced by the 2011 Localism Act) offer local communities the opportunity to prepare locally specific planning policies that are part of the Development Plan.
- 3.9 A Parish Council or (in non-parished areas) a Neighbourhood Forum can initiate and undertake neighbourhood planning. Neighbourhood Areas can cross local planning authority boundaries, in which case a lead Authority acts as the main point of contact. The Authority has a legal obligation to give advice and assistance to parish councils undertaking a neighbourhood plan and as part of this we will provide technical or practical support.
- 3.10 The main stages involved in the preparation of a Neighbourhood Plan are shown in Appendix 2.

## Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG)

- 3.11 Supplementary Planning Documents (SPDs) give more detailed advice on how to comply with the policies contained in Development Plan Documents (DPDs). They will be subject to full public consultation but will not be subject to independent examination.
- 3.12 A list of all SPDs and earlier Supplementary Planning Guidance (SPG) can be found in Fig. 2 on page 10. The adopted SPDs and SPGs are not formally part of the development plan, but are material considerations in planning decisions. These will remain in force until they are replaced.
- 3.13 Consultation on the preparation of Supplementary Planning Documents (SPDs) will follow a similar approach as for Development Plan Documents but with less extensive consultation requirements and no Examination. The main stages involved in the preparation of an SPD are shown in Appendix 2.
- 3.14 It should be noted that government proposals for a reformed planning system under the Levelling Up and Regeneration Bill replaces SPDs with Supplementary Plans. These will be afforded the same weight as a local plan. It is proposed that when the new system comes into force (expected late 2024) existing SPDs will automatically cease to have effect at the point at which Local Planning Authorities are required to have a new-style plan in place<sup>6</sup>.

### Duty to Co-operate

- 3.15 The 'Duty to Cooperate' under the Localism Act (2011) requires Councils and public bodies "to engage constructively, actively and on an ongoing basis" to develop strategic policies on issues such as housing, minerals and infrastructure. The Authority will maintain close contact on cross-boundary issues with all 11 constituent Authorities and three adjoining Authorities around the National Park (see Appendix 2 for the full list of Authorities).
- 3.16 It should be noted that government proposals for a reformed planning system under the Levelling Up and Regeneration Bill would replace Duty to Co-operate with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries.
- 3.17 However, plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework; this will mean that existing legal requirements and duties, for example the Duty to Cooperate, will still apply.

<sup>6</sup> <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

## 4 Getting involved in the plan making process

- 4.1 The Authority is committed to involving as many people and groups as possible in forming its planning policies for the National Park, within the resources available. Any person or organisation interested in the planning of the National Park is encouraged to get involved and make comments.
- 4.2 The Authority aims to engage the community and stakeholders by following these principles:
- Creating a process that involves as many interests as possible, and makes reasonable attempts to access the views of hard to reach groups;
  - Allowing scope for detailed debate with key stakeholders;
  - Employing a variety of engagement techniques, tailored to the different needs of local communities and stakeholders;
  - Informing and involving people from an early stage and throughout the process. This is important in order to confront difficult issues and reduce the likelihood of objection as a document develops;
  - Where possible, combining consultation exercises with other documents, and where appropriate, with other Authorities' consultation events, to improve the process and make the best use of resources;
  - Giving sufficient advance warning of key events and consultation periods by using advertising, publicity and media effectively;
  - Being welcoming and accessible, with meaningful and user-friendly language and documents;
  - Being innovative and consistent with the use of electronic systems, offering accessible channels of information, and developing the ability for online contributions to be made;
  - Making Planning Officers available to meet groups or individuals to discuss specific needs or concerns; and inviting contact in person or by phone, voicemail, email and post; and
  - Being accountable: open and clear in terms of what is being asked for, what has been said, and how responses have been used.
- 4.3 Statutory consultees, [referred to as specific/ general consultation bodies](#) and outlined by the Town and Country Planning (Local Planning) (England) Regulations 2012, can be found in Appendix 1.
- 4.4 In addition to statutory consultees the Authority will do its best within available resources to identify and engage with all non-statutory interested groups at appropriate stages in the preparation of relevant documents. The Authority maintains a separate planning policy consultation list, updated on a continuing rolling basis, which includes all the Authorities, agencies, organisations, bodies and individuals that the Authority will consult. Anyone wishing to be kept informed of consultations on Planning Policy documents can request to be added to the database by emailing [policy@peakdistrict.gov.uk](mailto:policy@peakdistrict.gov.uk)

- 4.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 state that during various stages copies of policy documents should be placed on deposit (as outlined by Appendix 2). Appendix 3 outlines where these documents can be viewed.

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## 5 Planning Applications

- 5.1 Every year the Peak District National Park Authority receives around 1,100 applications for Planning, Advertisement and Listed Building Consent, Non-Material Amendments, Discharge of Conditions, Prior Notifications, and Lawful Development Certificates. The Authority aims to make decisions on these applications openly, impartially, with consistency, sound judgement, and for justifiable reasons.
- 5.2 All Planning Authorities are expected to deal with applications as efficiently as possible. The statutory time limits are usually 16 weeks if an application is subject to an Environmental Impact Assessment, 13 weeks for applications for major development, and 8 weeks for all other types of development. The Authority is committed to involving all interested parties in the decision making process, but must balance this with the need for efficient and timely decision-making and the demands on staff and other resources. Appropriate levels of involvement are set out below which reflect the nature of the planning application.

### Type and scale of development

- 5.3 Whether something needs planning permission or not depends upon whether it is 'development' under the Planning Acts. Some types of work need planning permission, whilst others are classed as 'permitted development' and do not need planning permission.
- 5.4 Most permitted development is subject to conditions and limitations. One such condition on certain classes of permitted development is the need to apply to the Local Planning Authority for its 'Prior Approval'; or to determine if its 'Prior Approval' will be required. This allows the Local Planning Authority to consider the proposals, their likely impacts in regard to certain factors and how these may be mitigated.
- 5.5 Information about the planning process, including advice on how to submit an application and whether a proposal requires planning permission can be found on the Authority's website at: [www.peakdistrict.gov.uk/planning/advice](http://www.peakdistrict.gov.uk/planning/advice).
- 5.6 In respect of consultation requirements, planning applications are categorised in the following ways:
- Major development:
    - All applications relating to the winning and working of minerals or the use of land for mineral-working deposits;
    - All applications for waste development;
    - Developments of 10 or more dwellings or, where the number of dwellings is not given in the application, a site area of 0.5 hectares or more;
    - For all other uses (offices/light industrial/retail) - a development where the floorspace to be built comprises 1,000 sq m or more, or where the site area is 1 hectare or more;
    - Notwithstanding the above, the National Park has the ability to consider whether any proposal should be classed as major

development, taking into account its nature, scale and setting, and whether it could have a significant adverse impact<sup>7</sup>.

- Minor development:
  - Developments of between 1-9 dwellings, providing the site is under 0.5 hectares;
  - For all other uses (offices/light industrial/retail) - a development where the floorspace to be built comprises up to 999 sq m or the site is under 1 hectare in size;
  - The National Park has the ability to consider whether any 'minor' development should fall within the 'major' category.
- 'Other' development does not fall within either of the above categories and can include:
  - Householder applications;
  - Change of use with no operational development;
  - Advertisement;
  - Listed Building extensions/alterations/demolitions;
  - Certificates of Lawfulness;
  - Prior Notifications; and
  - Telecommunications developments etc.

5.7 Some specific types of 'permitted development' must be formally notified to the Authority in advance (i.e. prior to commencing) via the prior notification procedure, and depending on the type of development the Authority has either 28 days or 56 days in which to call for a formal application. This 'prior notification' procedure relates to: certain changes of use, agricultural development, forestry development, telecommunications development, tree felling, hedgerows and demolition work.

### Brownfield Land Register, Permission in Principle and Technical Details Consent

5.8 The Brownfield Land Register provides up-to-date and consistent information on sites that the Local Planning Authority considers to be appropriate for residential development and meets specific criteria, namely:

- The site must be at least 0.25 hectares or can support at least 5 dwellings.
- It must be suitable for development.
- It must be available for residential development.
- It must be achievable (i.e. likely to take place within 15 years).

5.9 The Brownfield Land Register is split into two parts:

- Part 1 comprises all brownfield sites the Local Planning Authority considers appropriate for residential development.
- Part 2 comprises those sites granted 'Permission in Principle'.

### Permission in Principle

<sup>7</sup> See Footnote 60 [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-planning-policy-framework-guidance)

- 5.10 Sites put on Part 2 of the Brownfield Land Register will (subject to the necessary publicity, notification and consultation – see Regulations 6-13 of The Town & Country Planning (Brownfield Land Register) Regulations 2017) trigger a grant of Permission in Principle (PIP). PIP relates only to the location, land use and amount of development. Conditions cannot be imposed on the decision. There is no right of appeal if the Authority does not choose to put a site onto Part 2 of the Register.

*Technical Details Consent*

- 5.11 Following a grant of Permission in Principle, the site must obtain Technical Details Consent (TDC) before development can proceed. TDC must be applied for within 5 years of the site gaining Permission in Principle. The consultation procedures for TDC will mirror the approach taken for planning applications, as detailed in Fig. 3 on page 18. A decision notice will be issued by the Authority setting out any conditions/reasons for refusal and a Section 106 legal agreement can be sought, if necessary. TDC can be appealed on grounds of non-determination, refusal or against any condition imposed.
- 5.12 For more information on Brownfield Land Registers, Permission in Principle and Technical Details Consent please visit: <http://www.peakdistrict.gov.uk/planning/brownfield-land-register>

## 6 Getting involved in the planning application process

6.1 All proposals seeking planning permission follow a similar process, as outlined below:

### *Pre-application discussions*

6.2 Guidance on what types of development require planning permission is available from the Authority's Customer & Business Support Team and on the Authority's website. A 'Do I Need Planning Permission?' service is available, for which there is no charge. Applicants are encouraged to have pre-application discussions with the Authority, and to undertake their own discussions with interested parties and neighbours, particularly for larger scale or complex schemes.

6.3 The Authority has a non-statutory, chargeable pre-application advice service for development that requires planning permission. Currently, this service is temporarily suspended (other than for schemes relating to Grade 1 and Grade 2\* listed buildings) until at least Autumn 2023 due to resource issues. It is advised that applicants refer to our website for the latest updates and information<sup>8</sup> and that independent planning advice is obtained where necessary.

### *Consultations on planning applications*

6.4 Neighbouring owners or occupiers are notified according to statutory requirements and the Authority's agreed protocol (see Fig. 3 on page 18). In cases which do not have direct neighbour notification, or fall within the Conservation Area, the Authority publicises applications with a yellow site notice placed on or near the site, giving 21 days for comment. In addition, some applications, such as those affecting Listed Buildings or Public Rights of Way, are advertised in the local press and have a separate site notice.

6.5 All relevant statutory consultees and interested parties are consulted (see list at Appendix 4). Third party comments received by the Authority via post and email will be acknowledged. All third-party comments will be taken into account before any decision is made. Anonymous comments will not be acknowledged and will not usually be taken into consideration in determining planning applications. Comments can be made by letter, email or via the Authority's website.

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<sup>8</sup> [www.peakdistrict.gov.uk/planning/advice/pre-application-advice](http://www.peakdistrict.gov.uk/planning/advice/pre-application-advice)

Type of Application (see paragraph 5.6)	Notification Requirements
Major Development, Applications accompanied by an Environmental Impact Assessment (EIA), Departure to the Development Plan, Development affecting a Public Right of Way	All owners or occupiers will receive a letter telling them about a planning application if their property* is within 20 metres of any part of the application site. A site notice will also be placed on or near the site, as required by law. We will also advertise these applications in the relevant local newspaper.
Minor Development	All owners or occupiers will receive a letter telling them about a planning application if their property* is within 20 metres of any part of the application site. If there are no such neighbours, or the site falls within a Conservation Area, a site notice will be placed on or near the site.
Other Development, including Householder Development	All owners or occupiers will receive a letter telling them about a planning application if their property* is within 10 metres of any part of the application site. If there are no such neighbours, or the site falls within a Conservation Area, a site notice will be placed on or near the site.
Listed Building Consent	All owners or occupiers will receive a letter telling them about an application if their property* is within 10 metres of any part of the application site. A site notice will also be placed on or near the site, as required by law. We will also advertise these applications in the relevant local newspaper.
Advertisement Consent	Whilst there is no statutory requirement for an Authority to publicise applications for advertisement consent, the Authority will notify all owners or occupiers by letter telling them about an application if their property* is within 20 metres of any part of the application site. If there are no such neighbours, a site notice will be placed on or near the site.
Lawful Development Certificates	No statutory requirement to consult.

\* The identification of a property is by an address point.

Fig 3. Protocol for direct notification to neighbours of planning applications

### *Assessing the application and making a recommendation*

6.6 In the vast majority of cases the Planning Officer will ~~normally~~ visit the site. It is standard practice for a planning officer to undertake a site visit but occasionally it may not be necessary, for example when a site has already recently been visited by the officer. The application is assessed against the Authority's planning policies, comments made during the consultation period, and any other material considerations. If changes to the proposals are needed, the Planning Officer will contact the applicant or agent. Where significant amendments are proposed, interested parties/those most affected are normally re-consulted.

6.7 A report will be written which recommends either approval or refusal and gives the reasons why. If it recommends approval, it may include conditions.

### *Making a decision*

6.8 Applications which are straightforward and consistent with policies are usually determined by the planning managers under delegated powers prescribed in the Authority's Standing Orders<sup>9</sup>.

6.9 Applications shall not be determined in a manner substantially contrary to the planning views of the relevant authority, Town Council, Parish Council or Parish Meeting, provided that these views are based on material planning considerations relevant to the application, and are consistent with planning policy. This will not prevent the approval or refusal of applications where the consultee response is either 'no comment' or 'no objection', or the approval of applications where objections can be overcome by the use of conditions, or amendments to the proposal.

6.10 Major applications, 'departures' (those which go against policy), or those that fall within the requirements of the Authority's Standing Orders are considered by Planning Committee.

6.11 Applications will be approved, approved with conditions, refused, or can be withdrawn by the applicant/agent. In cases where Planning Committee Members resolve to make a decision contrary to the Planning Officer's recommendation, the application may be deferred to a subsequent meeting to allow officers time to prepare a further report, setting out planning policy and other considerations.

6.12 The dates of Planning Committee and other Authority meetings can be obtained from the Authority's main office or on the website.

6.13 At the Planning Committee, applicants or agents can speak in support of the application. Objectors and supporters can also speak about an application through the public participation scheme (see paragraphs 6.21 – 6.23 below).

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<sup>9</sup> [www.peakdistrict.gov.uk/looking-after/about-us/who-we-are/members/standards-and-behaviour](http://www.peakdistrict.gov.uk/looking-after/about-us/who-we-are/members/standards-and-behaviour)

- 6.14 Applications may be referred to a site visit by Members at a formal meeting or by officers if they consider that a Member site visit is the most appropriate means of ensuring that Committee Members get a clear understanding of the proposal and the issues raised.
- 6.15 Member site inspections are undertaken by those that sit on the Authority's Planning Committee and are made up of County, District, City or Parish Council elected Members together with those appointed directly by the Secretary of State. A site inspection is used to gain a better understanding of a proposal or of unauthorised development. As the site inspection is not a public meeting, it is not intended to give the applicant, agent or third parties an opportunity to make representations. The reason for referral to site inspection is made explicit, and is generally on the basis of the need to view the site and its setting/context. Applicants, agents, statutory consultees and other people may be invited to attend site inspections at the Chair's discretion but are only allowed to answer questions of fact from officers or Members.

#### *Informing of decisions*

- 6.16 Applicants or agents are usually sent a decision letter within 3 working days of the decision being made. The Decision Notice will also be made available on the Authority's website. People who have commented (via post or email as per para 6.5) or have been consulted are directed to the Authority's website to view the decision. Parish Councils/Meetings will be notified if an application is withdrawn for a site that is located within their area.

#### *Appealing against a decision and complaints*

- 6.17 Applicants have a right of appeal to a Planning Inspector appointed by the Secretary of State. All comments received through the planning application process (with the exception of anonymous comments) are sent to the Planning Inspector and, depending on the type of appeal, an opportunity may be provided by the Planning Inspector for further comments to be made either in writing or in person. There are no third party rights of appeal.
- 6.18 Complaints about the way the application was dealt with can be raised through the Authority's complaints procedure.

#### *Commenting on a planning application*

- 6.19 A weekly list of valid planning applications received is published on the Authority's website, and all the information received with an application is available online. Information on planning history files is also available for public inspection by appointment at Aldern House, Bakewell; in some cases it is also available on the Authority's website.
- 6.20 Anyone is entitled to make comments on a current planning application. Comments must be made in writing by post, email or via the Authority's

website, should not be anonymous and must be based on 'material planning considerations' such as design and appearance, impact on the landscape, overlooking, loss of privacy etc. Advice on material considerations can be found on the Planning pages of the website. Third party comments (other than those that are anonymous) received via post or email to the Authority will be acknowledged. Any comments received will become public documents and may be viewed by the applicant or any other member of the public on our website. Any anonymous comments received however will usually be disregarded by the Authority.

### *Public speaking at Authority meetings*

- 6.21 Public speaking at Authority meetings is not a statutory right nor is it intended to give an opportunity for speakers to participate in the Committee debate. The aim is to allow applicants and the public to inform Members, taking into account that most speakers have already made written submissions. Following consultation, the Authority believes that the current procedure offers a good balance, which permits informed debate within an effective decision-making framework.
- 6.22 The Authority's Public Participation Scheme (available on the website) allows any person to make representations, ask questions, make a statement, and present deputations and petitions. The procedure requires notice to be given by noon two working days before the meeting. The speaker is allowed 3 minutes to make the representation. Notice can be given by letter, telephone, voicemail, email, or in person at Aldern House, Bakewell. The Chair of the meeting has discretion to allow a speaker to answer questions or clarify points raised by Members following the representation and during the debate.
- 6.23 By participating in the meeting, speakers are giving consent to their contributions being recorded, published and retained at the discretion of the Authority. Authority meetings, including the Planning Committee, are now broadcast live via YouTube. Such meetings can also be watched at a later date via the 'listen again' function which can be found when you click on the date of the relevant meeting on the Authority's website.
- 6.24 Under the Local Audit and Accountability Act 2014, the Authority permits any member of the public to record and report on open meetings of the Authority and its Committees using text, sound, video, film or photographs without the prior consent of the Authority.

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## Appendix 1 – consultation bodies for plan-making

### Specific consultation bodies

The Authority is required to consult ‘specific’ consultation bodies as appropriate on planning policy documents. We will consult with these bodies, as required, on all development plan documents, neighbourhood plans and where relevant supplementary planning documents and other planning documents as required:

<b>Specific consultation bodies</b>
A relevant authority within or adjoining the national park (local planning authorities, county councils, parish councils* and local policing bodies) <u>*to include the Peak Park Parishes Forum</u>
The Coal Authority
The Environment Agency
Historic England
Natural England
Electronic Communication Operators
Electricity Undertakers
Gas Undertakers
Sewerage Undertakers
Water Undertakers
Network Rail
National Highways
<u>NHS Trust and Derby and Derbyshire Integrated Care Board</u>
Homes England

## General consultation bodies

The Authority is required to consult 'general' consultation bodies as appropriate on planning policy documents. The relevant bodies are as follows:

<b>General consultation bodies</b>
Voluntary bodies
Bodies representing racial/ethnic/national groups
Bodies representing religious groups
Bodies representing disabled persons
Bodies representing business persons

## Other Consultees

The Authority is required to consult 'other consultees' as appropriate on planning policy documents. Other consultees include residents who have been asked to be informed and other interested parties.

## Appendix 2 – Stages of plan-making

### Development Plan Documents

Stage	Consultation methods	Consultation Bodies
Pre-production stage – evidence gathering	Website Emails/letters Social media Workshops (online/in person)	As appropriate from Appendix 1 Open to public
Preparation Stage (Regulation 18) Also known as Issues and Options – 12 week public consultation	Website Emails/letters Social media Publicity materials Document made publicly available at outlined deposit locations Workshops (online/in person)	All groups in Appendix 1 Open to public
<b>Consider responses to Reg 18 and prepare plan for publication (a summary of representations and the Authority's responses will be prepared and made available on the website)</b>		
Publication stage (Regulation 19) - 8 week public consultation	Website Emails/letters Social media Publicity materials Document made publicly available at outlined deposit locations	All groups in Appendix 1 Open to the public (comments can only be made on 'soundness' of the plan)
Submission to the Secretary of State (Regulation 22) including a statement of representation	Website Emails/letters Social media Publicity materials Document made publicly available at outlined deposit locations	All those in Appendix 1 Those that requested to be informed at Publication Stage
Independent examination (Regulation 25) to consider the 'soundness' of the plan	Website Emails/letters Social media Publicity materials Document made publicly available at outlined deposit locations	Those that responded at Publication Stage Anyone can attend the hearing, those who made representation on the submission draft will be able to speak if they request to do so
<b>Examiners report with recommendation</b>		
Adopting the Local Plan document (Regulation 26)	Website Emails/letters Social media Document publicly available	All in Appendix 1 Those who requested to be informed of adoption
<b>Ongoing monitoring and review</b>		

### Supplementary Planning Documents

Stage	Consultation methods	Consultation Bodies
Pre-production stage: information and evidence gathering	Emails/letters Workshops (online/in person)	As appropriate from Appendix 1
Public Involvement (Regulations 12 and 35) – 8 week consultation on draft SPD	Website Emails/letters Workshops (online/in person) Social media Publicity materials Document made publicly available at outlined deposit locations	Specific and general consultees from Appendix 1 Other consultees as appropriate
<b>Consider responses and prepare final version of document (a summary of representations and the Authority's responses will be prepared and made available on the website)</b>		
Adoption (Regulations 14 and 35)	Website Emails/letters Social media Publicity materials Document made publicly available at outlined deposit locations	Specific and general consultees from Appendix 1 Other consultees as appropriate Those who requested to be informed of the adoption

## Neighbourhood Plans

Stage	Consultation method	Consultation Bodies
<b>A Parish Council or neighbourhood forum state they wish to produce a Neighbourhood Plan or Neighbourhood Development Order. The National Park Authority provides advice and assistance.</b>		
Application and Designation	Website Emails/Letters Document made publicly available at relevant deposit locations	Specific and general consultees from Appendix 1 Other consultees as appropriate
Pre-submission consultation	This stage is carried out by the parish council or neighbourhood forum	
Submission Consultation and publicity of plan	Website Emails/letters Documents made publicly available at relevant deposit locations	Specific and general consultees from Appendix 1 Other consultees as appropriate
Submission of plan for independent examination and publication of report	Website Emails/letters	Specific and general consultees from Appendix 1 Other consultees as appropriate Those who asked to be notified of the decision.
<b>If the plan is approved by the Independent Examiner it moves to referendum stage. If the plan is not approved by the Independent Examiner the plan does not progress to referendum.</b>		
Referendum on neighbourhood plan coming into force	This stage is organised by the 'relevant council' (District Council not the National Park Authority)	
If more than 50% of voters agree, the neighbourhood plan is adopted and considered part of the Development Plan for the National Park	Website Emails/Letters	Specific and general consultees from Appendix 1 Other consultees as appropriate Those who asked to be notified of the outcome.

### Appendix 3: Where can planning policy documents can be viewed?

Copies of planning policy documents and notices will be available to view at the Authority's main office:

Peak District National Park Authority, Aldern House, Baslow Road, Bakewell,  
Derbyshire, DE45 1AE  
Tel: (01629) 816200

And at the following constituent Authorities' offices:

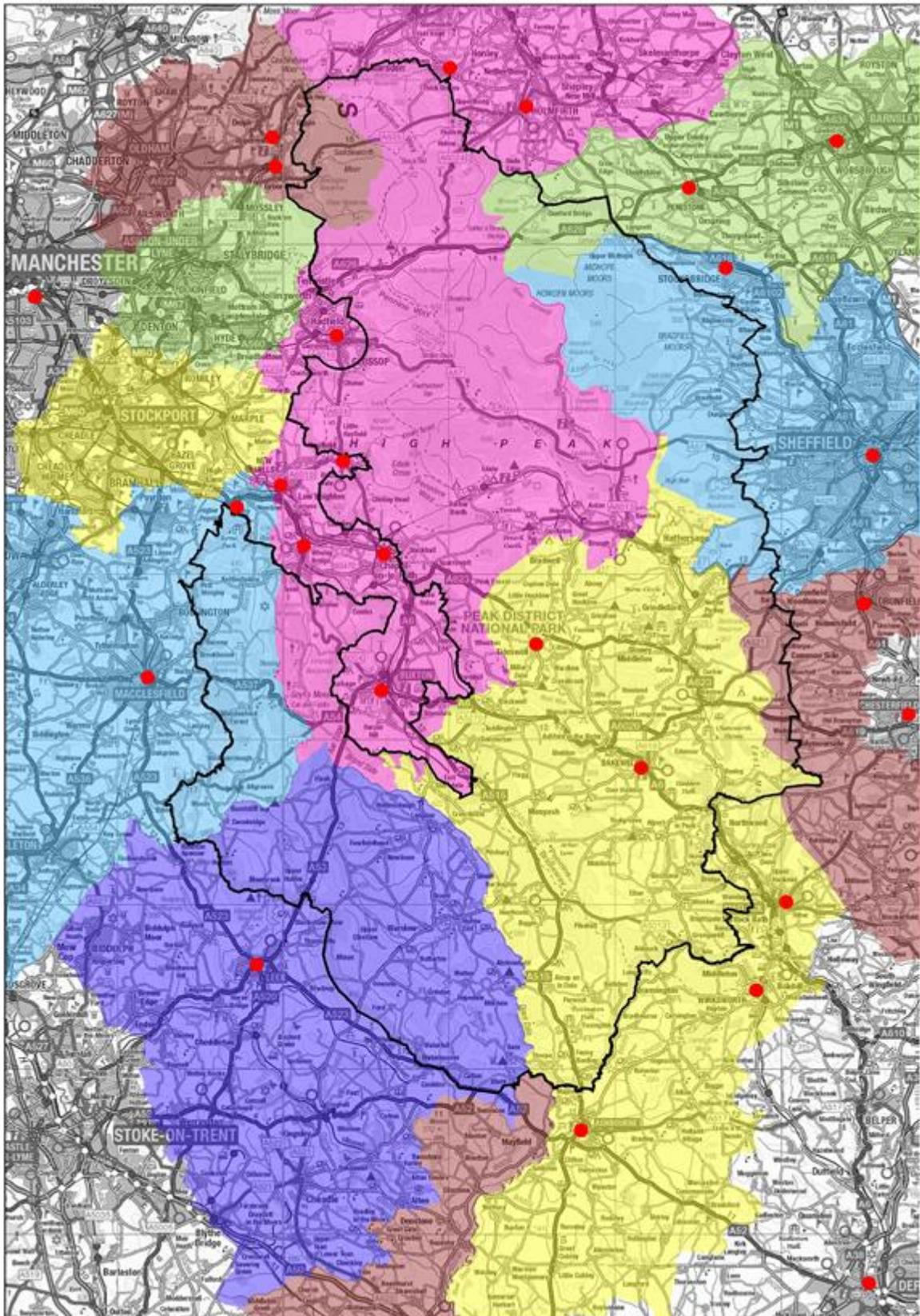
- Barnsley Metropolitan Borough Council, Wellington House, Wellington Street, Barnsley, S70 1WA Tel: (01226) 773555
- Cheshire East Council, Town Hall, Market Place, Macclesfield, Cheshire, SK10 1EA Tel: (0300) 123 5500
- Derbyshire Dales District Council, Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN Tel: (01629) 761100
- High Peak Borough Council, Buxton Town Hall, Market Place, Buxton, Derbyshire, SK17 6EL Tel: (0345) 129 7777
- Kirklees Metropolitan Borough Council, Civic Centre, 3 Market Street, Huddersfield, HD1 2YZ Tel: (01484) 221000
- Oldham Metropolitan Borough Council, Civic Centre, West Street, Oldham, OL1 1UT Tel: (0161) 770 3000
- North East Derbyshire District Council, 2013 Mill Lane, Wingerworth, Chesterfield, Derbyshire, S42 6NG Tel: (01246) 231111
- Sheffield City Council, 1 Union Street, Howden House, Sheffield, S1 2SH Tel: (0114) 273 4567
- Staffordshire Moorlands District Council, Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ Tel: 0345 605 3010

The following public libraries in and around the National Park will also hold copies of documents and statutory notices:

Ashbourne	Disley	Macclesfield	Stocksbridge
Bakewell	Dronfield	Manchester	Tideswell
Barnsley	Glossop	Matlock	Uppermill
Buxton	Greenfield	Meltham	Whaley Bridge
Chapel en le Frith	Hayfield	New Mills	Wirksworth
Chesterfield	Holmfirth	Penistone	
Derby	Leek	Sheffield	

The locations of the above libraries are shown on the following map.

Map showing library locations where planning policy documents can be viewed



## Appendix 4 – consultation bodies for planning applications

Based on the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other legislation, the statutory bodies that we have to consult in respect of relevant planning applications are:

Statutory consultees
Canal and River Trust
The Coal Authority
Control of major-accident hazards competent authority (COMAH)
County Planning Authorities
Crown Estate Commissioners
Department for Business Energy and Industrial Strategy
Designated Neighbourhood Forums
Environment Agency
Forestry Commission
The Gardens Trust
Health and Safety Executive
Highways Authority including National Highways
Historic England <sup>10</sup>
Lead local flood authority
Local Planning Authorities
National Amenity Societies <sup>11</sup> <ul style="list-style-type: none"> <li>○ Society for the Protection of Ancient Buildings</li> <li>○ Ancient Monuments Society</li> <li>○ Council for British Archaeology</li> <li>○ Georgian Group</li> <li>○ Victorian Society</li> <li>○ Twentieth Century Society</li> </ul>
Natural England
Office for Nuclear Regulation
Oil and Gas Authority

<sup>10</sup> [i\) for works in respect of any grade I or II\\* listed building; and \(ii\) for relevant works in respect of any grade II \(unstarred\) listed building; as per para 65 and 66 of the national Planning Policy Guidance](#)

<sup>11</sup> (aa) for works for the demolition of a listed building; or (bb) for works for the alteration of a listed building which comprise or include the demolition of any part of that building as per [150316 Final Arrangements for handling heritage applications direction.pdf \(publishing.service.gov.uk\)](#)

Parish Councils
Rail Infrastructure Managers
Rail Network Operators
Sport England
Theatres Trust
Toll Road Concessionaries
Water and sewerage undertakers

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## Appendix 5 – consultation stages for planning applications

Stage	Who is involved and how?	Benefits	Consultation period	How are comments assessed?	Feedback
<p><b>Pre-application</b></p> <p>Guidance notes and policies are available on the website and at the NP office.</p> <p>Discussion by a developer with the National Park Authority, interested parties and neighbours.</p>	<p>A ‘Do I Need Planning Permission?’ service is free and available by contacting the Authority by telephone or email.</p> <p>A charged for pre-application advice service is available where written advice can be provided and in certain instances a meeting/site visit can be arranged with a Planning Officer/Conservation Officer<sup>12</sup>.</p> <p>The Authority encourages the developer to contact and involve individuals or groups about their proposals prior to submitting a planning application.</p> <p>Statutory agencies, internal consultees and constituent Authorities will be involved where appropriate.</p>	<p>Confirms whether a development is acceptable in principle, and resolves matters that might otherwise lead to refusal.</p> <p>Improves the quality of a subsequent application and clarifies the format and level of detail required to support it.</p> <p>Ensures those most directly affected by a proposal have a chance to give their views directly to a developer at an early stage.</p> <p>Avoids unnecessary objections at a later stage, and delays in the registration of applications.</p>	No formal period.	Comments made will be used by the applicant to inform submission proposals.	At the discretion of the developer.
<p><b>Submission &amp; consideration of application</b></p> <p>Formal application made and fee paid to</p>	<p>Letters/emails sent to statutory consultees (see Appendix 4), relevant Parish Councils and where necessary, adjoining neighbours, advising of receipt of application.</p> <p>A site notice is posted and/or an advert is placed in the local press in accordance with the Authority’s agreed protocol (see Fig 3 on page 18).</p>	<p>Seek comments from statutory consultees and stakeholders.</p> <p>Informs interested parties that an application has been submitted.</p> <p>Invites people to inspect the plans and make written comments.</p>	21 days to comment on a planning application (Parish Councils are given 28 days but will endeavour to respond within 21).	Comments from statutory consultees are considered in relation to government advice and material planning considerations.	Representations are detailed in committee reports and Officer delegated reports, which are available to view at the Authority’s main office by

<sup>12</sup> Dependent on availability, please refer to [Pre-application advice service: Peak District National Park](#)

National Park Authority.	A weekly list of applications received is available on the Authority's website.	Advises receipt of revised plans for significant amendments.	14 days to comment on revised plans.	Parishes should ensure that their comments are based on material considerations	appointment and on the website.
<b>Stage</b>	<b>Who is involved and how?</b>	<b>Benefits</b>	<b>Consultation period</b>	<b>How are comments assessed?</b>	<b>Feedback</b>
<p><b>Submission &amp; consideration of application Continued</b></p> <p>A site visit is usually undertaken, comments received are considered and an assessment is made.</p> <p>Negotiations can take place with the agent/ applicant and revised plans may be submitted.</p>	<p>Planning applications are available to inspect on the website and by appointment at the Authority's main office.</p> <p>Copies of applications and plans can be obtained, subject to a copying charge.</p> <p>A letter/email is sent to all interested parties, including parish councils advising of receipt of significant revised plans.</p> <p>Delegated reports are available to view on the Authority's website.</p> <p>Reports to Committee are available for public inspection on the website and at the Authority's main office a week prior to the meeting.</p> <p>The Committee report is sent to the relevant Parish Council or Meeting.</p> <p>Details are provided on the website explaining the committee process for the public.</p>	<p>Encourages people to stay in contact to ascertain when and how applications will be determined.</p> <p>The public nature of committee meetings ensures transparency of decision making and understanding of the process.</p> <p>Speaking at committee meetings allows views to be put to Members directly.</p>		<p>Representations of objection or support are a material consideration in assessing and determining an application.</p> <p>Comments received can be used to seek improvements and changes to the proposal, where appropriate.</p>	<p>Minutes of committee meetings are available to view at the Authority's main office and on the website.</p> <p>Committee meetings are open to the public.</p>

Applications are determined under delegated powers or by Planning Committee, unless the application is withdrawn by the agent/ applicant.	Opportunity to attend and/or speak at Committee in accordance with the agreed protocol (available to view on the website).				
<b>Stage</b>	<b>Who is involved and how?</b>	<b>Benefits</b>	<b>Consultation period</b>	<b>How are comments assessed?</b>	<b>Feedback</b>
<p><b>Post-determination</b></p> <p>A decision notice is issued including any conditions or reasons for refusal.</p>	<p>A copy of the withdrawal letter is sent to the relevant Parish Council in order to notify them if an application is withdrawn.</p> <p>Those who comment on the application (via letter or post) are directed to the Authority's website to view the decision.</p> <p>A copy of the weekly list of decisions is available on the website, and at the Authority's main office.</p>	<p>Advises how interested parties can view the decision taken on a planning application.</p>	N/A	N/A	<p>Parish Councils are sent a copy of the withdrawal letter.</p> <p>People are directed to the Authority website to view the planning decision.</p>
<p><b>Appeal</b></p> <p>If an application is refused, the applicant can lodge an appeal with the Planning Inspectorate.</p>	<p>A letter/email is sent to all interested parties, and relevant Parish Councils, advising them that an appeal has been lodged.</p> <p>A letter/email is sent to all interested parties advising them of the arrangements for a Hearing or Public Inquiry.</p>	<p>Informs people that an appeal has been lodged, and advises them of how to make their views known or how to participate.</p> <p>Gives the date, time and location of a Hearing or Public Inquiry should they wish to attend/participate.</p>	N/A	Representations are assessed by the Planning Inspector in deciding whether to allow or dismiss the appeal.	Interested parties may request to the Planning Inspectorate to be kept informed and sent copies of the Inspector's report/decision.

## Appendix 6 – Glossary

**Annual Planning Policy Monitoring Report (AMR):** This assesses the implementation of the Local Development Scheme and the extent to which policies in planning policy documents are being successfully implemented.

**Brownfield Land Register:** The Brownfield Land Register provides up-to-date and consistent information on sites that the Local Planning Authority considers to be appropriate for residential development and meets specific criteria.

**Core Strategy:** Sets out the long-term spatial vision for the Local Planning Authority area, and the spatial objectives and strategic policies to deliver that vision. The Core Strategy is a Development Plan Document (DPD).

**Development Plan Documents (DPDs):** The documents that contain the planning policies for the PDNP. Currently the Core Strategy (adopted October 2011), the Development Management Policies and the made neighbourhood plans.

**Development Management Policies DPD:** A suite of criteria-based policies which are required to ensure that all development within the area meets the spatial vision and spatial objectives set out in the Core Strategy.

**Local Development Scheme (LDS):** Sets out the programme for preparing Development Plan Documents.

**Permission in Principle:** Sites put on Part 2 of the Brownfield Land Register will trigger a grant of Permission in Principle (PIP). PIP relates only to the location, land use and amount of development. A further Technical Details Consent is required before work can commence.

**Policies Map:** The adopted Proposals Map illustrates on a base map the spatial application of some of the policies. It must be revised so that it always reflects the up-to-date planning policies for the area. Changes to the adopted Proposals Map will accompany a Development Plan Document.

**The Regulations:** The Town and Country Planning (Local Development) (England) Regulations

**Soundness:** The 'soundness' of a Development Plan Document, and objections to it, must be considered when it is submitted to an independent Planning Inspector for Examination. 'Soundness' includes assessing whether the document has been prepared in the right way using the right procedures, and if it broadly conforms with national planning guidance.

**Strategic Environmental Assessment (SEA):** A formal environmental assessment of policies, plans and programmes, as required by the European 'SEA Directive' (2001/42/EC).

**Supplementary Planning Documents (SPD):** Provide supplementary/more detailed information in respect of the policies in the Development Plan Documents (i.e. the Core Strategy and Development Management Policies DPDs). They usually cover a specific topic/subject area (e.g. climate change, historic building conversions, design guidance etc.) They are not subject to independent examination by the Planning Inspectorate.

**Sustainability Appraisal (SA):** A tool for appraising policies to ensure that they reflect sustainable development objectives (i.e. social, environmental and economic factors), which must be undertaken for Development Plan Documents, and sometimes for Supplementary Planning Documents.

**Technical Details Consent:** Following a grant of Permission in Principle, the site must obtain Technical Details Consent (TDC) before development can proceed.

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## Appendix 7 - Contacts

If you require further information on the Peak District National Park Authority, the Statement of Community Involvement or Development Plan Documents, you can visit the Authority's website at [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

**Contact the Planning & Communities Team on:**

Email: [policy@peakdistrict.gov.uk](mailto:policy@peakdistrict.gov.uk)

Telephone: (01629) 816200

**Contact the Planning Service on:**

Email: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Telephone: (01629) 816200

**Our address is:**

Peak District National Park Authority  
Aldern House  
Baslow Road  
Bakewell  
Derbyshire  
DE45 1AE

### PLANNING AID

The Authority recognises that its officers are not always best placed to work with community groups, and that some people prefer to seek independent advice. Planning Aid is a service provided by the Royal Town Planning Institute that maintains a 'Planning Aid Direct' web resource which is free to use, or an email 'Advice Service' that offers fifteen minutes of free professional advice via email. In some circumstances, Planning Aid can offer bespoke support for eligible individuals or groups who can receive further advice through a network of professional volunteers, who give their services free of charge to those who are unable to afford professional fees.

Email: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)

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## Peak District National Park Authority: Review of Statement of Community Involvement Consultation Statement

### Responses to Consultation Stage - May to July 2023

Response From	Summary of Comment	How Comment was Addressed in Document
Bamford and Thornhill Parish Council	<ul style="list-style-type: none"> <li>The draft Statement was reviewed at our Parish Council meeting this week, and was commented upon positively. We have no suggested changes.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and appreciated</li> </ul>
British Horse Society	<ul style="list-style-type: none"> <li>Everything in the draft consultation looks in order to me but under section 4.4 – ‘Non-statutory consultees’, I shall be grateful if the BHS might be added to your list whenever a planning application affects a public right of way as I am unaware if this is happening at present?</li> <li>The Committee of the local bridleways group, Peak Horse Power, would also be grateful to be added to the list and I have copied in their email as above.</li> </ul>	<ul style="list-style-type: none"> <li>Updated non-statutory consultation list</li> <li>BHS have been added to the weekly list notification, which lists if the application is affects a PRoW</li> <li>Peak Horse Power has also been added to the weekly list notification</li> </ul>
Environment Agency	<ul style="list-style-type: none"> <li>We wish to highlight that the Environment Agency now charges for advice requested outside of the statutory duty to respond to planning applications and strategic documents. Therefore if an applicant or the Local Authority would like advice or Environment Agency involvement in any application or strategic document outside of the statutory process, we would ask that they contact the Environment Agency directly at <a href="mailto:planning.trentside@environment-agency.gov.uk">planning.trentside@environment-agency.gov.uk</a>. We will be able to offer details on what we offer and the costs associated with this.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
Exolum Pipeline System Ltd	<ul style="list-style-type: none"> <li>Please find attached a plan showing our client’s asset within the area mentioned. Should any works take place in vicinity of the pipeline, we ask that you please notify us.</li> </ul>	<ul style="list-style-type: none"> <li>Noted - this is reflected on our Policies Map.</li> </ul>
High Peak Borough Council	<ul style="list-style-type: none"> <li>We have no comments to raise. However, we welcome being consulted on the SCI document that the Peak District are</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

	preparing. It is helpful to set out a clear and transparent approach to the consultation process for planning documents.	
Historic England	<ul style="list-style-type: none"> <li>We welcome the various references to 'statutory consultees' throughout the document. It may be worthwhile to explain what 'statutory consultees' are in the document or refer to them as 'specific/ general consultation bodies'.</li> <li>Paragraph 4.3 references the consultation bodies being listed in Appendix 2, amend to Appendix 1.</li> <li>We welcome reference in the list under Appendix 4 and note that we should also be consulted on applications affecting other heritage assets including Scheduled Monuments, Registered Parks and Gardens and Conservation Areas etc.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed and amended</li> <li>Noted and amended para 4.3</li> <li>Noted and amended to refer to the requirements as outlined in the national Planning Policy Guidance (footnote 10 in Appendix 4).</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</li> <li>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</li> <li>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: <a href="https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice">https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice</a></li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
NHS Trust and Derby and Derbyshire Integrated Care Board.	<ul style="list-style-type: none"> <li>I would appreciate it if under the statutory consultees you could amend, NHS Trusts and Clinical Commissioning Groups to read NHS Trust and Derby and Derbyshire Integrated Care Board.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and amended Appendix 1</li> </ul>
Peak Park Parishes Forum	<ul style="list-style-type: none"> <li>At the PPPF Management Committee meeting this week, it was felt that Appendix 1 of the Statement should include the Peak Park Parishes Forum in the list of consultees. I appreciate that</li> </ul>	<ul style="list-style-type: none"> <li>Noted and amended The list in Appendix 1 of the draft SCI is based on the relevant regulations,</li> </ul>

	<p>you will have decided the list against certain criteria, so you might not agree with the above view - but I leave the thought with you.</p>	<p>however, this has been amended to also make reference to the PPPF.</p>
<p>Stanton in Peak Parish Council</p>	<ul style="list-style-type: none"> <li>• Stanton in Peak Parish Council would like to see the following incorporated:</li> <li>• 1) Point 6.6 of the document states 'the Planning Officer normally visits the site' Council believes that all sites should be visited as without seeing the actual location the planner cannot gain information on the topology, landscape impact and other vital information relating to the proposal. Council is concerned by recent events, Covid notwithstanding, where comments make it obvious the site hasn't been viewed and we wish to see the document amended to ensure the full impact of the location setting is considered.</li> <li>• 2) Council is aware that the present arrangement is that all responses from Parish Councils (whether supporting or objecting to a planning application) should go to the Planning Committee IF the Planning Officer wishes to decide the application in a manner that conflicts with the Parish Council's view. The exception to this is where a Parish Council does not support its position with reasonable planning grounds. Whilst these rules arise out of the Constitution of the NPA, through its scheme of delegation to Officers, and not through the Statement of Community Involvement, council wishes to</li> </ul>	<ul style="list-style-type: none"> <li>• Para 6.6 changed to "<u>In the vast majority of cases the Planning Officer will visit the site. It is standard practice for a planning officer to undertake a site visit but occasionally it may not be necessary, for example when a site has already recently been visited by the officer.</u>" <del>Although it is standard practice for a planning officer to undertake a site visit, there may be a small number of instances when a site visit is not required (e.g. the officer has recently undertaken a site visit). Could the wording be amended to strengthen e.g. "In most cases the planning officer will visit the site."?</del></li> <li>• Agreed and text added (para 6.9)</li> </ul>

	<p>see this statement incorporated to be assured that there is a unified approach.</p> <ul style="list-style-type: none"> <li>• 3) 6.15 (now para 6.16) Informing of decisions - Currently Parish Councils are advised of all decisions, the proposal here is that we would be notified if an application is withdrawn for a site only. The current process is useful and should be retained.</li> </ul>	<ul style="list-style-type: none"> <li>• The Authority's Legal Team has advised that the Authority is not obliged to directly inform those that have commented on a planning application of a planning decision. The process has been amended to reflect this advice. This will ensure efficiencies and responds to the proposed reduction in staff resources. The information is readily available on the Authority website.</li> </ul>
The Coal Authority	<ul style="list-style-type: none"> <li>• The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</li> <li>• Our records indicate that within the Peak District National Park area there are coal mining features present at surface and shallow depth including; mine entries, coal workings and reported surface hazards. These feature may pose a potential risk to surface stability and public safety.</li> <li>• The Coal Authority's records also indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</li> <li>• It is noted that this current consultation relates to a Statement of Community Involvement. I can confirm that the Planning</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>

	team at the Coal Authority have no specific comments to make on this document.	
Trans Pennine Trail	<ul style="list-style-type: none"> <li>• 2.2 - Scope to include National Trail contacts – there are a number of National Trails (including the TPT) that travel through the Peak District National Park and are key stakeholders.</li> <li>• Pg 29 - The TPT has previously been asked to be listed</li> </ul>	<ul style="list-style-type: none"> <li>• Noted - The TPT has now been added to planning system so that they are notified of relevant planning applications</li> </ul>
West Yorkshire Police	<ul style="list-style-type: none"> <li>• Thank you for your email about the Consultation Document.</li> <li>• I have checked our county borders and can see whilst there is a crossover into the National Park, this is minimal within a very rural area. In the five years I have been doing my job, I have only come across one planning application which had the National Park Authority involvement.</li> <li>• With the above being said, I would be more than happy to engage with the Authority on crime prevention measures for developments, as long as they are within West Yorkshire Police jurisdiction. As much of the park is covered by South Yorkshire and Derbyshire, it would be in the Authorities interest to engage with the DOCO's within those force areas as well if not already done.</li> <li>• Please feel free to remain in contact with West Yorkshire Police and myself for future planning applications within our area.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted and appreciated</li> </ul>

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## 18. **PLANNING APPEALS REPORT (A.1536)**

### 1. **APPEALS LODGED**

The following appeals have been lodged during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
NP/DDD/0822/1054 3314889 – Listed Building Consent NP/DDD/0822/1053 3314891 – Planning Consent	Regularisation of unauthorised work to rear roof over bathroom at Leach House, Leadmill, Hathersage	Written Representations	Delegated
NP/DDD/0722/0897 3316081	To retain timber cladding on garage for environmental reasons at Hallyard House, Bakewell Road, Over Haddon	Written Representations	Delegated
NP/DDD/0622/0760 3316665	S73 Application for the variation of Condition 3 on NP/DDD/0921/1053 regarding the overflow car parking on grassland below the Bastion Wall at Chatsworth House, Edensor	Written Representations	Committee
NP/HPK/0822/1032 3319738 – Planning Consent NP/HPK/0623/0664 3328109 – Listed Building Consent	Conversion of barn to dwelling in include extension, alterations and landscape works at Herod Farm, Turnlee Road, Glossop	Written Representations	Delegated
NP/DDD/0522/0676 3317676	Reinstatement of field barn at Jackson's Croft, Smalldale	Written Representations	Delegated

### 2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

### 3. **APPEALS DECIDED**

The following appeals have been decided during this month.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
NP/DDD/0222/0189 3305642	Proposed agricultural building to house and feed livestock and to store fodder and implements at Limestone Meadows, Millers Dale	Written Representations	Dismissed	Delegated

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The Inspector considered that the proposal would appeal as a highly prominent and isolated feature in the landscape would still have the appearance of a substantial modern shed despite the proposed use of Yorkshire boarding and local rubble stone. The Inspector dismissed the appeal owing to its siting, appearance and scale, and the harm it would cause to the character and appearance of the area.

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NP/DDD/0522.0632 3313446	Replacement windows at The Moon Inn, High Street, Stoney Middleton	Written Representations	Dismissed	Delegated
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The Inspector considered that the retrospective development had caused harm to the character and appearance of the host building and the conservation area. The Inspector also considered that the impact was accentuated when the windows were opened, because they opened outwards from the top and not in the manner of traditional sash windows. The appeal was therefore dismissed.

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NP/DDD/0921/0964 3312301	Erection of single storey side extension, new patio, retaining wall and railings and steps, an infilling existing window at The Anchor Inn, Tideswell.	Written Representations	Allowed	Delegated
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The Inspector considered that the proposed development, which had already been carried out, caused minimal harm to the significance of the building as a non-designated heritage asset and didn't harm the valued characteristics of the PDNP. The Inspector thought that the alterations and extensions were sympathetic to the form and appearance of the rear projection of the public house and did not affect the principal front elevation. They considered that the development provided public benefits through the provision of an accessible toilet, a means of escape and by supporting the local economy and believed that these benefits outweighed any harms and therefore met the provisions of the Framework. The appeal was allowed.

4. **RECOMMENDATION:**

**To note the report.**