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Peak District National Park Authority

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



Our Values: Care – Enjoy – Pioneer

Our Ref: A.1142/3383

Date: 28 September 2023



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 6 October 2023**

Time: **10.00 am**

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

PHILIP MULLIGAN
CHIEF EXECUTIVE

AGENDA

1. **Roll Call of Members Present, Apologies for Absence and Members Declarations of Interest**
2. **Minutes of previous meeting of the 8th September 2023** *(Pages 5 - 16)*
3. **Urgent Business**
4. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Full Application - Conversion of former garage & workshop to form single dwelling at Hill Cross, Ashford in the Water. NP/DD0223/0147, SC)** *(Pages 17 - 26)*
Site Plan
6. **Retrospective Planning Consent (re-submission) for the retention of a shepherds hut for tourist accommodation and for ancillary washroom on land to the west side of Townend Lane, Waterfall, Waterhouses. (NP/SM/0623/0743, SC)** *(Pages 27 - 38)*
Site Plan
7. **Household Application - Alterations and extensions to Wynfield, Holme Lane, Bakewell. (NP/DDD/0823/0901 LB)** *(Pages 39 - 48)*
Site Plan
8. **Full Application - For the erection of farm buildings and associated excavation work, including the demolition of an existing farm building, at Knowle House Farm, Reapsmoor (NP/SM/0823/0951, DH)** *(Pages 49 - 56)*
Site Plan
9. **Full Application - Erection of a lambing shed and access track - field to the corner of Oaks Lane and Ughill Wood Lane, Bradfield (NP/S/0223/0115, RB)** *(Pages 57 - 68)*
Site Plan
10. **Full Application - New forestry building on land off A625, Froggatt Bridge, Calver (NP/DDD/0623/0604, SC)** *(Pages 69 - 78)*
Site Plan
11. **Approval of Brampton Neighbourhood Plan to Submit for Referendum (CW)** *(Pages 79 - 106)*
Appendix 1

Appendix 2

12. **Approval of Whaley Bridge Neighbourhood Plan to Submit for Referendum (CW)** (Pages 107 - 126)
Appendix 1

Appendix 2
13. **Monitoring & Enforcement Quarterly Review - October 2023 (A1533/AJC)**
(Pages 127 - 132)
14. **Monthly Planning Appeals Report (A.1536/KH)** (Pages 133 - 134)

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.

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.

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



MINUTES

Meeting: **Planning Committee**

Date: Friday 8 September 2023 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr P Brady

Present: 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 Mrs K Potter, Cllr K Richardson, Miss L Slack and Mr K Smith

Apologies for absence: Cllr D Murphy and Cllr C O'Leary.

101/23 APOLOGIES FOR ABSENCE, ROLL CALL OF MEMBERS PRESENT AND MEMBERS DECLARATIONS OF INTEREST

Cllr Beer and Cllr Buckler attended the meetings as observers.

Item 9

Miss Slack declared a prejudicial interest in this item due to her relationship with the applicant and confirmed that she would have to leave the room for the duration of this item.

Item 10

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

Item 11

All Members declared an interest in this item due to an email that they had received from Cllr Peter O'Brien.

Cllr Brady declared that the agent, Roger Yarwood, was known to him professionally, but they had not discussed the application.

Cllr Brady also declared that Sir Richard FitzHerbert, who was registered to speak on this item, was known to him as a regular attendee at previous Planning Committees.

Cllr Brady also declared that he had received an email from the applicant for this item.

Cllr Hart declared an interest in this item due to his capacity as a Member on the Enjoy Staffordshire Board.

102/23 MINUTES OF PREVIOUS MEETING OF THE 14 JULY 2023

The minutes of the last meeting of the Planning Committee held on 14 July 2023 were approved as a correct record.

103/23 URGENT BUSINESS

The Chair of the Planning Committee had 2 items to discuss as a matter of Urgent Business.

The Head of Planning gave an update to the Planning Committee on the Secretary of State's concerns about the performance of the Authority's planning department. He reported that throughout the last three quarters up to the end of June, the planning department were above the national standard for performance on determining non-major planning applications either within the 8-week time period, or using agreed extension of time. The Head of Planning had also updated the Secretary of State on the structural changes that were being done within the planning department and that he was working with the Planning Advisory Service to keep the review and momentum going. The Chair of the Planning gave his thanks to the Head of Planning and the staff for their hard work towards achieving such progress.

The Head of Planning also gave an update about the national consultations that were ongoing which aims to increase the delivery of housing through various proposed changes to national planning policy and permitted development rules, e.g. by allowing the change of use of agricultural buildings to dwelling houses. This would allow traditional barns and modern portal frame buildings to be converted into habitable dwellings without the owner having to obtain further planning permission. He stated that this was a big concern for the National Park and several other National Parks and that the Authority needs to present evidence of how this could harm our statutory purposes and also data to show how many barn conversions are already approved within the current policies. These current policies allow the National Park to control the flow of development in the right places with the right design but the new proposals for permitted development risk losing the character of these barns and the wider landscape with unfettered development.

Members were positive about the Authority's position against these policy proposals and endorsed every effort to stand strongly against them.

104/23 PUBLIC PARTICIPATION

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

105/23 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)

This item was dealt with at the same time as Item 6.

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 planning application at Magdalen Road (NP/K/0121/0026).

- 106/23 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)**

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

The following spoke under the public participation at meetings scheme:

- Robert Howard, supporter

Members queried the impact that the works would have on the public and if there were any provisions to prevent future washouts on the track. Officers replied that the work would be carried out without affecting the public and that drainage would be fitted under the track to prevent washouts.

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

RESOLVED:

To APPROVE the planning application 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.**

- 107/23 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)**

Officers had received extra information the day before the Committee meeting and had thus changed their recommendation to defer the application to allow more time to consult on the information they had received.

A motion to defer this item was proposed, seconded, voted on and carried.

RESOLVED:

To DEFER the application.

108/23 FULL APPLICATION - PROPOSED FORESTRY BUILDING AT LAND OFF THE A625 FROGGATT BRIDGE, CALVER (NP/DDD/0623/0604, SC)

This Item was withdrawn and deferred to a later committee following a request by the applicant and agent as they were unable to attend this meeting and wished to be present to represent their case in support of the application.

109/23 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)

Ms Slack left the room for the duration of this item as she had declared a prejudicial interest in the application.

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

The following spoke under the public participation at meetings scheme:

- Jo Harrison, agent – statement read out by Democratic Services

In response to questions from Members, Officers raised the following points:

- The need to isolate animals is understood but this could occur elsewhere in a place that would not have such an impact on the landscape.
- The application had included little detail on landscaping and what would be included here would take time to grow and take effect.
- The location is not located in a dip in the landscape and is more or less level with the road.
- There would be no possibility to dig the building into the ground to make it less visible.

Members raised the point that a building did previously exist at the site, but others pointed out that the proposed building is nearly three times the size and with a different purpose to the original.

Members were sympathetic towards the agricultural need, but they were divided in their opinions of whether this application was the appropriate response to such need. Some Members pointed out that the proposed building was out of character with the local area, had too big a visual impact on the historic landscape, and that there were better ways to address the agricultural need for isolating farm animals.

A motion to move the recommendations to refuse the application for the reasons given in the report was proposed, seconded and voted on: there being an equality of votes, the chair exercised his second (casting) vote in favour of the motion.

RESOLVED:

To REFUSE the application for the following reasons:

1. **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.

The meeting adjourned for a short break at 10:57

110/23 STATEMENT OF COMMUNITY INVOLVEMENT (CW)

This Item was brought forward as the meeting was ahead of schedule and the speaker for the next item had not yet arrived.

The report was introduced by the Community Policy Planner. She pointed out that there had been a minor amendment to the report in Paragraph 6.9 to correct a reference to delegating powers which was being discussed with the Chair of Planning.

Members encouraged the continuation of advertising planning applications in local newspapers.

Members asked for a change in wording to paragraph 2.6.3 of the report to make it clear that the Peak Park Parishes Forum can make representations to the Planning Authority regardless of if they have been consulted on an application or not.

A motion to accept the recommendations was proposed, seconded, voted on and carried.

RESOLVED:

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 19th 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.**

111/23 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)

Some Members had visited the site the previous day.

The report was introduced by the Planning Officer who explained the reasons for refusal as set out in the report. He also told Members that the current application needed to be determined on its own merits and advised them not to give too much weight to what was already approved.

The following spoke under the public participation at meetings scheme:

- Jane Newman

Members agreed that while the extension was a unique and striking design and somewhat strayed from the vernacular style, it was clear from the Site Visit that the design worked well.

The Planning Officer gave a list of conditions that would be applied if Members were minded to approve the application.

The Planning Officer explained that the variation of the condition relating to the removal of permitted development rights had not been applied for in this application but that it may be possible to find a way to reinstate permitted development rights relating to solar panels – a minor non-material amendment had been mentioned.

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

RESOLVED:

To APPROVE subject to the following conditions:

- 1. Statutory 3-year time limit for building commencement**
- 2. In accordance with approved plans**
- 3. Materials to match the original building**
- 4. Any conditions that are relevant from the prior proposal**
- 5. Detailed conditions to be approved by the Chair and Vice Chair.**

112/23 FULL APPLICATION - CHANGE OF USE FROM DOMESTIC GARDEN TO CAMPING POD SITE AT TOP RILEY, RILEY LANE, EYAM (NP/DDD/1121/1299, AM)

The Planning Officer reminded Members of the application and laid out the reasons for refusal as set out in the original report. The Policy and Communities Team Manager introduced the report and outlined the policy implications of approving such an application and advised Members to stick to the original recommendation of refusing the application. She also highlighted a couple of errors in the report, namely in paragraph 21 of the report where the policy should be DMR1C instead of RT1 C, and paragraph 24 where the policy should read RT3B instead of RT1C.

The following spoke under the public participation at meetings scheme:

- Sir Richard FitzHerbert, supporter – statement read out by Democratic Services
- Cllr Peter O'Brien, supporter – statement read out by Democratic Services
- Mano Belivanis, applicant and Roger Yarwood, agent.

Members and Officers discussed the size of the pods in comparison to other similar pods that

had been approved, for example at North Lees, or refused and found that in addition to the pods being slightly bigger than others that had also been refused, another key issue officers had with them was the nature of their complexity by including additional rooms and services, making them more akin to chalets as opposed to simple camping pods. The Officer pointed out that, due to the fact that it had a shower and toilet plumbed in, it was built into the ground and had space for a small kitchen and living area, a bedroom and bathroom, and was fully set up with electricity, the pods were not small simple structures but more of a holiday dwelling. In comparison, the approved pods at North Lees had no plumbed in services, no separate rooms within the pod, and were smaller in size.

The discussion highlighted issues around the lack of clarity of some of the policies, specifically that there was no definition for what is considered small and simple, and this sparked conversation on whether these policies need reviewing.

Members acknowledged that the site location worked well but that the proposals over-stepped the policy lines that could lead to many more, larger, permanent structures in the landscape over time. Members highlighted that if tourists were desperate to have toilets and showers as part of their holiday dwelling, they could choose a different form of holiday accommodation which included these facilities – the glamping pod is unique in that they typically have external, communal facilities.

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

RESOLVED:

To REFUSE the application for the following reasons:

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

113/23 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)

Some Members had visited the site the previous day.

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

The following spoke under the public participation at meetings scheme:

- Luke Osborne, supporter
- Linda Neale, supporter
- Kiara O'Rourke, supporter – statement read out on behalf of the applicant

Members highlighted that the building was small and simple and was invisible to the public. However, Members pointed out that the build was in a very special, historic and natural location amongst a rock outcrop and that the localised landscape needed to be protected in its own right. It was also noted that future changes to public access or land ownership that changed the public visibility of the proposals could not be predicted. Members were concerned about the precedent that approving such an application would have, and that it could easily give rise to similar types of proposals at countless other sites. Officers also pointed out that it differs from approved small pod-like structures that have policy support in some settings, in that it has several associated external structures included such as the toilet, hot tub, dining area and washing area.

A motion to refuse the application was proposed, seconded,

RESOLVED:

To REFUSE the application 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.**

The meeting adjourned for a short break at 12:50

In accordance with the Authority's Standing Orders, the meeting voted to continue its business beyond 3 hours.

114/23 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)

Some Members had visited the site the previous day.

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

The following spoke under the public participation at meetings scheme:

- Chris Waumsley, agent

Members were positive about the application stating that in comparison to the previous application, this was a development in the right location and mentioned that they were glad to also note the enhancement to the site by the removal of the existing obtrusive electricity lines which were due to be moved underground.

Members asked for an extra condition to clearly define the footpath leading to the site.

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

RESOLVED:

To APPROVE the application 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).

11 Scheme of waymarking of public footpath to be agreed and implemented.

115/23 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)

Some Members had visited the site the previous day.

The report was introduced by the Planning Officer who explained the reasons for the recommendation of refusal as set out in the report. The application had been deferred from a previous committee meeting. He pointed out some amendments to the plans and in the report in paragraphs 12 and 13, arising from changes to the proposals since the application was last at committee. In paragraph 12 it should read 'a hardstanding to the north-east' as the building had been re-oriented, and paragraph 13 was removed entirely and replaced with new measurements denoting a reduction in size of the proposed building since its previous consideration.

The following spoke under the public participation at meetings scheme:

- Jo Harrison, agent – statement read out by Democratic Services

Members were grateful to the applicant for listening to comments from Members in the previous meeting and amended their application to reflect this. Members could understand the agricultural need for the building but were concerned about the exposure and visibility of such a large building in an open landscape. However, from the site visit, Members learned that due to the nature of the road that overlooks the proposed building, it would only be in view for a very short amount of time. It was also pointed out that this building would reduce the amount of agricultural traffic on the highway.

Members asked the Planning Officer if there were any improvements that could be made regarding the screening of the building. He suggested that the scope of impacts could be reduced by changing the cladding material to vertically boarded timber, and a hedgerow bounding the outer edge of yard fencing could be required. Members agreed that these were good options and were minded to approve the application subject to these being

added as conditions. They pointed out that these hedgerows also bring wildlife and biodiversity to the location.

Members recalled some issues around drainage that were discussed at the previous planning committee where this item had been discussed, to which officers confirmed that the amended application had addressed these concerns and that runoff should not affect highways.

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

RESOLVED:

To APPROVE the application subject to the following conditions:

1. 3-year statutory time limit for building commencement
2. Adopt approved plans
3. Timber cladding
4. Landscaping carried out
5. Hedgerow along fence boundary of yard
6. External lighting
7. Spoil disposal details to be agreed
8. Building to be removed if the agricultural need no longer exists

116/23 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

This Item was withdrawn.

117/23 FULL APPLICATION - CONVERSION OF TRADITIONAL, CURTILAGE LISTED FARM BUILDINGS TO 6 NO. DWELLINGS, GREENCROFT FARM, MIDDLETON BY YOULGRAVE (NP/DDD/1122/1463, JRS) - ITEM WITHDRAWN

This Item was withdrawn.

118/23 PLANNING APPEALS REPORT (A.1536)

A motion to move the recommendation was proposed, seconded, voted on and carried.

RESOLVED:

To note the report.

The meeting ended at 13:32pm.

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5. FULL APPLICATION – CONVERSION OF FORMER GARAGE & WORKSHOP TO FORM SINGLE DWELLING AT HILL CROSS, ASHFORD IN THE WATER. NP/DDD/0223/0147.

APPLICANT: MR & MRS J WOOD

Summary

1. The application seeks permission to convert an existing garage/workshop to a one bedroomed residential dwelling at Hill Cross, Ashford-in-the water.
2. In this case, it is considered the scheme would accord with housing policy HC1 in that it would achieve conservation and enhancement of a vernacular building. Consequently, the proposal is recommended to members for approval.

Site and Surroundings

3. The former garage/workshop building is located on the north side of Hill Cross Ashford-in-the water. The property is part of a row of terraced properties that descend and follow the levels of Hill Cross.
4. Hill Cross is exclusively residential with the typical vernacular of properties being mostly limestone under blue slate roofs.
5. Access to the building is directly off Hill Cross. The property and associated land are sited within the village Conservation Area (CA).

Proposal

6. Conversion of former garage/workshop to form a one bedroomed residential dwelling.

RECOMMENDATION:

7. **That the application be APPROVED subject to the following conditions:**
 1. **3 year time limit.**
 2. **Adoption of submitted plans.**
 3. **Design and materials.**
 4. **Approval of details for bin storage**
 5. **Climate change mitigation measures to be implemented.**

Key Issues

8. The principle of development, the potential impact on the character and appearance of the host property, the privacy and amenity of neighbouring dwellings and highway safety.

History

9. No relevant history on file.

Consultations

10. Highway Authority – The Highway Authority does not consider that the proposed conversion of the garage to a dwelling would result in such severe harm to highway safety. Accordingly, there are no objections to the proposal, subject to conditions (Full extract can be read in the Highway section of the report below).

11. Parish Council (PC) – Object, stating that due to the limited parking in this area, cars are already continually parked at the junction, causing a daily hazard to pedestrians and drivers alike. To add more cars to this already dangerous situation will only serve to exacerbate the possibility of potential road traffic accidents. Also, the demolition of the garage represents the removal of a parking space in an area already vastly overcrowded with vehicles.

Representations

12. Two letters of general comment have been made, one regarding the parking issues around the locality and the other concerning the proposed location of refuse bins in association with the proposed dwelling. Both comments are addressed in the following report.

National Planning Policy Framework (NPPF)

13. 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.
14. 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.
15. Section 16 of the NPPF sets out guidance for conserving the historic environment.
16. Paragraph 194 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
17. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. 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.
19. 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:

20. 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.

21. 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.
22. DS1 - *Development Strategy*. Allows conversion or change of use for a number of uses including housing, preferably by re-use of traditional buildings.
23. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
24. HC1 - *New housing*. Provides the detailed housing policy. Where exceptionally, new housing can be accepted when in accord with GSP1 & GSP2, it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.
25. 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 and water efficiency.

Relevant Development Management (DM) Policies:

26. 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.
27. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. 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.
28. DMC8 - *Conservation Areas*. States, that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Applications should also be determined in accordance with policy DMC5 taking into account amongst other things, form and layout, street pattern scale, height, form and massing, local distinctive design details and the nature and quality of materials.
29. DMC10 - *Conversion of a heritage asset*. Conversion will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding, and that any changes conserves or enhances the heritage significance and it setting in accord with policy DMC5.

30. In addition, proposals under Core Strategy policy HC1C I will only be permitted where the building is a designated heritage asset and that it can be demonstrated that conversion to a market dwelling is required in order to achieve conservation and/or enhancement. In all cases attention will be paid to the impact of domestication and urbanisation brought about by the use on the landscape character and built environment.
31. 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.
32. DMT8 - *Residential off street parking*. Off-street 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 local communities.

Assessment

Principle of the development

33. The proposal is for the change of use of a garage/workshop to create a single open market dwelling.
34. DS1 provides the development strategy. It allows conversion or change of use for a number of uses including housing, preferably by re-use of traditional buildings, subject to other policies within the Strategy.
35. Whilst HC1 provides the detailed housing policy. This explains that provision will not be made for housing solely to meet open market demand. However, exceptionally, new local needs housing, key agricultural, or forestry workers dwellings may be permitted.
36. The most relevant provision to the current proposal is part C of HC1, which in accordance with GSP1 and GSP2, HC1C (I) allows conversion of valued vernacular or listed buildings, where the conversion is required in order to achieve conservation or enhancement of the building.
37. In addition, Development Plan Policy DMC10 states, that any proposals under HC1C (I) should demonstrate that conversion to a market dwelling is required in order to achieve the conservation and where appropriate, the enhancement of the significance of the heritage asset and the contribution to its setting.
38. In this case, Paragraph 12.18 of the Core Strategy sets out the key aspects of policy HC1, as follows.
39. *‘Occasionally, new housing (whether newly built or from re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building) or the treatment of a despoiled site. Sometimes this requires the impetus provided by open market values, but wherever possible and financially viable such developments should add to the stock of affordable housing, either on the site itself or elsewhere in the National Park. It is accepted that for small schemes capable of providing only one dwelling (whether new-build or changing the use of a building such as a barn) this is unlikely to be viable...’*
40. Therefore, where it is established that a scheme is for and able to accommodate only one dwelling unit, (as is the case here) there is no requirement within policy for that unit to be affordable or for applicants to discount other uses in order to justify an open market house.

41. Subsequently, the application has been submitted solely for open market housing. The key judgment therefore, is whether the building is a valued vernacular building of sufficient architectural or historic merit to justify an approval on an exceptional basis and if so, whether conversion to an open market dwelling is required to achieve its conservation and enhancement.
42. In this case, your Officers consider that the building has a degree of historic and vernacular merit and therefore the principle of conversion to a single open market dwelling complies with HC1C (I) and in accord with GSP1 & GSP2 and DMC10, in that its conversion is required to achieve conservation and enhancement of a 'Non-Designated Heritage Asset'.

Design, materials & impact on the streetscene and CA

43. DMC3, requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape.
44. DMC5 asks, that new development should demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals.
45. Whilst DMC10 states, that conversion will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding.
46. According to the agent, the property was last used as a workshop/garage space. The current proposal would be to convert it into a modest one bedroomed dwelling.
47. The changes would be to the principal (street facing) elevation. Where the large garage door opening would be replaced with a single window and the reinstatement of a doorway at street level and a window at first floor level.
48. The new stonework required would be to match the existing walling and the windows and door to follow a traditional design in line with a cottage of this period. Both would be conditioned accordingly to meet these requirements.
49. These changes would effectively mirror the adjoining property, which would suggest that by conversion this would re-introduce the probable historic residential use of the property, enhancing the property whilst conserving the character and appearance of the CA.
50. Moreover, the conversion, would introduce a modest one bedroomed dwelling that would be of a size and type that is considered more affordable and would add to the housing stock of the village should the property be put on the market once converted.
51. Consequently, and subject to the appropriate conditions, the scheme is considered acceptable in design and conservation terms, in accord with GSP3, L3, DCM3, DCM5 & DCM10 in these respects.

Potential amenity impacts

52. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property.
53. GSP3 states that all development must respect the living conditions of communities

whilst DMC3, affirms that particular attention will be paid to the amenity, privacy and security of the development and of nearby properties.

54. In this case, due to the area being wholly residential, the proposed development would have no adverse impact or significantly harm the residential amenity of these or any other residential dwellings in the locality, therefore accords with policies GSP3 & DMC3 in these respects.

Potential Highway matters

55. DMT3 Access and design criteria states 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.
56. The Local Highway Authority on assessment, comment, *'that the existing garage/workshop doesn't currently serve any dwelling in the vicinity of the site. Additionally, the depth of the garage is insufficient for the parking of a vehicle, therefore, it is not considered that the conversion of the garage/workshop to a dwelling would result in the loss of off-street parking.'*
57. *In view of the above it is likely that any vehicles associated with the garage/workshop park on the surrounding public highway. Based on the character of Hill Cross, it is unlikely that on street parking for the proposed dwelling would occur on Hill Cross as the limited width with would likely result in vehicles obstructing the highway which would be an enforceable offence. Therefore, vehicles associated with the proposed dwelling would likely park on Greaves Lane (B6465) or Vicarage Lane'.*
58. The Highway Authority have also noted, (in correspondence with the agent), that the storage of waste bins would be provided inside the dwelling, whilst on collection day bins would likely be positioned on the footway fronting the proposed dwelling. This situation would be similar as the collection arrangement for other dwellings on Hill Cross.
59. In view of the above comments, the Highway Authority does not consider that the proposed conversion of the garage to a dwelling would result in such severe harm to highway safety. Accordingly, there are no objections to the proposal, and it is recommended the following condition is included in any consent;
60. *'No part of the development shall be occupied until details of arrangements for storage of bins have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter'.*
61. Consequently, and subject to the above condition being implemented, the development is considered acceptable in Highway Safety terms in accord with policies DMT3 & DMT8 in these respects.

Climate change management & sustainability

62. The submitted information has stated, that the proposal would make good use of and enhance the existing housing stock, whilst achieving the stringent standards set out in the current building regulations for heat and power.
63. In this case, the above would generally meet the requirements set out in policy CC1 in these respects.

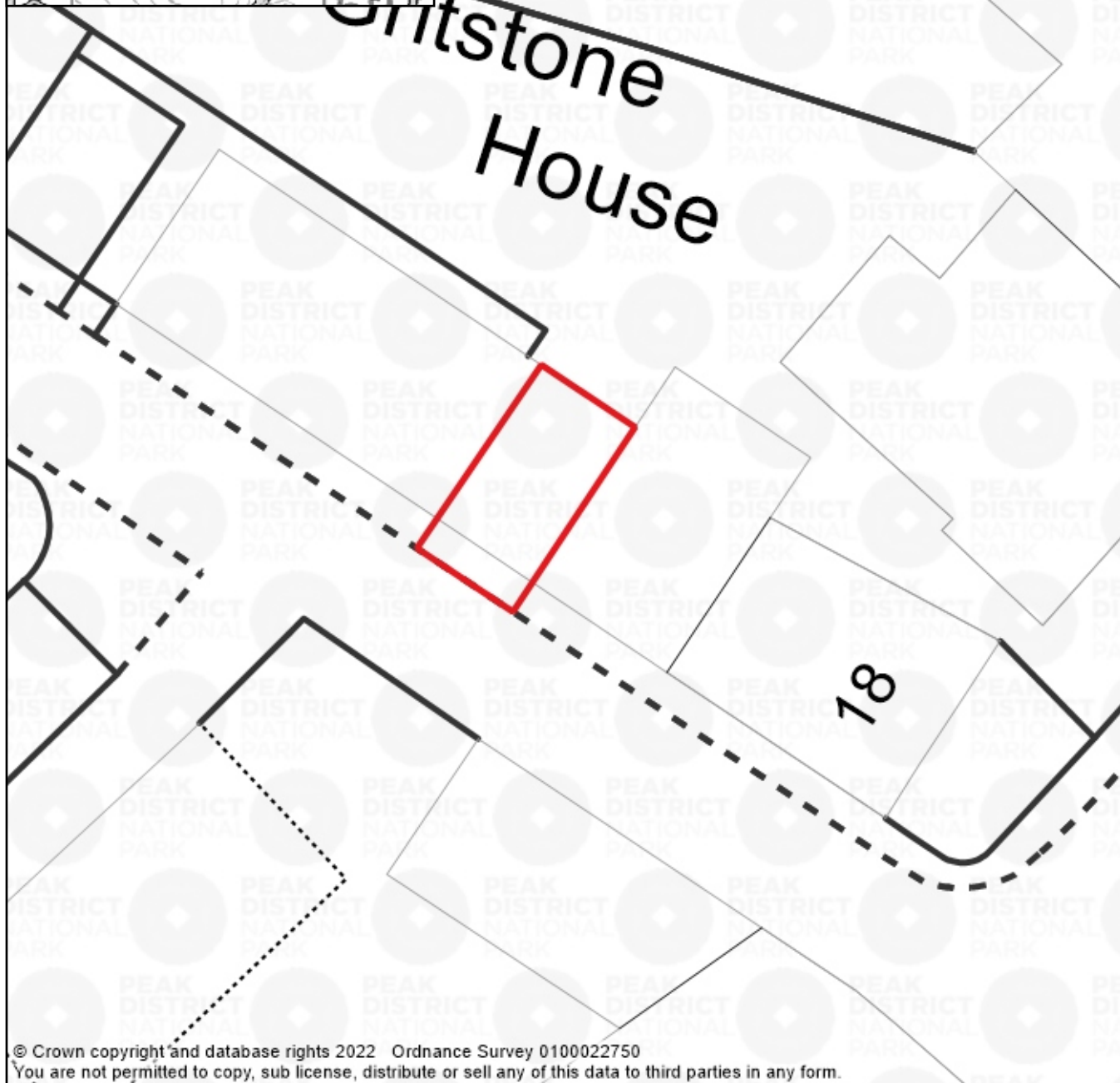
Conclusion

64. It is concluded that the proposal is required to conserve and enhance the building in the long-term, which is considered of vernacular merit by virtue of its simple architectural and historic character and appearance. Therefore recommended to members for approval.


Human Rights

65. Any human rights issues have been considered and addressed in the preparation of this report.
66. List of Background Papers (not previously published)
67. Nil
68. Report Author: Steve Coombes, South Area Planner.

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Committee Date:	06/10/2023	Title: Former Garage And Workshop, Hill Cross, Ashford In The Water	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 5		
Application No:	NP/DDD/0223/0147		
Grid Reference:	419573, 369904		

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6. RETROSPECTIVE PLANNING CONSENT (RE-SUBMISSION) FOR THE RETENTION OF A SHEPHERDS HUT FOR TOURIST ACCOMMODATION AND FOR ANCILLARY WASHROOM ON LAND TO THE WEST SIDE OF TOWNEND LANE, WATERFALL, WATERHOUSES. (NP/SM/0623/0743).

APPLICANT: MR ALLEN NEWBY

Summary

1. The current application is a re-submission of a previously refused scheme (NP/SM/0522/0743) that seeks retrospective planning permission to retain a single shepherds hut for use as holiday accommodation, and the erection of a timber clad washroom facility ancillary to the use of the hut.
2. The application was refused by the Authority's Planning Committee in August 2022 on principle and landscape impact grounds.
3. The re-submitted proposal now seeks consent to re-site the hut to the side and adjacent the applicant's workshop building and the washroom facility to the rear.
4. Whilst there would be no local amenity or highway concerns and the landscape impact greatly reduced by the re-location of the structures, planning policy requires development comprising holiday accommodation through the siting of shepherd's huts to support farm diversification and to be located close to the facilities of a farmstead.
5. As the site is not part of a working farm or is sited close to a working farmstead, the scheme fails to accord with policy in principle. As a result, the application is again before Members with a recommendation for refusal in principle.

Site and Surroundings

6. The site lies within an area the Authority's Landscape Strategy and Action Plan identifies as the Southwest Peak Upland Pastures. This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads and village settlements. Drystone walls and some hedgerows enclose permanent pasture.
7. The landscape surrounding the application site reflects these characteristics and is generally a peaceful rural landscape with open distant views to surrounding higher ground and over the valley below.
8. The field in which the development is located lies on the west side of Townend Lane in Waterfall and comprises around 4 acres. The Shepherds Hut is sited within the south west corner of the field, close to the adjacent field boundary.
9. The field is accessed from the highway leading to a modern/non-traditional workshop building with a small hardstanding yard leading out into the field beyond.
10. A public footpath runs through the adjacent field in a predominately north south direction.
11. The site does not lie within a Conservation Area, although part of the roadside boundary joins the upper western edge of Waterfall Conservation Area.

Proposal

12. Retrospective planning consent is sought to retain a shepherds hut for tourist accommodation, and for the construction of a timber clad washroom facility in connection with the shepherds hut.

RECOMMENDATION:

13. That the application be **REFUSED** for the following reasons:
 1. The siting of a single shepherds hut for holiday accommodation in this location fails to accord with adopted planning policies DMR1 and DME2 because it does not support farm diversification and is not located close to the facilities of a farmstead.
 2. By virtue of the form, design and isolated location in open countryside, the existing Shepherds Hut and the proposed ancillary washroom does not meet the criteria set out in part A of Core Strategy Policy L1, which requires development to conserve and enhance the valued landscape character of the area.

Key Issues

14. Principle of development, neighbour amenity, potential landscape and highway impacts.

History

15. 2022 - NP/SM/0522/0743 - Retrospective planning consent for the retention of a shepherd's hut for tourist accommodation and for an ancillary washroom – Refused on principle and landscape grounds.
16. 2022 - Pre-application enquiry 42326.
17. Concluded that '*... from the information/details supplied, the proposal for the Shepherds Hut cannot be supported in principle. Consequently, the retention of the hut does not meet the policy criteria set out above, conflicting with policy DMR1, L1 & DMC3 in these respects. You do of course retain the prerogative to pursue a planning application should you so wish*'.

Consultations

18. Highway Authority - No objections.
19. Parish Council – No objections

Representations

20. Five letters of representation have been received, all in support of the proposal and summarised below:
 21. Would make a significant contribution, supporting local businesses.
 22. No negative or visual intrusion in this location.
 23. Well-constructed.

National Planning Policy Framework (NPPF)

24. 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.
25. 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.
26. 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.
27. 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.
28. 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 policies:

29. 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.
30. 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.
31. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
32. 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.
33. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
34. RT3 - *Caravans and camping*. States amongst other things, that static caravans, chalets, or lodges will not be permitted.
35. 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.

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

Development Management Policies:

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*. The development or small extension to an existing caravan site will not be permitted unless its scale, location, access and landscape setting are acceptable.
39. 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.
40. The supporting text of the policy states that such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2.
41. 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.
42. DME2 - *Farm Diversification*. States that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.
43. Further stating, that new buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance or in other buildings which remain appropriate within the farm building group.
44. 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

45. Waterfall is not a named DS1 Settlement, therefore considered open countryside for the purposes of Development Plan Policies.
46. Policy RT3 B 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.

47. A growing range of alternative forms of accommodation (camping pods, yurts, shepherds huts etc) have come onto the market or increased in popularity since the time that this policy was prepared, in response to a demand for greater quality and comfort.
48. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore policy RT3B remains applicable. The supporting text of RT3 does states that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape.
49. However, policy DMR1 specifically sets out the circumstances where accommodation comprising camping pods and shepherds huts can be supported, and so irrespective of landscape impacts such development can only be supported in principle where it complies with the provisions of DMR1.
50. In the case of shepherds huts in particular, the policy requires that development is located close to an existing farmstead where existing access, parking arrangements and facilities of that farm can be utilised, with these preferably located within an existing and traditional building.
51. Further, the supporting text to policy DMR1 states that “such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2’.
52. Policy DME2 addresses farm diversification, and it is therefore explicit that shepherds huts are only supported by policy in cases where they are supporting an existing agricultural business.
53. DME2 states that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.
54. The supporting text of policy RT2 is also pertinent, stating 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’.*
55. It is clear from this that aside from the provisions of DMR1, 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 development that undermines the intent to drive the conversion and conservation of heritage assets, and the viability of existing holiday let businesses.
56. Taken together, these policies make it clear that without the justification of agricultural diversification, development of the type proposed is contrary to adopted planning policies.
57. According to the submitted details, the holding extends to around 8 acres with half under the applicant’s direct control and the rest under long a term rent. The applicant has introduced a herd of 28 sheep on the holding with sheep fencing installed around the perimeter of the field.

58. Whilst the applicant has an agricultural holding number for the site and states that the land has returned to an agricultural use, from the benefit of a site visit, (other than a few sheep grazing within the field), it was clearly evident that farming was not the applicant's primary business.
59. The applicant's primary business is as a planning consultant and not farming. Therefore, whilst the land currently appears to be in agricultural use (grazing sheep), the primary use of the land would not be ancillary to, or support the operation of an established farming business.
60. As a result, the proposals are contrary to policy DME2 and its associated text, which specifically states that shepherds huts can only be accepted in cases where they are supporting an existing agricultural business.
61. Consequently, the retention of the hut for holiday accommodation (including the proposed washroom facility) would not meet the principles of policies DMR1 or DME2.

Siting, design and materials of the hut and proposed washroom

62. 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.

Shepherds Hut

63. The shepherd's hut would be re-sited adjacent to the applicant's modern workshop building and positioned on an existing hardstanding area. (*The hut and washroom structures were still sited in the previously refused locations at the time of the site visit*).
64. The hut itself measures 2.5m wide, x 4.9m in length x 3.5m to the highest point of the barrelled shaped roof. The walls and roof of the hut are clad in juniper green corrugated steel, with the windows and doors of timber construction finished an eggshell colour. With the flue terminal painted black.
65. The French doors are fitted with an external shutter clad in juniper green corrugated steel. According to the applicant, these would be closed when the hut is not in use.
66. Internally the space consists of a bed, chairs, a wood burning stove and a small kitchen area with a gas hob and sink.
67. Power is provided via a caravan type extension from the workshop building, which is fitted with solar panels. Water is currently provided by portable containers but it is proposed that the mains water supply to the field be extended to provide potable water. It is proposed that grey water be disposed of via a small infiltration system.
68. Access is from the main road, through a concrete yard area (connected with the workshop) to the hardstanding at the side of the workshop building.

Proposed washroom structure

69. According to the applicant, the washroom structure would be required for guests using the hut.

70. The washroom structure would be re-sited to the rear gable elevation of the workshop building and accessed from the existing hardstanding at the side of the workshop.
71. The general design resembles a small field shelter with timber sides and a fibre cement roof and would measures 2.8m in length x 1.7m in with x 2.5m to the highest point of the roof.
72. The walls would be vertically clad Yorkshire boarding under recycled blue-grey fibre cement sheeting. The door would be vertically boarded timber to match the walls. No windows are proposed.
73. Internally the washroom would provide a shower, hand basin and composting toilet.
74. Hot water would be provided by an LPG water heater. Power would be provided by a connection to the hut supply. Solid waste would be composted and buried within the plantation.
75. Grey waste would be disposed of via a sustainable infiltration system. These have a relatively shallow pipework and employ bacteria in the aerobic soil layer to break down wastewater before it can enter the groundwater.
76. In this case, whilst neither the hut nor the proposed washroom structure are considered reflective of the more general local building traditions, they do follow a typical design and scale for such structures.
77. However, in addition to the principle conflict with policy DMR1, that policy also requires development to be well related to existing farmsteads so that the facilities of that farmstead can be utilised. As a result of being unrelated to any farmstead, the new facilities would be required, placing it in further conflict with DMR1.

Impact on the wider landscape

78. Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.
79. The development is to be re-located to the side and rear of an existing workshop building. In this case, the level of impact on the surrounding landscape would be reduced.
80. Whilst the structures are modest in scale and painted a recessive colour, the hut in particular would be in view from the adjacent highway. Although not appearing as an isolated development due to the relation with the existing workshop building, the introduction of a residential holiday use into this location would still introduce elements that are out of place, incongruous and harmful to this open countryside setting, contrary to policy L1.
81. Whilst the limited prominence of the development in the landscape means that these impacts would be relatively localised, the absence of a justification for the proposed development under the provisions of DMR1, which would weigh in favour of the development, means that there are no material planning benefits to outweigh this harm.

Potential amenity impacts

82. The nearest properties lie over 50m to the south 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.

83. Consequently, the development accords with policies GSP3 & DMC3 in these respects.

Potential highway impacts

84. The Highway Authority have stated, that a single parking space as shown on the plans, is considered acceptable for a shepherds hut. With Townsend Lane being unclassified, there is no requirement for a turning area, with vehicle speeds and volumes recorded as low.

85. In this case, should members be minded to approve the scheme, the matter of retaining a single parking space for the use of the hut would be conditioned accordingly.

86. Regarding this, the proposal is acceptable in highway terms, according with policies DMT3 in these respects.

Environmental Management and sustainability

87. The following submitted details explains how the proposal would reduce carbon emissions and incorporate measures to reduce the contribution to climate change in accordance with Core Strategy Policy CC1.

Shepherds Hut

- Whilst the energy efficiency standards set out in current building regulations do not apply, the walls, floor and roof have been well insulated and windows and doors are double glazed.
- The hut is low power design with LED lighting throughout.
- Power is provided via a caravan type extension from the existing building which is fitted with solar panels.
- Gas for the hob is provided by means of a propane cylinder. Water consumption is low and WRAS approved water fittings have been fitted at the sink.
- The hut is heated with a small DEFRA approved carbon neutral wood burning stove.
- The hut is constructed from sustainable materials, principally steel and Timber

Ancillary washroom

- The washroom does not require space heating but hot water would be provided by an LPG water heater.
- Power would be provided by a connection to the hut supply.
- Water consumption will be minimised by fitting WRAS approved self-closing taps and valves at the hand basin, pot wash and shower.
- A composting toilet which uses no water is proposed.
- The proposed washroom would be constructed from sustainable materials, principally timber and recycled fibre cement sheeting.

EV Charging

88. According the applicant, the solar panels on the roof of the adjoining workshop building are connected to an EV charging point which guests would be free to use.

89. In this case, given the overall scale of development, these measures are considered sufficient to generally meet the requirements of policy CC1, should Members be minded to approve the scheme.

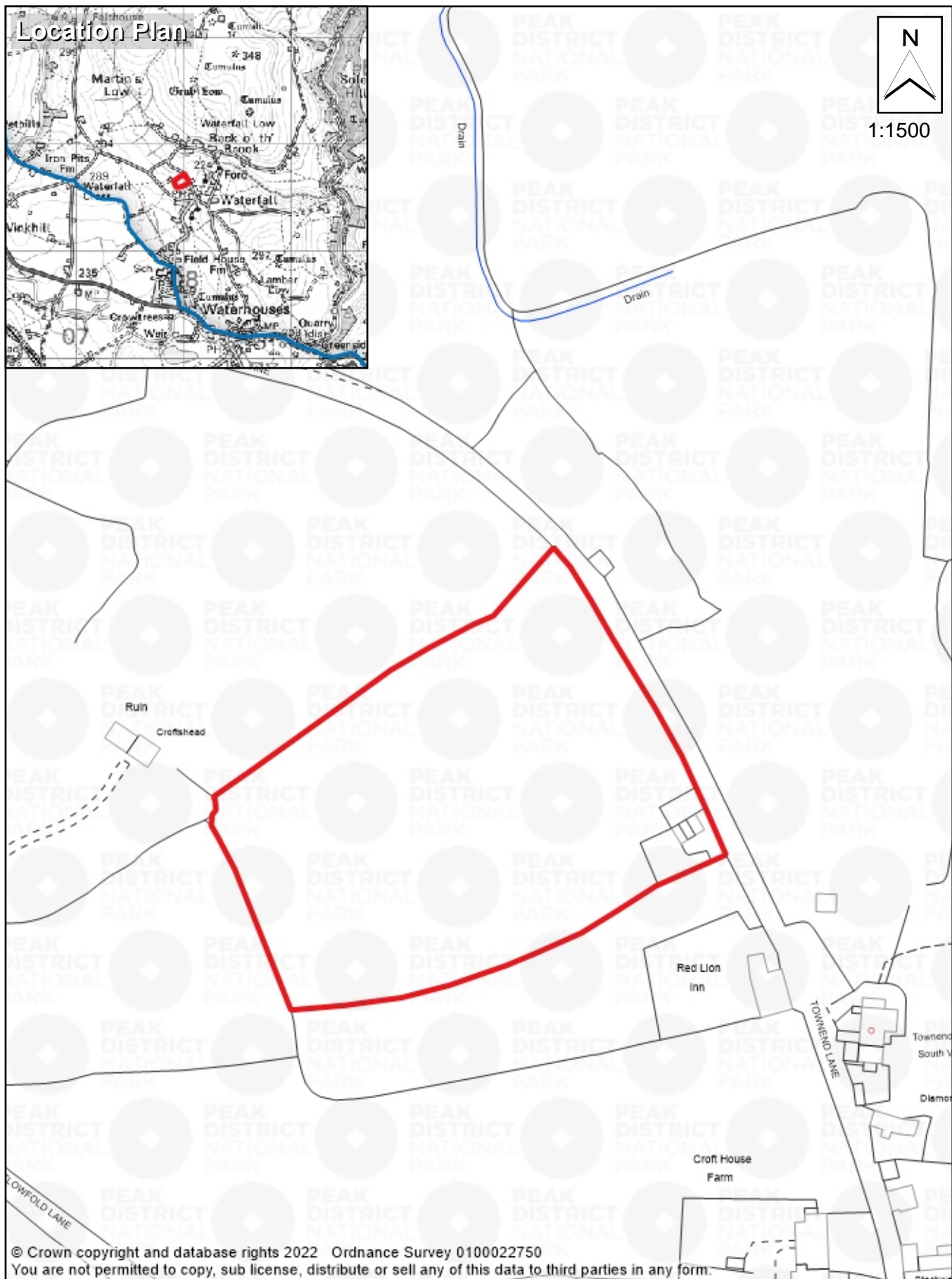
Conclusion


90. In conclusion, the retention of the single shepherds hut for use as holiday accommodation and the erection of a washroom facility in conjunction with the use of the hut are recommended for refusal to Members for the reasons stated in the 'Recommendation' section of the report.

Human Rights

91. Any human rights issues have been considered and addressed in the preparation of this report.
92. List of Background Papers (not previously published)
93. Nil
94. Report Author: Steve Coombes, South Area Planning Team.

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Committee Date:	06/10/2023	Title: Land On The West Side Of Townend Lane, Townend Lane, Waterfall, Waterhouses	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/SM/0623/0743		
Grid Reference:	407964, 351645		

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7. HOUSEHOLD APPLICATION – ALTERATIONS AND EXTENSIONS TO WYNFIELD, HOLME LANE, BAKEWELL. (NP/DDD/0823/0901, LB)

APPLICANT: Mr Jeff Cooper

Summary

1. The application seeks planning permission for alterations and extension to the dwellinghouse of Wynfield, Holme Lane, Bakewell. These comprise alterations to the roof, a single storey extension, and a garden room replacing the existing conservatory.
2. Planning policy supports alterations and extensions to dwellings in the National Park provided they are of a suitable design, scale, form and massing and would not harm the character, appearance or amenities of the host property or the amenities of neighbouring properties.
3. In this case, by virtue of scale, design and massing, the alterations to the roof and proposed extensions fail to harmonise with or adequately respect the character and appearance of the host dwelling and the immediate surrounding Conservation Area and street scene. Consequently, the application is recommended for refusal.

Site and Surroundings

4. Wynfield is a semi-detached bungalow located on Holme Lane in Bakewell, within the designated Conservation Area and within Flood Risk Zone (2 & 3). The single storey dwelling is primarily constructed from natural limestone with ashlar detailing and lies under a mixture of pitched and hipped roofs with clay tiles. A conservatory is attached to the rear of the dwelling.
5. The nearest neighbouring property is the attached, Rosslyn.
6. A grade II listed field barn is located approximately 12 metres from the curtilage of the dwelling to the east. Two grade II listed dwellings are located 30 metres to the north on the opposite side of the highway.
7. A public footpath is located 180 metres to the east.

Proposal

8. Planning permission is being sought for alterations to the roof and kitchen, a single storey extension to the east and a garden room at the rear.
9. The roof alterations will comprise of the existing hipped roof arrangements replaced with a gabled roof to create a bedroom, landing and stairs area within the roof space and alterations to the existing kitchen.
10. A single storey extension is proposed on the east of the dwelling to provide a gun room and utility.
11. The conservatory at the rear will be replaced with a garden room.
12. The footprint of the building would increase due to the amendments to the kitchen and the addition of the single storey extension. The roof would change from a hipped to pitched roofs with an increase in height.
13. Materials and detailing would match the existing.

RECOMMENDATION:

14. That the application is **REFUSED** for the following reason:

By virtue of its scale, form, massing and design, the proposed roof alteration fails to harmonise with or adequately respect the character and appearance of the existing dwelling. It would also result in harm to the character of the Bakewell Conservation Area. The proposal therefore is contrary to Core Strategy Policies GSP1, GSP2, GSP3 and DS1 and Development Management Policies DMC3, DMC8 and DMH7.

Key Issues

15. Design and scale, location, landscape impact and amenity issues.

History

16. NP/DDD/0810/0833 – Conservatory, approved subject to condition.
17. NP/NMA/1110/1140 – Conservatory, amendments split decision.
18. NP/DDD/0211/0128 – Change of use of land from agricultural to domestic, granted conditionally.
19. NP/DDD/0623/0626 – Alterations and extensions, withdrawn prior to determination.

Consultations

20. Highway Authority – No objections to the proposal, on the basis that a minimum of 3 no off-street parking spaces will be retained.
21. Bakewell Town Council – No objection to the proposal subject to the provision of onsite parking.
22. Environment Agency – No formal comment as though the development falls within flood zone 3 the development is minor therefore flood risk standing advice needs to be followed.

Representations

23. Five letters of support have been received. One letter states the proposal is supported 'based on the planning gain that it offers'. No material planning considerations are referenced in the other letters.

National Planning Policy Framework (NPPF)

24. 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.
25. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes.

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. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case being the Conservation Area), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
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

Core Strategy

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 & L1 - Landscape character and valued characteristics*. Supports agricultural development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site paying particular attention to impact upon the character and setting of buildings and siting, landscaping and building materials.
33. 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.

Development Management Policies

34. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.

35. DMC8 - Conservation Areas. States, that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
36. DMH7 - Extensions and alterations. 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 cultural heritage asset; or
 - (iii) amount to the creation of a separate independent dwelling; or
 - (iv) create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic; or
 - (v) in the case of houses permitted under policy DMH1, exceed 10% of the floorspace or take the floorspace of the house above 97m².
37. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

Supplementary Planning Documents

38. The Authority has adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions.

Assessment

Principle of the development

39. Generally, there are no objections to extending a dwelling subject to satisfactory scale, design and external appearance and where development pays particular attention to the amenity, privacy and security of nearby properties in accordance with the principles of policies DS1 & DMC3.
40. Policy DMH7 states that extensions and alterations to a residential dwelling will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building.

Siting, Design & Materials

Alterations to roof and north elevation

41. Wynfield is the first residential property on Holme Lane when approaching from the east, clearly visible in its immediate and wider setting from the highway.
42. The attractive, well-proportioned dwelling is well balanced and sits comfortably alongside the attached neighbouring single storey property, making a positive contribution to the appearance of the locality and Conservation Area.

43. The roofscape is a series of predominantly hipped roofs, with rear-facing gable ends under dual pitched roofs to part of the rear of the property. The overall arrangement serves to break up the massing of the roof. When viewed from the north elevation, the result of this and the staggered building line is the appearance of a building of multiple elements of modest size, that relate well to each other and that are individually and collectively unimposing in the street scene.
44. Submitted plans show a 4th bedroom is to be created within the roof space, alongside a landing area and staircase for access.
45. To accommodate this, the existing front wall (currently serving the kitchen) would be pulled north to run flush with the rest of the existing building line on the north elevation, and extended upwards as a front-facing gable.
46. The dual pitched roof that would be created would span over the ground floor bathroom, stairs, kitchen, and bedroom 1. Whilst not projecting forward of the overall building line, it would have the appearance of a wide front-facing gable.
47. This would serve to dominate the front elevation of the building and would relate poorly to its existing character by virtue of projecting above the main perpendicular ridge line of the property and through the introduction of a gabled roof in views otherwise comprising entirely hipped roof detailing.
48. The width of the gable would dwarf the width of the property and would be wholly out of proportion with it, and as such the extension fails to respect the dominance of the parent building as advocated by adopted design guidance.
49. Cumulatively, these impacts represent a significant and harmful change to the character and appearance of the dwelling and the relationship to the attached neighbouring property.
50. Further, the development is located within the Conservation Area. As a result of the harm identified to the building itself, it stands that it would also harm the character of the Conservation Area, due to its clear visibility from the adjacent footpath and highway that pass the site.
51. Therefore, the proposed roof alterations and changes to the north elevation are contrary to Development Management Policies DMC3, DMH7 and DMC8, and adopted design guidance.

Extension on east elevation

52. The application also proposes a single storey extension off the east elevation for a utility and gunroom.
53. The extension would project over an existing area of hardstanding, past the garden, towards the adjacent allotment.
54. The footprint is of a simple rectangular form, of modest size and scale; subsidiary in comparison to the existing floor plan of the dwelling.
55. The proposed materials, fenestration and door details raise no objection, reflecting those of the parent building.

56. The eaves are set just below that of the existing, whilst the ridge height is set considerably lower than that of the proposed ridge height of the roof over the main part of the dwelling.

57. Taken on its own, the extension is considered to be in accordance with adopted policy.

Garden Room rear extension

58. It is also proposed to replace the conservatory to the rear of the dwelling with an extension on the same footprint.

59. The extension would be built from stone under a blue slate roof to match the existing. The roof pitch and eaves are set at a similar height to the existing conservatory, which raises no objection in its own right. However, like the proposed extension on the east, the difference in height between the ridge height of the garden room and the proposed roof over the dwelling is very pronounced, increasing the awkward relationship between this area of increased height and the rest of the dwelling.

60. The gabled roof does not raise the same concerns as that to the front of the dwelling, replacing as it would an existing gabled structure, being positioned away from the principal elevation, and being much more modest in size.

61. The elevations would have a more solid appearance than the conservatory, and would result in the the structure being less prominent within its wider setting during hours of darkness, as light from the conservatory can be seen currently be seen in wider view public views. Therefore, the proposal offers some modest improvement to the appearance of the wider locality.

62. In its own right, the size, scale, massing, form and location of the garden room are in accordance with policies DMC3 and DMH7, raising no objection.

Potential amenity issues

63. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property.

64. Due to the location and position of the extension, garden room, window openings, rooflights in the proposed roof and intervening distance from the attached neighbouring property, the proposal will not result in any amenity issues.

Highway matters.

65. The Highway Authority have raised no objection to the proposals subject to the retention of three off street parking spaces.

66. The hardstanding area to the front of the dwelling has sufficient space for the parking of three vehicles. This area will not be affected by the proposed development.

67. Therefore, the proposed development is acceptable in highway safety terms, accordingly with policy DMC3, in these respects.

Environmental Management and Sustainability

68. An environmental management plan has been submitted within the design and access statement. Given the scope of development proposed the measures put forward are considered to comply with policy CC1.

Conclusion

69. When taken as a whole, by virtue of the proposed alterations and extensions to the front of the dwelling, the development fails to conserve or enhance the dwelling and would result in harm to the character and appearance of the building and would be harmful to the Bakewell Conservation Area and to the special qualities of this part of the National Park. The application is contrary to policies GSP1, GSP3, DS1, DMC3, DMH7 and DMC8. The Application is therefore recommended for refusal.

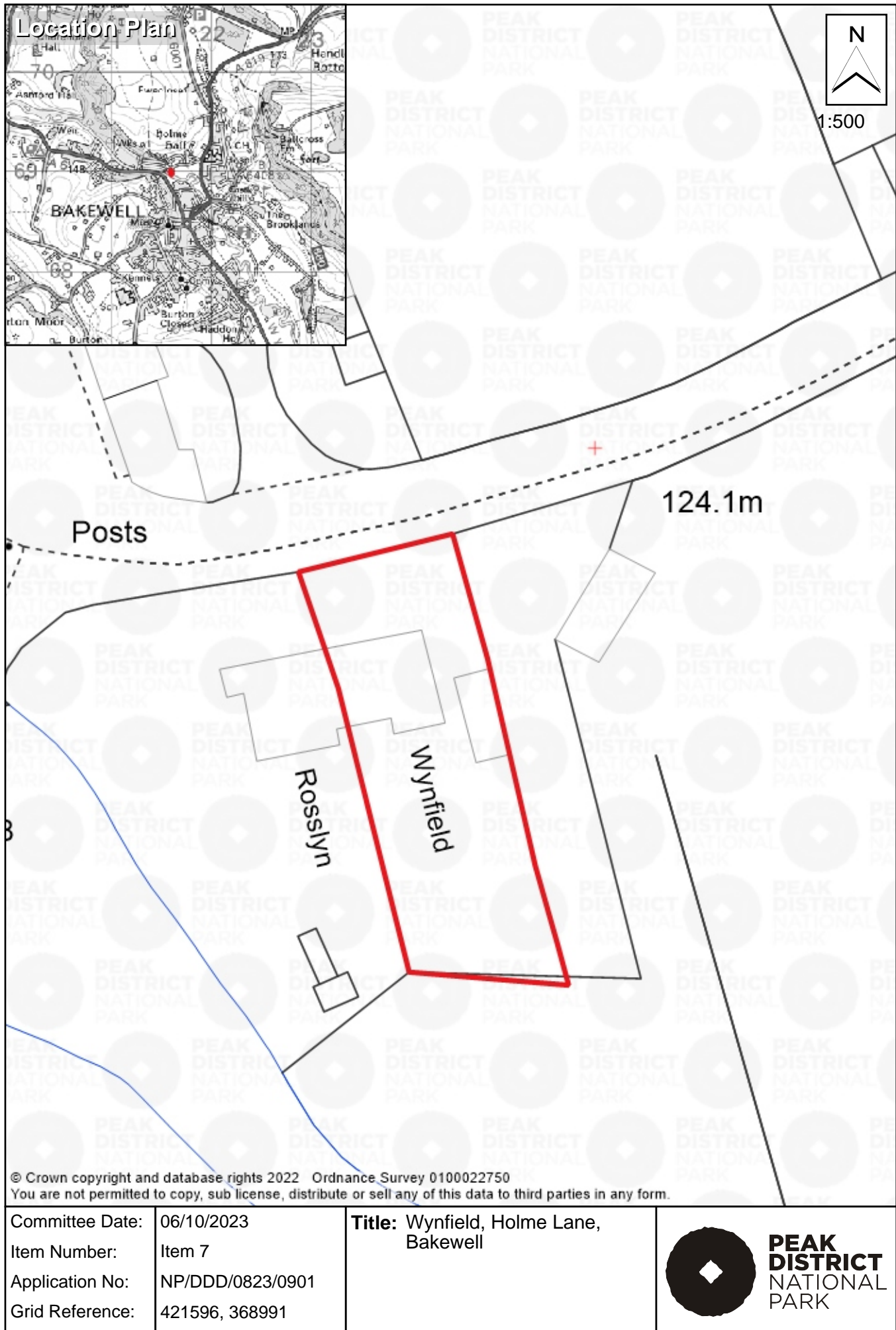
Human Rights

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: Laura Buckley, Assistant Planner, South Area Planning Team.

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8. FULL APPLICATION - FOR THE ERECTION OF FARM BUILDINGS AND ASSOCIATED EXCAVATION WORK, INCLUDING THE DEMOLITION OF AN EXISTING FARM BUILDING, AT KNOWLE HOUSE FARM, REAPSMOOR (NP/SM/0823/0951, DH)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Summary

1. The application is for the erection of two farm buildings and associated excavation work, including the demolition of an existing modern farm building at the Knowle House Farm, Reapsmoor. The site is a tenanted farm owned by the National Park Authority.
2. The scale of the proposed development is commensurate with the scale of the agricultural holding with a design typical of modern agricultural buildings.
3. The existing use and character of the site is not altered, and the harm to the wider landscape setting of the farmstead is low.
4. The application is recommended for approval.

Site and Surroundings

5. The application site is located in open countryside at Reapsmoor, approximately 3.3km south of Longnor and 3km north of Warslow.
6. The property is not listed, nor are there any listed buildings in the vicinity. Neither does it lie within a designated conservation area.
7. The site comprises a land holding of 58 hectares, with the farmstead comprising a hard-surfaced yard with the farmhouse and traditional stone buildings to the northern side, behind which is a slurry storage tank, and a linear range of larger relatively modern portal frame buildings to the southern side.
8. The site is open to public views from nearby public footpaths, 195m to the east, 70m to the north and south, and one to the immediate west side of the farmstead.
9. The nearest neighbouring properties are Larch House, approximately 147m to the north, and Moorside Farm 153m to the north-west.

Proposal

10. The proposal is for the erection of farm buildings and associated excavation work, including the demolition of an existing farm building. The existing slurry store is also to be removed from the site.

RECOMMENDATION:

11. That the application be **APPROVED** subject to the following conditions:
 - **Statutory time limit**
 - **The development to be in accordance with the submitted plans drawing numbers 100-02 (proposed site plan) and 100-03 (proposed plans and elevations) received 11/08/2023**
 - **Removal when no longer required for the purposes of agriculture**

Key Issues

12. The key issues are:

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

History

13. 1989 - Planning permission for an above ground slurry store and hardstanding was granted subject to conditions under NP/SM/0289/0016.
14. 1994 - The provision of a roof over the feeding area was granted by NP/SM/0994/0109.
15. 2002 - The reception of a replacement cattle building and hardstanding was granted under NP/SM/0702/0043.
16. 2010 - An extension to an existing livestock building was granted by NP/SM/1109/1015
17. 2013 - Extension to an existing livestock building was granted by NP/SM/0613/0535
18. 2019 - Prior Notification for an alteration to an existing stone barn, NP/GDO/0519/0447, was accepted

Consultations

19. Staffordshire County Council (Highway Authority) – No objection.
20. Staffordshire Moorlands District Council – No response to date.
21. Fawfieldhead Parish Council – No objections.
22. PDNPA Archaeology - No archaeological concerns.

Representations

23. During the publicity period the Authority has not received any formal representations regarding the proposal.

Main Policies

24. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1 & L1
25. Relevant Local Plan policies: DMC3 & DME1
26. National Planning Policy Framework

Wider Policy Context

27. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- Conserve and enhance the natural beauty, wildlife and cultural heritage

- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
- When national parks carry out these purposes they also have the duty to:
- Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

28. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2021. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
29. Paragraph 176 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
30. The NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas.

Peak District National Park Core Strategy

31. GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park.* These policies set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage
32. GSP3 - *Development Management Principles.* GSP3 states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
33. CC1 – *Climate change mitigation and adaptation.* CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
34. DS1 - *Development Strategy.* This sets out what forms of development are acceptable in principle within the National Park.
35. L1 - *Landscape character and valued characteristics.* L1 states that all development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

Local Plan Development Management Policies

36. DMC3 - *Siting, design, layout and landscaping*. DMC3 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
37. DME1 – *Agricultural and forestry operational development* – Policy DME1 states that new agricultural buildings will be permitted provided that the scale proposed is functionally required for the purpose intended. It goes on to state that new agricultural buildings shall (i) be located close to the farmstead or main group of buildings and relate well to existing buildings, trees, walls and other landscape features (ii) not be in isolated locations requiring obtrusive access tracks or services (iii) respect the design, scale, mass and colouring of existing buildings (iv) avoid adverse effects on the areas valued characteristics, and (v) avoid harm to the setting, fabric and integrity of the Natural Zone.

Assessment

Principle of the development

38. Core Strategy policy DS1 states that development for agriculture in the countryside outside the Natural Zone will be acceptable in principle.
39. The agricultural holding was formerly a dairy farm, but more recently has been a beef business with a herd of suckler cows and their followers being sold on as store cattle. In light of the change of farming practices the existing slurry store to the north of the yard area is to be removed, and the smaller, westernmost, of the two existing buildings is to be demolished, opening up the yard area.
40. The rationale for the new buildings is that the land holding is too small to be viable as a dairy farm, therefore the milking parlour (which is nearing the end of its life) and slurry tank are no longer required. Their removal and replacement with the proposed buildings, which are a commensurate scale for the holding and fit for modern farming practice, make the farmstead a more viable proposition for any incoming tenant. It is accepted that this represents a functional need for the development.

Visual Impacts

41. The siting for the proposed buildings is to the south of the existing yard entrance, which is unaltered by the proposal. The proposed buildings would form an inverted 'L' around the south-west corner of the yard.
42. The south side of the yard is cut into the rising land and it is proposed to excavate a little further than as existing to accommodate the proposed development whilst leaving room for manoeuvring round the buildings.
43. The larger and longer element is a replacement cattle building, and it incorporates room for the storage of bedding straw in addition to livestock housing. It measures 30.6m by 10.7m, providing an area of 327 square metres. The smaller element is at right angles to the longer building, and encompasses the site of the existing open manure store. It would measure 13.7m by 12.2m, an area of just over 167 square metres, to provide a covered manure store and machine store.

44. The buildings are functional and typical of modern agricultural development. The arrangement, forming an inverted 'L' creating the corner of the yard, also reduces the overall mass of the buildings, thereby reducing the visual impact. The Yorkshire boarding and fibre cement roofing sheets are standard for this type of development and the boarding will weather to a recessive colour.
45. Although the design and materials of the proposed buildings do not reflect or harmonise with the natural environment or local building traditions, the development is typical of modern farm buildings, and accords with adopted design guidance for this type of development.
46. In terms of the wider visual impact the development, due to the topography of the area the yard is cut into the slope of the rising land to the south of the farmstead, and the buildings would be backed by this rising ground, which reduces the landscape impact. Roadside planting also breaks up the visibility of the site. Where visible, the development would be seen in the context of the existing farm group.
47. The proposals are therefore considered to have a minimal impact on the character and appearance of the existing site and a negligible impact on the wider landscape setting of the farmstead.
48. Therefore, it is concluded that the proposal is compliant with Core Strategy policies GSP3, L1, and Development Management policies DMC3 and DME1.

Amenity Impacts

49. Due to the location of the site in relation to neighbouring properties, it will have will not have an adverse effect upon any neighbouring properties.
50. As noted above, the proposal will not have a detrimental effect on the character and appearance of the site, or its wider setting.
51. In terms of amenity issues the proposal is in line with the Authority's policies and national planning policy.

Sustainability

52. A statement was provided with the application. The provision of a covered manure store will assist in preventing foul water run-off from the site. It is considered that the proposal complies with the requirements of CC1.

Conclusion

53. The size and scale of the proposed development is modest and appropriate for the stated needs of the agricultural business.
54. In terms of design, scale, massing and materials the proposal is typical of modern agricultural buildings, and in line with the Authority's Supplementary Planning Guidance.
55. As such, it is concluded that the proposal is compliant with policies GSP1, 2 & 3, DS1, L1, DMC3, DME1, and national planning policy.

Human Rights

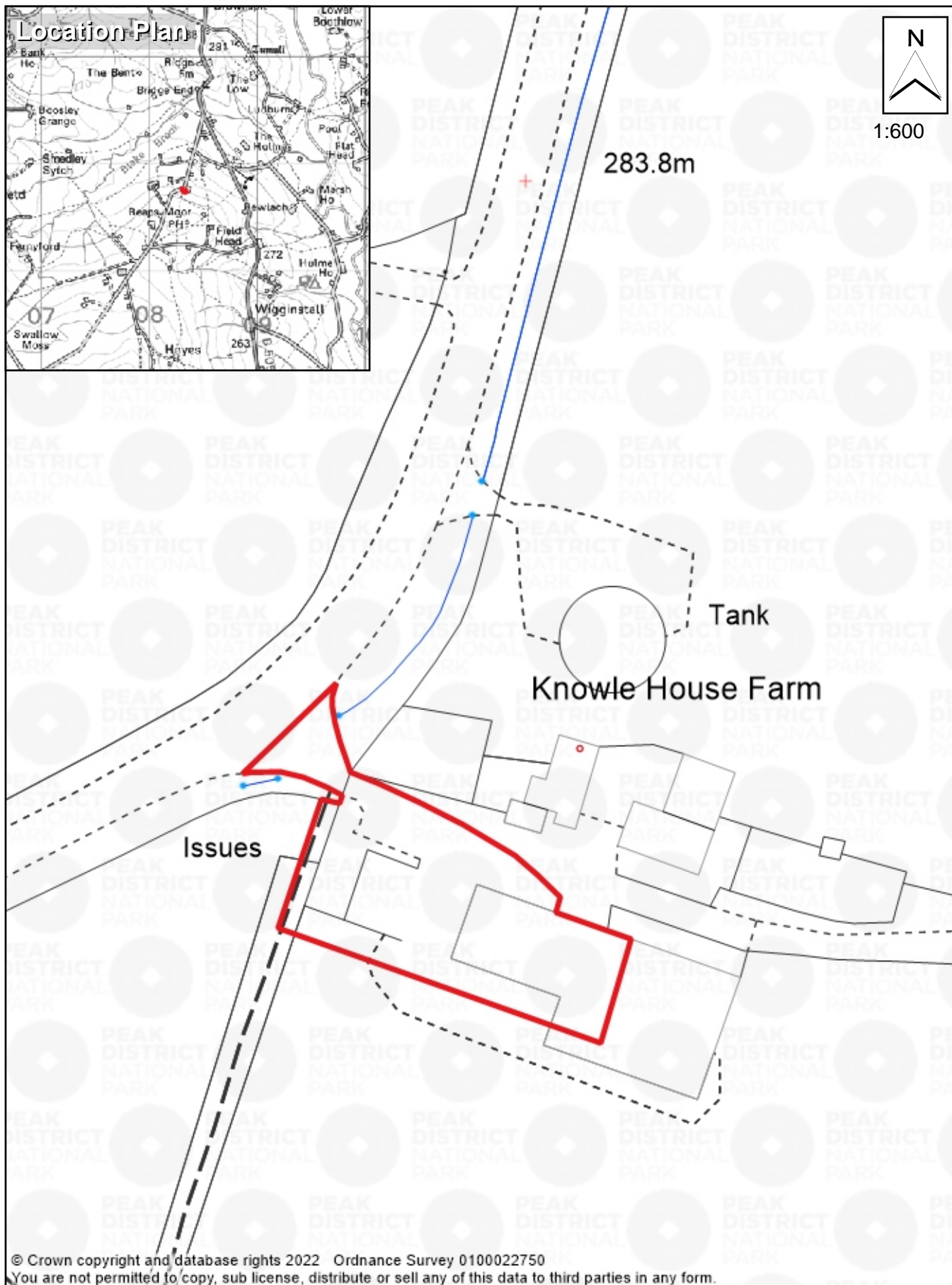
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author and Job Title

Denise Hunt – Planner – South Area



Committee Date: 06/10/2023
Item Number: Item 8
Application No: NP/SM/0823/0951
Grid Reference: 408310, 361748

Title: Knowle House Farm,
Repsmoor, Longnor



**PEAK
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NATIONAL
PARK**

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9. FULL APPLICATION – ERECTION OF A LAMBING SHED AND ACCESS TRACK - FIELD TO THE CORNER OF OAKS LANE AND UGHILL WOOD LANE, BRADFELD (NP/S/0223/0115)

APPLICANT: MR BROADBENT

1. Summary

2. The application, as amended, proposes the erection of a new lambing shed and access track together with associated landscaping works on land to the northeast of Ughill Wood Lane, approximately 1 mile to the south of Low Bradfield. The application site is located within the setting of 'Woodhouse' an existing building complex which was previously a farm, now in residential use.
3. The shed is to be put to use for the purposes of providing safe shelter for livestock during the lambing season and during periods of routine care and as storage for bedding, feed and machinery associated with the keeping of sheep.
4. The applicant farms approx. 30 acres most of which is rented with only the application field in ownership.
5. At present, lambing (the lambs are sold for profit) takes place outside, putting livestock at greater risk of death and injury during the lambing, thus making it more difficult to increase the flock. In addition, the Applicant currently has no capacity to store bedding, livestock or machinery under cover.
6. The application is brought to Committee due to the number of representations and the Parish Council objection which is contrary to the officer recommendation
7. Officers are satisfied that the shed is required to meet a functional need and that the amended scheme can be accommodated without harm to the landscape or the amenity of the neighbouring property.
8. The application is recommended for approval subject to conditions.

9. Site and Surroundings

10. The site lies within the area of Lower Bradfield, approximately 1 mile from the small hamlet of Ughill, and 2 miles from Dungworth. The site itself comprises a large triangular shaped parcel of land (enclosing approximately 0.67Ha -1.66 acres) situated between Oaks Lane and Ughill Wood Lane, adjacent to Woodhouse, an existing former farm building group.
11. The site is accessed, at its southeast corner, off Ughill Wood Lane, via a metal field gate. There is currently no formal access track leading from the highway onto the site. The field is enclosed on all three sides by dry-stone walling and is currently used for grazing (sheep). There exists a small makeshift (ply board clad, felt roofed and metal meshed) sheep shelter on the western boundary close to the access gate
12. The site slopes downwards in an easterly direction towards open countryside on the eastern boundary which abuts Oaks Lane, beyond which the land falls down to Damflask Reservoir. To the south is the former farm complex of Woodhouse, now comprising two separate dwellings, and a large barn (not presently in agricultural use) which is sited close to the boundary wall to the application field and inset a short distance back from Ughill Wood Lane. To the west is Ughill Wood Lane and open countryside - grazing land – beyond. To the north is Oaks Lane and beyond that open countryside running down to New Road and Damflask.

13. The site lies 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, 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 types include scattered gritstone farms with loose clusters of dwellings within a network of sunken lanes.*

14. A Public Right of Way connects Oaks Lane to New Road to the North of the site.

15. Proposal

16. Erection of a lambing shed, access track and associated landscaping. The plans have been amended since submission to turn the building around to face the gateway rather than north into open countryside. The amended plans also incorporate landscaping in the form of new boundary walling and tree planting to create a small working yard area between the building and the gateway.

17. Access into the site will remain via the existing field gate, with a new access track constructed of crushed stone with central grassed strip through the site to the new boundary where a gate would give access into the field beyond.

18. The shed itself will sit on a concrete pad set into the sloping ground with the excavated soil retained by low stone walling to create a small yard on the south side of the building.

19. The mono-pitched roof shed would measure approximately 13.72m x 9.12m giving a footprint of approximately 125m² and an overall volume of 617.66m³. At its highest, the shed will reach approximately 4.98m; and will measure approximately 4.27m at its lowest. The steel framed structure will feature base walls faced in stone above which it is to be clad with 'Yorkshire boarding' beneath a mono-pitched roof, clad in dark green corrugated metal. The eave of the roof on the south-east elevation, which would now face toward Ughill Wood Lane and the access, would project partly over the concrete hardstanding. Within the south-east elevation there would be a central opening with low feed gate flanked either side by a further feed gate. All rainwater goods will be black plastic.

20. The shed is to be used for agricultural purposes.

21. RECOMMENDATION:

22. That the application be APPROVED subject to the following conditions:

- 1. Statutory 3-year time limit for commencement;**
- 2. Development in accordance with amended plans;**
- 3. Restrict use of the building to agricultural purposes only;**
- 4. When the building is no longer required for agricultural purposes, it shall be removed from the site, and the site be restored to its original condition;**

5. Prior to construction, notwithstanding the amended plans, full details of the surfacing of the first 10 metres of drive/track shall have been submitted to and approved in writing by the Authority (avoiding the use loose gravel which migrates into the carriageway) and the approved details provided prior to the lambing shed being brought onto use;
6. Precise details of the landscaping scheme to be submitted and approved in writing; (including replacing proposed limestone gravel with gritstone for the track and details of spoil removal/use on site).
7. Removal of the makeshift shelter existing on the land before the new shed is brought into use.
8. No external lighting to be installed except in accordance with a detailed scheme which has been submitted to and approved in writing by the Authority.

23. Key Issues

24. Demonstrated agricultural need;
25. Impact on landscape.
26. Any amenity impact upon neighbours.

27. History

28. No planning history pertaining to the site.

29. Consultations

30. Bradfield Parish Council - Object on the following grounds:

- *Design and appearance of the development*
- *Layout and density of buildings*
- *Overshadowing/overbearing presence near a common boundary that is to the detriment of neighbours*
- *Light pollution*
- *Highway issues: traffic generation, vehicle access and road safety*
- *Noise and disturbance resulting from use, including proposed hours of operation.*

Also, the Parish Council would wish to note that the Council has been approached by several local residents with their concerns and that the Parish Council shares these concerns.

31. Sheffield City Council – No response

32. Sheffield Highways—*The vehicular access is already established. The submitted plan shows two tracks of limestone chatter which almost join Ughill Wood Lane. Whilst the access probably won't be intensively used, I'm concerned that Limestone will migrate into the carriageway, sticking to the wheels of agricultural vehicles. If you are minded to support this application, you may want to attach a condition that:*

33. *Prior to construction, notwithstanding the submitted plans, full details of the surfacing of the first 10 metres of drive/track shall have been submitted to and approved in writing*

by the Planning Authority (avoiding the use of limestone chatter or loose gravel which migrates into the carriageway) and the approved details provided prior to the lambing shed being brought onto use. Reason: In the interests of the safety of road users.

34. Archaeology – No comments to make

35. Representations

36. There have been a number of representations made by members of the public. To date, 27 comments have been received, 18 in support and 7 in objection. Two general comments were made, one regarding the site notice and another detailing a personal matter.

37. In support of the proposal, the following comments have been made:

- The shed is essential as the Applicant needs a place to lamb/otherwise care for his flock safely.
- The Applicant is a hardworking young farmer wanting to expand his farm and his efforts in this regard need to be supported
- The Applicant farms the land to a high standard
- The farming of sheep is part of the heritage of the area
- It will be difficult for the Applicant to expand his business without the shed.
- Smallholdings such as that of the Applicant are the lifeblood of the local community.
- The development will provide much needed protection for the Applicant's livestock.
- The building is appropriately sited of a sympathetic design

38. In objection to the proposal the following statements have been made:

- Concern that the development will result in an amount of increased traffic within the vicinity of the site
- The application forms have been incorrectly completed
- Site notices have not been displayed correctly
- The Applicant's 'farming' business is not viable
- The point of access is not safe
- The building by design is poorly conceived, is not sympathetic to its context and will have a harmful effect on the valued character of the landscape
- The scale of the building is disproportionate for the parcel of land it sits within and is not otherwise justified
- The sheep for which the building is to provide shelter are pets
- The development will result in light pollution
- Insufficient information has been provided on matters of drainage
- It is immaterial that the Applicant has provided Holding Numbers
- The application incorrectly identifies nearby property as an 'existing farm cluster'
- The development will result in noise pollution (including at night) to the detriment of residential amenity as a consequence of the lambing process itself; as a consequence of farm vehicles using the track; and as a consequence of the need to run generators to provide light
- The need for artificial lighting will cause harm to wildlife
- The need for the building has not been justified in the context of planning policy/otherwise
- The Applicant already has access to other sheds
- The development is a prelude to a permanent dwelling.

39. Main Policies

40. Relevant Core Strategy policies: GSP1, GSP2, GSP3, L1, DS1.

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

42. National Planning Policy Framework

43. 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.

44. 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.'

45. Core Strategy

46. 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.

47. 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.

48. Policy CC1 is aimed at building resilience to and mitigating the causes of climate change. In that regard it encourages development to incorporate sustainable building techniques to the highest quality. It expects development to minimize energy use and to increase energy efficiency promoting design in accordance the energy hierarchy and development that incorporates energy and water saving measures.

49. Policies L1 and L3 state that development must conserve or enhance the landscape and cultural heritage of the National Park. In the context of Policies L1 and L3 other than in exceptional circumstances, development that has a harmful impact will not be permitted.

50. Development Management Policies

51. Policy DMC1 addresses development in the countryside beyond the edge of settlements listed in the Core Strategy Policy DS1. However, it applies to any development proposals that have a wide scale landscape impact.
52. Policy DMC3 addresses the matter of the siting, design, layout and landscaping of development. In so far as it is relevant to the proposal it expects development to be designed such 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. It advises that particular attention should be paid to *matters of siting, scale, form, mass, levels, height, and orientation in relation to the existing building; and to the matter of the amenity, privacy and security of ... properties that the development protects. It states that development should adhere to the principles embedded in the design related Supplementary Planning Documents.*
53. 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:*
 - a. *location and size of farm or forestry holding;*
 - b. *type of agriculture or forestry practiced on the farm or forestry holding;*
 - c. *intended use and size of proposed building;*
 - d. *intended location and appearance of proposed building;*
 - e. *stocking type, numbers and density per hectare;*
 - f. *area covered by crops, including any timber crop;*
 - g. *existing buildings, uses and why these are unable to cope with existing or perceived demand;*
 - h. *dimensions and layout;*
 - i. *predicted building requirements by type of stock/crop/other usage; and*
 - j. *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.*

54. Supplementary Guidance - Agricultural Developments in the Peak District National Park, 2003

55. Supplementary Planning Guidance (Agricultural Development in the Peak District National Park 2003) (the “SPG”) sets out the basic requirements for a planning application and states at paragraph 2.17 that *farm developments* must be *fully explained and justified*. According to paragraph 2.18, developments that are not fully explained and justified may lead to the planning application being refused.

56. Paragraph 3.1 explains that *because of the natural beauty of the National Park, new agricultural buildings ... can have a very damaging impact on their surroundings without careful thought to siting, design and appearance*.

57. Paragraph 3.4.5 states that it is best to keep new agricultural buildings close to the existing ones, and that proposals should *make the best use of trees, walls and other landscape features*. It is acknowledged in Paragraph 3.4.9 that sloping ground is a common feature of the Peak Park, and that cut, and fill techniques can be used to create a level platform. Banks should be planted quickly to ensure quicker landscaping cover. Paragraph 3.6.3 explains that the use of dark tones will help to reduce a building’s impact.

58. Assessment

59. Principle of the development

60. As established in policy DME1, the principle of erecting a lambing shed is acceptable where the agricultural need is clearly demonstrated and justified.

61. Demonstrated Need

62. The Applicant is a local resident who currently farms over 30 acres of land across the Bradfield area. They have provided the Authority with agricultural holding numbers for all their sites across the Park. They own the 0.67ha application field and they rent a further 8 parcels of land, totalling approximately 10 hectares, from various local landowners, which they graze/intend to graze. They intend to continue to increase the amount of land they farm.

63. At present the Applicant keeps a flock of approximately 60 sheep, including hogs, lambs and ewes. Within the flock, there are 9 pedigree zewarbles, the remainder being made up of Jacobs and mules. Approximately 40 ewes are lambed each year. The Applicant also owns 5 alpacas which are documented on a separate holding number.

64. In their supporting statement, the Applicant states they are currently forced to lamb the flock outdoors. As such the flock are at greater risk from predators and potential death and injury. The erection of the shed will enable safer delivery and better care of the animals enabling the Applicant’s flock to increase. The Applicant has also confirmed that the shed will also be used for the storage of bedding, feed and sheep handling equipment.

65. Guidance produced by the Department for the Environment, Food and Rural Affairs (DEFRA) entitled *DEFRA Code of Recommendations for the Welfare of the Livestock (Sheep)*, recommends that up to 2.2m² of floor area be provided - after lambing- per ewe and lambs. As such the floorspace requirements for up to 40 ewes would reach 88m², leaving approximately 36m², the equivalent of a 3-meter strip, for feed, bedding and sheep handling equipment, associated with the everyday care of the animals.

66. When the barn is not required for lambing, it will be used for both shelter for the animals, during times of routine care; and for the storage of feed and bedding; and machinery.
67. The proposed access track will allow for easier vehicular access during lambing season and will only be used to serve the barn itself.
68. Concerns have been raised in third party representations that there may be existing outbuildings already available to the Applicant who it is claimed resides at a nearby farm holding. The Applicant has confirmed that whilst he rents land from the owner of a nearby property, he does not in fact reside at said property and he does not have access to any existing structures within it. The Applicant has also confirmed that there are no existing structures on any of the other land that he rents. The parcel of land subject to the application is the only parcel of land owned at present by the Applicant.
69. Officers consider that the Applicant's case of need for the shed carries sufficient weight to meet the tests required by DME1 A.
70. Officers suggest that conditions are imposed on any permission granted to retain the building solely in agricultural use and such that when the barn is no longer required for agricultural purposes, it is removed, and the site restored to its original condition.
71. Design and landscape impacts
72. The site is located within the landscape character type of Slopes and valleys with woodland, which is characterised as follows:
- *Steeply sloping and undulating topography*
 - *Gritstone edges characterise the tops of some steeper slopes*
 - *Patches of acid grassland and bracken*
 - *Irregular blocks of ancient semi-natural and secondary woodland*
 - *Permanent pasture in small fields enclosed by hedges and gritstone walls*
 - *Narrow winding, often sunken lanes; and*
 - *Scattered gritstone farms and loose clusters of dwellings*
73. The shed as submitted, was originally proposed to be sited set back into the field a short distance and angled away from the existing boundary walls such that it was not that well related to them or the adjacent barn. It's open side and yard were on the north side and although screened from the immediate lane would nevertheless have presented its open side and any activity on the yard to full view across the valley from a wide range of vantage points. As a result, officers have sought the amended positioning with the building turned around to face the access coupled with new boundary walling and tree planting to better integrate the new building into the local landscape and separate the working yard area from the open field.
74. It would be sited within close proximity to an existing group of buildings and within views from the surrounding landscape, including Ughill Wood Road and Oaks Lane, it would be read within the context of this neighbouring group. In terms of its scale and appearance, the shed is typical of its type, and buildings like it are found throughout the wider landscape, although the mono-pitched roof itself would not reflect the well-established local building tradition for dual pitched roofs it would lower the height and visual impact of the shed. The Yorkshire boarding will weather over time receding in views, whilst the use of stone as a facing material in the construction of the plinth references the use of stone as a building material commonly found within the wider stock and will link to the proposed new walling to enclose the yard. The use of a dark (green) coloured roofing material is supported. The employment of concrete in the construction of the slab is acceptable. The access track in terms of its appearance is

appropriate to its rural setting subject to the material being changed from limestone to gritstone and binding of the first few meters to prevent loose aggregate being dragged onto the highway. In matters of design, (including scale and appearance) and siting, the shed generally follows the advice contained within the relevant SPG and within Policies DMC3 and DME1 B. The shed is also considered to be Policies DMC1 and DMC3 compliant.

75. Amenity Impacts

76. At present, the Applicant, when putting the land to use for agricultural purposes is within his right to:

- Keep livestock
- Carry out all aspects of animal husbandry, including routine veterinary care, when required
- Lamb their flock
- Store haylage/silage /feed;
- Bring machinery onto and off the property; and
- Store machinery/ vehicles in association with the use of the land for agriculture.

77. The shed will of course concentrate some of these activities to this site beside the neighbouring house but is needed to enable the Applicant to continue to carry out the above activities, with the possibility of containing levels of noise associated with the use of the land and limiting the potential visual impacts of the agricultural activities.

78. The Applicant has confirmed that they do not intend to install utilities on site, nor are they planning on using a generator to run services.

79. As advised by policy, the shed is to be sited within proximity to a cluster of buildings (comprising a former farmstead, now in private residential use). The amended siting would minimise the impact of the yard and activity within it to the area screened by the building itself and the nearest neighbours own outbuilding. The nearest dwelling is located approximately 28.31m to the south of the shed and the relevant elevation (the north elevation) of property is generally void of openings with the exception of two small windows and a door. Sitting in between the north elevation of the dwelling and the boundary with the application site there exists the large former agricultural shed now in ancillary domestic use (timber and sheet metal clad).

80. Given the separation distance between the shed and the neighbouring dwelling, taking into consideration the fact that its north elevation facing the application site is for the most part solid, and noting there sits another large structure between this dwelling and the proposed shed, it is considered that the agricultural activity associated with the use of the shed is unlikely to result in disturbance (whether by way of noise, or light) to the amenities of these neighbouring residents.

81. The shed would be visible from a small section of private garden space (currently accommodating a chicken coop), however it would, for the most part, be screened from views from with the neighbouring property, by the presence of the existing large former barn structure that is situated within this neighbouring property.

82. Overall it is considered that the levels of activity associated with the use of the shed would be no greater than the levels of activity which might at present be generated by the Applicant, in the open air, in association with their use of the land for agricultural purposes.

83. Weighing everything in the balance it has been determined that the shed would not result in harm to the amenities of the neighbouring residential properties and that the proposals are policies L1 and L3 complaint.

84. Sustainability

85. The Applicant has confirmed that the barn will be constructed using timber/other materials sourced sustainably from a responsible supplier. All timber is to be FSC certified. Recycled stone is to be used to face the plinth and any cut material will be reused onsite as part of the landscaping; a matter which can be controlled by condition.

86. The proposals are considered to be CC1 compliant.

87. Conclusion

88. The Applicant has demonstrated an agricultural need for the lambing barn; the appearance (including material finish) scale, and siting of the structure are considered to typical of the type of agricultural building found elsewhere within the Peak District National Park Authority boundary. The amended siting and landscaping would ensure the building is appropriately integrated within the local landscape setting.

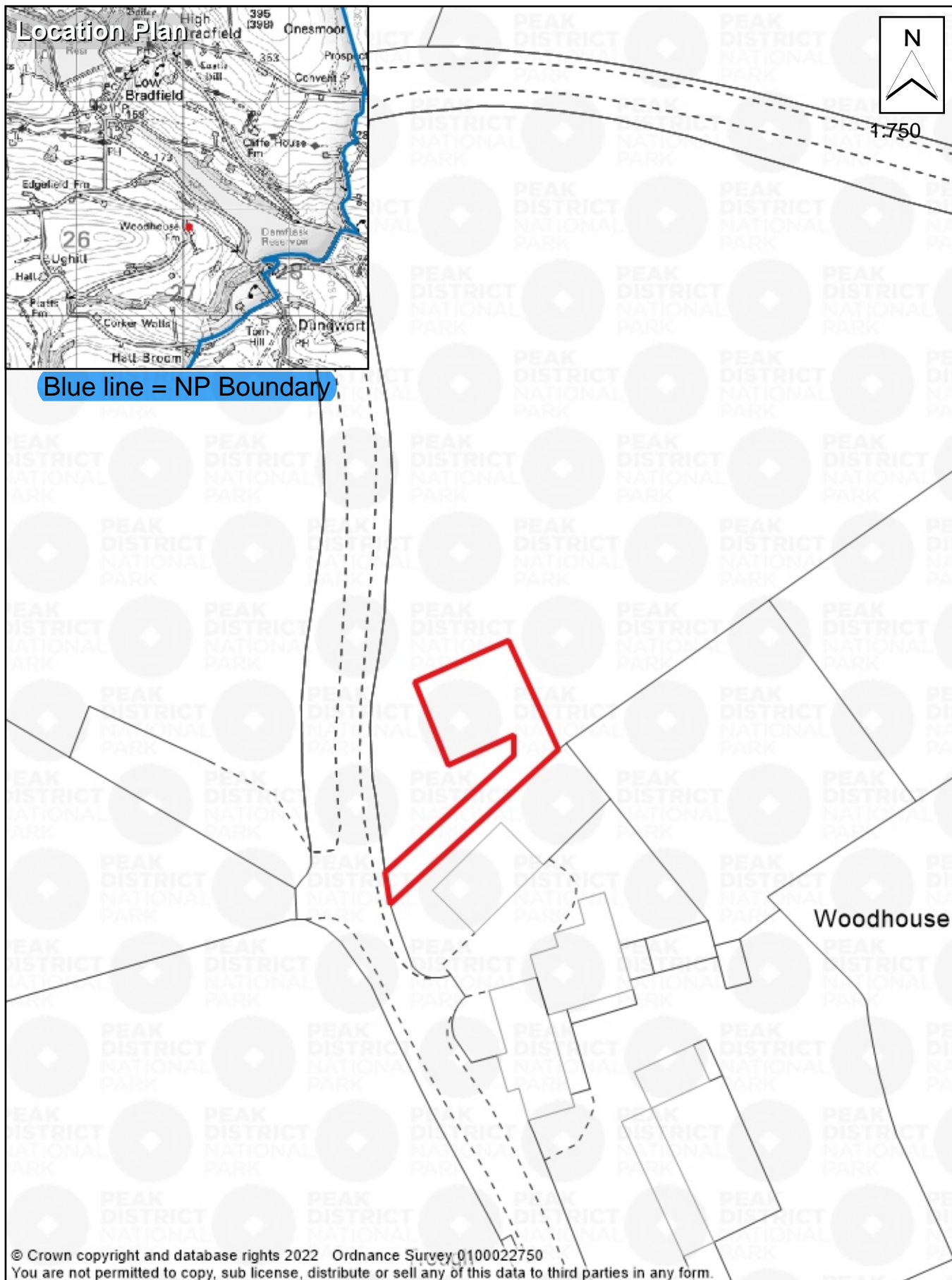
89. The proposals are therefore recommended for approval subject to the conditions set out above.


90. Human Rights

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

92. List of Background Papers (not previously published) Nil

93. Planning Officers – Rebecca Bentley (Planning Consultant on behalf of the Peak District National Park) / John Keeley – Planning Manager - North Area Team.



Committee Date:	06/10/2023	Title: Field To The Corner Of Oaks Lane And Ughill Wood Lane, Bradfield	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 9		
Application No:	NP/S/0223/0115		
Grid Reference:	427056, 390828		

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10. 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

Note: This item was deferred from the September meeting to enable the applicant and their agent to attend the meeting in person.

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 46.8m²
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.

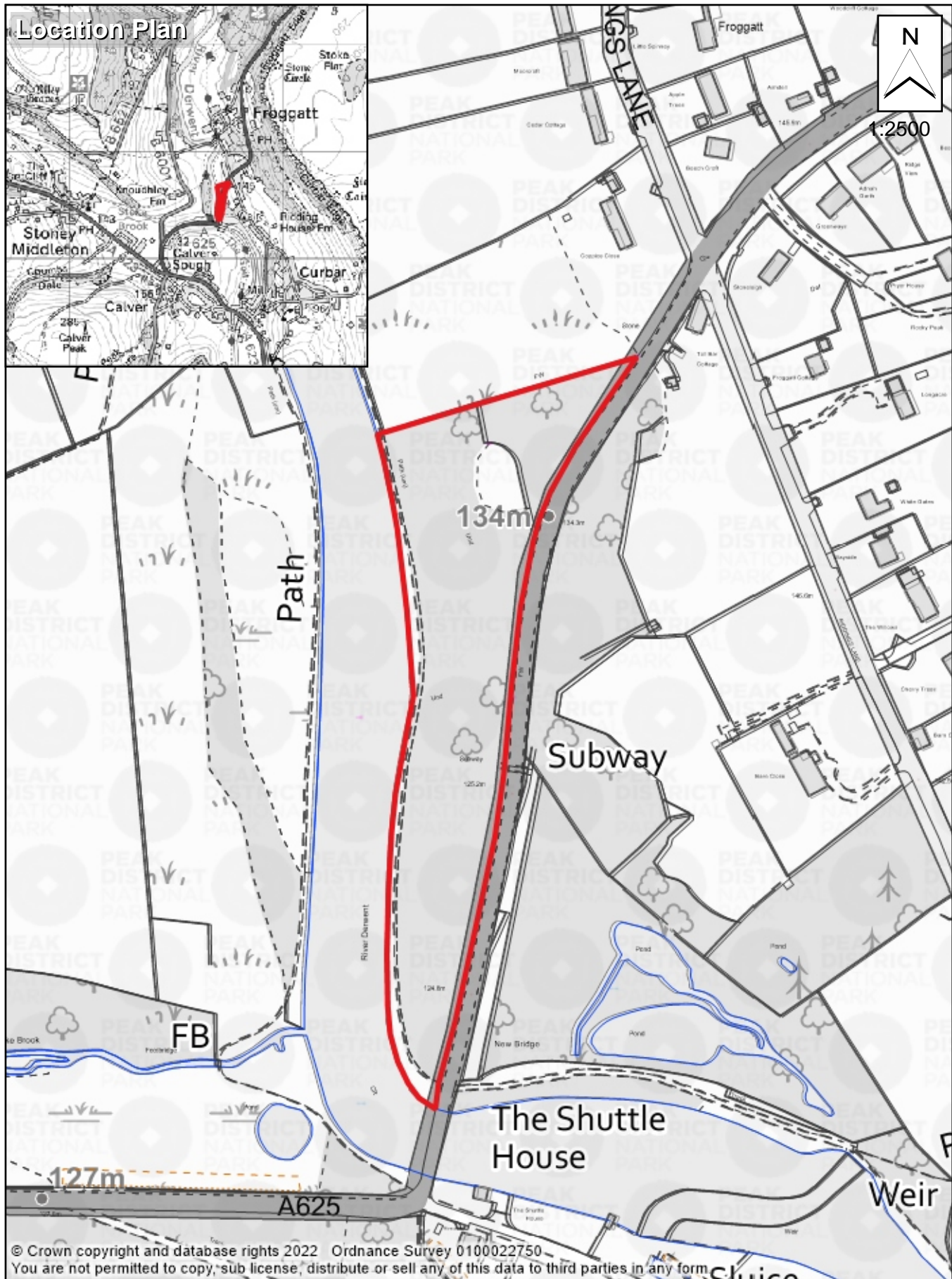
54. There is no suggestion that additional trees would have to be felled to accommodate the development, however it is clear that the Applicant does intend to undertake additional tree felling within the site.
55. The site is otherwise free from any other form of built development and is some distance 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:	06/10/2023	Title: Land off the A625 Froggatt Bridge, Calver	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 10		
Application No:	NP/DDD/0623/0604		
Grid Reference:	424408, 375562		

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11. APPROVAL OF BRAMPTON NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM (CW)

1. Purpose of the report

To consider the recommendations set out in the report by the independent examiner of Brampton Neighbourhood Plan and decide how to proceed.

Key Issues

The Authority has been working with North East Derbyshire District Council (NEDDC) to support Brampton Parish Council to write a Neighbourhood Plan for Brampton Neighbourhood Area, which straddles the boundary of the two planning authorities. NEDDC is the lead authority.

In accordance with Regulations an independent examination of the submission version of the Brampton Neighbourhood Plan has taken place and an Examiner's report has been submitted to NEDDC and the Authority. This decision will ensure that the Authority meets its legal requirements under paragraph 12 of schedule 4b of the Town and Country Planning Act 1990, to consider the Examiner's report and determine if Brampton Neighbourhood Plan should proceed to referendum. The same decision has been approved at NEDDC's Cabinet on 21st September 2023.

Appendix 1 sets out all of the examiner's proposed modifications, and an officer assessment and recommendation regarding whether to accept the proposed modification.

2. Recommendations(s)

That members, in accordance with paragraph 12 of Schedule 4B of the 1990 Town and Country Planning Act:

- **approve that following the inclusion of the Examiner's recommended modifications into the Plan (as set out in Appendix 1), the plan meets the basic conditions such that it can proceed to a referendum;**
- **approve publication of a formal Decision Statement detailing the Authority's response to the Examiner's recommendations (Appendix 2);**
- **determine that the referendum boundary will cover the designated Brampton Neighbourhood Area only.**

How does this contribute to our policies and legal obligations?

3. This is a legal obligation for the Authority and for North East Derbyshire District Council (NEDDC) under the Town and Country Planning Act 1990 (as modified). The same decision has been approved at NEDDC's Cabinet on 21 September 2023.
4. This process contributes to the emerging Authority Plan 2023-28 which aims for PDNP communities that are thriving and sustainable places, where all generations can live healthy and fulfilled lives.

Background Information

Process to date

5. The Brampton Neighbourhood Development Plan ('the Plan') relates to the area designated by North East Derbyshire District Council (on 22 June 2018) and the Peak District National Park Authority (on 13 July 2018). The draft plan and associated documents were submitted to NEDDC and PDNPA on 12 October 2022 and approved for Regulation 16 consultation and examination. The Regulation 16 consultation took place between 1 February and 16 May 2023.
6. An independent examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI ('the Examiner'), was appointed by NEDDC in consultation with the PDNPA and Brampton Parish Council. Examination of the plan took place between June and August 2023, and was conducted by written representations. The Examiner considered all the policies and the supporting text within the plan. The Examiner's final report was issued on 7 August 2023.
7. The role of the Examiner is to assess whether a Neighbourhood Plan meets 'basic conditions' and other matters set out in Paragraph 8 of Schedule 4b of the Town and Country Planning Act 1990 (as applied to Neighbourhood Plans by section 38a of the Planning and Compulsory Purchase Act 2004) and to recommend whether the plan should (with or without modifications) proceed to a referendum. Only a plan that meets each of the basic conditions can be put to referendum and made.
8. The 'basic conditions' for a Neighbourhood Plan are:
 - having regard to national policy, it is appropriate to make the plan;
 - the plan contributes to the achievement of sustainable development;
 - the plan is in general conformity with the strategic policies contained in the development plan for the local area;
 - the plan does not breach and is compatible with EU obligations;
 - the plan meets human rights requirements.
9. The Examiner must also consider whether the plan complies with provisions under sections 38a and 38b of the Planning and Compulsory Purchase Act 2004 (as amended). These are:
 - it has been prepared and submitted for examination by a qualifying body;
 - it has been prepared for an area that has been properly designated (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area.
10. The Examiner also considers whether the referendum boundary should be extended beyond the designated area should the plan proceed to referendum, and any other

prescribed matters.

11. In the report the examiner must make one of the following recommendations :
- the neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements;
 - the neighbourhood plan can proceed to a referendum subject to modifications;
 - the neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
12. The role of the two planning authorities is then to decide what action to take in response to the Examiner's report and recommendations, and to formalise this response by publishing a Decision Statement.

Consideration of the Examiner's report and proposed modifications

13. The Examiner summarises on page 3 of his report that the Brampton Neighbourhood Plan meets the basic conditions (as outlined above) and recommends that, subject to modifications, it should proceed to Referendum.
14. In his report the Examiner has provided specific modifications to policies and supporting text so that as modified, the plan meets basic conditions. Each of these modifications is set out in Appendix 1.
15. Representatives from Brampton Parish Council and officers from NEDDC and PDNPA have considered the proposed modifications and the reasons for them, and agree that the plan should be modified in accordance with the Examiner's recommendations. This consideration is also set out in Appendix 1.
16. The Strategic Environmental Assessment screening report and Habitats Regulations Assessment screening report undertaken on a Regulation 14 pre-submission version of the plan remain valid for the plan as modified in accordance with the examiner's recommendations. See Examiner report paragraph 44.
17. Subject to the Examiner's modifications being made, the plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended), is compatible with Convention Rights, and meets the requirements of paragraph 8(1) of schedule 4b to the Town and Country Planning Act (as amended). It is recommended that the Authority accepts all of the Examiner's recommended modifications to the draft plan and that the modified plan proceeds to referendum.

Decision Statement

18. Regulation 18(2) states that the Authority must publish the actions which will be taken in response to the recommendations of the Examiner. This is known as a 'Decision Statement'. A draft Decision Statement is at Appendix 2. It is recommended that the Decision Statement is published on the Authority's website as soon as possible after this report is agreed and in such other manner as is likely to bring the plan to the attention of people who live, work or carry on business in the neighbourhood area in accordance with Regulation 18.

Referendum boundary

19. The referendum area must be, as a minimum, the Brampton Neighbourhood Area. If the planning authorities consider it appropriate, the area may be extended. In making a

report the Examiner is required to consider whether the referendum boundary should be extended, and the authorities must consider any Examiner recommendation in making their decision.

20. The Examiner makes his recommendation on the referendum boundary at paragraphs 169-171 in his report. He concludes that the referendum area should not be extended beyond the designated Neighbourhood Area.
21. For this reason, it is recommended that the boundary for the referendum should be the neighbourhood area boundary as formally designated on 13 July 2018.

Referendum

22. The Neighbourhood Planning (referendums) Regulations 2012 (as amended) require that the referendum is normally held within 56 days of the date on which the decision that the referendum must be held is made, unless the local authority and Parish Council agree that the referendum does not need to be held by that date.
23. Following the referendum, if more than 50% of those voting vote 'yes', then the plan must be 'made' within 8 weeks of the referendum. A further report to committee will be made at that stage.

Legal issues

24. The role of the Authority at this stage is to decide what action to take in response to the Examiner's report and any other prescribed matters. It is guided by Regulation 18 of the Neighbourhood Plan (general) Regulations 2012 (as amended). This states that before publishing its Decision Statement the council must consider the following.

1) **Whether to decline to consider a plan proposal under Paragraph 5 of Schedule 4b to the 1990 Act.**

There are no grounds to decline to consider the plan under paragraph 5. There are no previous plan proposal submissions or repeat proposals for this neighbourhood area. The Examiner also reached this conclusion, see examiner report paragraph 8.

2) **Whether there are reasons to refuse a plan proposal under Paragraph 6 of Schedule 4b to the 1990 Act.** Paragraph 6 says the Authority must consider:

- whether the qualifying body (Brampton Parish Council) is authorised to act in relation to the neighbourhood area concerned as a result of section 61F of the 1990 Act.

The plan has been produced by the Brampton Parish Council who are a qualifying body able to prepare a Neighbourhood Plan, in respect of the Neighbourhood Area (see Examiner report paragraph 7).

- whether the proposal by Brampton Neighbourhood Plan complies with provision made by or under that section, in this case the Planning and Compulsory Purchase Act 2004, Section 38b (1) , which says:

A neighbourhood development plan must specify the period for which it is to have effect. This is set out in the title of the plan. The period of the plan is 2017-2034 (see Examiner report paragraphs 16-18).

A neighbourhood development plan may not include provision about

development that is excluded development. *The plan does not contain any policies relating to excluded development. The Examiner refers to this in paragraph 26.*

A neighbourhood development plan may not relate to more than one neighbourhood area. *The plan does not relate to more than one neighbourhood area and there is no other neighbourhood development plan in place within this neighbourhood area (see Examiner report paragraph 8).*

3) What action to take in response to the recommendation of an examiner made in a report under Paragraph 10 of Schedule 4b to the 1990 Act (considered above), and what modifications, if any, they are to make to the draft plan under paragraph 12(6) of schedule 4b to the 1990 Act. Paragraph 12(6) sets out the modifications that the Examiner can recommend be made to a neighbourhood plan proposal. It also states that if the Authority can make modifications to a neighbourhood plan to enable that plan to meet the 'basic conditions' or for the purposes of correcting errors, then it must make those modifications rather than refuse a plan proposal. The Authority must consider, under part (d), whether there are any other modifications which are required to ensure the basic conditions are met, to ensure the plan is compatible with convention rights, to ensure the requirements of legislation are met, or to correct errors.

No other modifications, further to those recommended by the examiner, are necessary.

4) Whether to extend the area to which the referendum (or referendums are) to take place.

An extension to the referendum area is not required.

25. If the local authority is not satisfied that the plan meets the basic conditions, and/or is not compatible with Convention Rights or any other requirements of legislation are not met then they must refuse the plan.

There are no reasons to refuse the plan.

Are there any corporate implications members should be concerned about?

Financial:

26. There are implications for PDNPA staff time in assisting with making the modifications to the plan and publicising the decision statement. North East Derbyshire District Council will undertake the referendum and apply for the £20k 'extra burdens' payment once the plan is approved for referendum. This will be used to pay for the examination and referendum. If any of this funding remains unspent it will be split between the 2 planning authorities at a ratio to be agreed by the Heads of Planning.

Risk Management:

27. The steps that the Authority is taking to respond to the submission of Brampton Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is low.

Sustainability:

28. Sustainability issues are fully considered in the neighbourhood planning process

29. **Equality:**
Equality issues are fully considered in the neighbourhood planning process
30. **Background papers (not previously published)**
[Brampton Neighbourhood Plan Regulation 15 Draft Submission Version](#)
Brampton Neighbourhood Plan Examiners Report
31. **Appendices**
Appendix 1 - Neighbourhood Plan policies with recommended modifications
Appendix 2 - Decision Statement

Report Author, Job Title and Publication Date

Clare Wilkins, Communities Policy Planner, 28 September 2023

Appendix 1: Brampton Neighbourhood Plan Policies with Examiner's recommended modifications

Policy reference and page number	Neighbourhood Plan wording with Examiner's modifications	PDNP assessment	Modification page number as per Examiners report and reason for modification
Introductory section	<p>8. <u>The Plan</u> It covers the period to 2034 which corresponds to the plan period for the North East Derbyshire Local Plan</p> <p>13. These Basic Conditions also require that the Plan must be in general conformity with the strategic policies contained in the approved development plan covering the Parish of the authority (or any part of it). In the context of Brampton, this is complicated in that it must, therefore, <u>be in general conformity with</u> have regard to two sets of approved strategic policies. Those prepared by NEDDC which cover the majority of the Parish and <u>those prepared by</u> PDNPA, which covers the western side of the Parish.</p> <p>16. The Plan is in general conformity with the approved strategic policies contained in the two development plan plans covering the Parish. It is not planning for growth in the Parish other than that enabled in these two documents.</p> <p>Footnote 1 (page 7) This requirement remains in place <u>unless</u> until revoked by the UK Government</p>	Agree with proposed modification	<p>Para 57, p15</p> <p>For clarity and accuracy</p>

	<p>19. <u>This neighbourhood plan is divided into 5 main sections.</u> This document forms the draft neighbourhood plan for the parish of Brampton. It is divided into 5 main sections.</p> <p>Page 11</p> <p>O1 Ensure that any new development in the Parish, whether it is new housing, conversion of existing buildings or other built development requires no intrusion into the <u>respects</u> existing Green Belt or Peak District National Park <u>requirements</u>, is proportionate to the size of the settlement and designed to respect Brampton's intrinsic rural and distinctive character, individuality and setting in open countryside.</p> <p>38. Several policies have been developed under the 7 Policy Areas that seek to influence planning and development outcomes in the Parish. <u>The policies reflect the 11 Plan Objectives.</u> The policies are complementary to the 11 Plan Objectives.</p> <p>43. The importance of Brampton's natural environment has been recognised by national and local planning policies with the countryside variously designated as Green Belt, National Park, Special Area of Conservation, Special Protection Area and an Area of Multiple Environmental Sensitivity. As a result of its open functions, character and appearance all benefit from strong protection against unsympathetic development. As the NPPF states <u>at</u> as para. 176, 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues', for example.</p>		
Para 64	<p>It is imperative these distinctive views are respected and, wherever possible, enhanced.</p>	Agree with proposed modification	To align with para 16 of NPPF

Policy B1 RESPECTING AND ENHANCING DISTINCTIVE VIEWS	<p><u>Development proposals must respect distinctive views as identified below and illustrated in Appendix 1:</u> Development proposals that respect and enhance distinctive views as identified below and illustrated in Appendix 1 will be supported:</p> <ol style="list-style-type: none"> 1. Common Lane, Cutthorpe 300 yards down from Main Road, left hand side facing North West. 2. Common Lane, Cutthorpe 500 yards down from Main Road on right side facing North East. 3. Footpath beside Old Manor House, Main Road, Cutthorpe - Looking North West towards Baines Wood and Owler Bar. 4. Footpath beside Old Manor House, Main Road, Cutthorpe - Looking North East towards Unstone. 5. Main Road, Cutthorpe opposite Old Manor House - Looking South East over Crooked Spire. 6. Prathall public footpath view from stile - Looking South to Old Brampton/Wadshelf. 7. View from The Gate (former Public House) looking North towards Sheffield. 8. View from The Gate (former Public House) - Looking North East over Dronfield/Apperknowle. 9. View from Top Lane over to Bolsover Castle and Hardwick Hall. 10. View to East from Top Road over Morehay Plantation towards Chesterfield. 11. View from Pudding Pie Hill - Looking North towards Barlow. 12. View from Pudding Pie Hill - Looking North East to Dronfield. 13. View from Pudding Pie Hill footpath - Looking from the phone mast West over Eastmoor. 14. View from Pudding Pie Hill footpath - Looking South West from the phone mast. 15. View from Pudding Pie Hill footpath - Looking from the phone mast over Chesterfield Crooked Spire and towards Hardwick Hall. 16. View from School Lane, Wadshelf - Looking from beside the roadside seat South East over Wingerworth. 	<p>Agree with proposed re-wording – in general conformity with PDNP strategic policy.</p>	<p>Para 65, p17</p> <p>To align with para 16 of NPPF</p>
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	<p>17. View from Netherfield Lane, Wadshelf - Looking East.</p> <p>18. View Netherfield Lane, Wadshelf - Looking south East from Ivy Cottage Farm.</p> <p>19. View from Netherfield Lane, Wadshelf - Looking South towards Slack Hill, Wingerworth.</p> <p>20. View from Claypit Lane, Eastmoor - View from Loads Farm North East towards Upper Loads.</p> <p>21. View from Claypit Lane, Eastmoor - View to East from Loads Farm.</p> <p>22. View from Claypit Lane, Eastmoor - Looking North towards Wadshelf.</p> <p>23. View from Hallcliffe Lane - Looking towards Upper Loads.</p> <p>24. Views across Linacre Reservoirs.</p>		
Para 70	<p>70. The many green spaces in the Parish were evaluated for their suitability for Local Green Space designation by the Steering Group. After careful consideration, 9 <u>7 areas of local green space</u> green spaces <u>identified below and are also referred to in Appendix 3.</u> have been identified that are considered to have the greatest importance and meet the criteria for designation. These are identified below and at Appendix 2. Further information about the sites that qualified under the criteria is outlined with justification in the accompanying Local Green Spaces Supporting Evidence document which can be found at https://bramptonparishcouncil.org/neighbourhood-plan.</p>	Agree with proposed modification	<p>Para 77 p19</p> <p>For accuracy and clarity</p>
Policy B2: PROTECTING IMPORTANT LOCAL GREEN SPACES	<p><u>The sites listed below and identified on the accompanying plan(s), are designated as Local Green Space. The management of development within areas of Local Green Space will be consistent with that for development within Green Belts, as set out in national policy.</u> The spaces listed below and shown at Appendix 2 are designated as Local Green Spaces on which development will only be supported in very special circumstances.</p> <ol style="list-style-type: none"> 1. <u>Flower bed</u> Greenspace at the junction of Cutthorpe Road and Four Lanes End, Cutthorpe. 2. Coronation Tree greenspace, Cutthorpe. 3. Cutthorpe Recreation Ground, Cutthorpe. 	n/a to the PDNP	<p>Para 77 p19</p> <p>To align with Chapter 13 of NPPF</p>

	<p>4. Cutthorpe Allotments, Cutthorpe.</p> <p>5. Greenspace on the bend of road, Pratthall.</p> <p>6. Wadshelf Play Area, next to Wadshelf Village Hall, Wadshelf.</p> <p>7. Greenspace at the corner of Main Road and School Lane, Wadshelf.</p> <p>8. Greenspaces on the east side at either end of Bradshaw Lane, Wadshelf.</p> <p>Development in a local green space will only be supported if it is ancillary to the current use of the land, protects the openness of the site and enhances the character and environmental aspects of the site.</p> <p><u>Other modifications</u></p> <p>Ensure that the boundary of the corresponding new (see recommendations below) plan for this site (i.e. 1) shows only the flower bed as a Local Green Space (and not the whole roundabout)</p> <ul style="list-style-type: none"> • Provide a new plan (or plans) in the Neighbourhood Plan, below Policy B2, showing the boundaries of each area of Local Green Space, ensuring that the boundaries are clearly identifiable 		
Para's 79-81	<p>79. The Plan seeks to conserve, restore and enhance nationally and locally important habitats and wildlife, as well as the nature conservation of the Parish more generally.</p> <p>80. The Parish Council supports These include the objectives identified in the Lowland Derbyshire Biodiversity Action Plan and in its key actions for the Peak Fringe area, notably, the maintenance, restoration and expansion of woodland and grassland and increased connectivity of semi-natural habitats.</p> <p>81. <u>The Parish Council will seek to encourage nature conservation.</u> More broadly, development proposals will be encouraged, where practical, to enhance nature conservation. Several suggestions were</p>	Agree with proposed modification	Para 85, p22 For clarity and accuracy

	made thorough the preparation of the Plan regarding how this could be done such as:		
Policy B3 NATURE CONSERVATION AND BIODIVERSITY	<u>Development should conserve and enhance biodiversity. The enhancement of designated and other local wildlife sites will be supported.</u> Development proposals that conserve, enhance and incorporate biodiversity in and around them (including networks) will be supported, particularly where they conserve, and where possible, enhance significant habitat types, designated and other important local wildlife sites and features of the Parish.	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	Para 85, p22 To align with para 41 planning guidance
Para 87	87. Policy B4 requires applicants to demonstrate that all proposed external lighting associated with new development is essential and meets The Institute of Lighting Professional Guidance. Applicants should be able to demonstrate that any new external lighting required is for safety or security reasons.	Agree with proposed modification	Para 91, p23 For accuracy and clarity
Policy B4 DARK SKIES	POLICY B4: Development proposals should seek to minimise light spillage through good design and the avoidance of lighting that results in the loss of night-time dark skies. To minimise light pollution and maintain the views of night-time skies, planning proposals that include external lighting should demonstrate the following: a) Include only external lighting that is essential; b) Include measures to avoid light spillage beyond the application site; and c) Demonstrate that they meet or exceed the Institute of Lighting Professionals guidance or other relevant standards or guidance.	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	Para 91, p23 Para 16 and 44 of NPPF
Para 100	100. It is important that such noise generating sports are ONLY situated in appropriate locations and designed so that they do not affect noise sensitive development unless the noise impact can be minimised to an acceptable level.	Agree with proposed modification	Para 96, p24
Policy B5 NOISY SPORTS	<u>Development proposals must respect the tranquillity of the countryside and the amenity of neighbouring uses, with regards to noise and disturbance and highway safety. Proposals for noise-generating sport</u>	Agree with proposed re-wording – in	Para 96, p24

	<p><u>and recreational uses in the countryside should demonstrate how noise and disturbance will be mitigated.</u></p> <p>Proposals for the permanent use of land for noisy sports will only be supported if:</p> <p>a) — Its noise impact on noise sensitive development or areas valued for their tranquillity can be adequately mitigated through a scheme of noise mitigation measures;</p> <p>b) — It would not result in excessive noise levels at the boundaries of noise sensitive development;</p> <p>c) — It incorporates and commits to the implementation of a plan to show how the site will be managed, to minimise the impact of the activity on areas of wildlife and ecological importance and to ensure adequate woodland/countryside management;</p> <p>d) — It does not disrupt or lead to the loss of public access such as footpaths, bridleways; and cycle routes or place their users in any danger; and</p> <p>e) — It does not cause unacceptable traffic congestion or generate traffic flows that would be harmful to the environment such as heavy traffic flows on a minor road through a settlement or the Parish more generally.</p>	<p>general conformity with PDNP strategic policy.</p>	<p>To align with para 16 of NPPF</p>
<p>Policy B6 HOUSING MIX</p>	<p><u>New housing development should demonstrate how it has taken account of up to date local housing need information including the Brampton Parish Housing Needs and Characteristics Study 2019 (or as updated).</u></p> <p>a) — To be supported, any new housing development should provide for a mix of housing types and sizes that provide for the housing need in Brampton Parish taking into account evidence of existing imbalances in housing stock, site characteristics, viability and market considerations.</p> <p>b) — New housing development of more than one dwelling will be required to demonstrate how it relates to the need identified in the 'Brampton Parish Housing Needs and Characteristics Study 2019' or in a more up to date assessment of housing need in Brampton Parish for</p>	<p>Agree with proposed re-wording – in general conformity with PDNP strategic policy.</p>	<p>Para 103, p25</p> <p>To align with para 16 of NPPF</p>

	smaller homes (one or two bedrooms), especially suited for those with a disability, young families, young people and for older people who wish to downsize, or the needs identified in a more up to date assessment of housing need.		
Para's 117-126	<p>117. Affordable housing can be broadly described as socially rented, affordable rented and intermediate housing, which is provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.</p> <p>118. The provision of affordable housing within the Parish is an issue. This is mainly a consequence of the high and above average house prices in the Parish, especially when compared to North East Derbyshire district, East Midlands region and England. In 2019, the average house price in Brampton was £385,319. This is nearly double the district average of £170,646 and above both the region (£226,698) and England and Wales (£299,985) averages. This figure is well beyond the means of many people who wish to live in the Parish, including some who have been brought up and wish to remain there. Furthermore, at 9.6% the proportion of housing in the Parish which is 'socially rented' is below the district (20.3%), East Midlands (16.8%) and England (17.7%) averages, according to the 2011 Census.</p> <p>119. Consultation shows support for the provision of genuinely affordable housing that meets the existing and future needs of the Parish.</p> <p>120. NEDDC and PDNPA set out the detailed policies concerning the provision of affordable housing required as part of a development proposal. This includes target levels of affordable homes to be provided in housing developments. These targets vary depending on the size of the development as well as the nature and location of the site. Special mention here should be made to Policy LC2: Affordable Housing in the North East Derbyshire Local Plan. This requires that all</p>	Agree with proposed modification	<p>Para 103, p25</p> <p>For clarity (text is written as though it comprises policy requirements, which it does not)</p>

	<p>housing proposal for 10 or more dwellings, or with a site area of 0.5 hectares or more, should provide 30% affordable housing. Adding, that 'An agreed mix of affordable housing tenures will be determined through local evidence of housing need at the time of granting planning permission'.</p> <p>121. — Consideration was given to introducing a policy in the Plan seeking to vary (either upwards or downwards) the target for affordable housing provision in new housing development contained in the North East Derbyshire Local Plan as set out in Policy LC2. It was not considered that the evidence gathered could justify this. It does, however, underline the need and compelling case that local targets for affordable housing provision in the Parish at the very least should be met and assertively applied. — This Plan supports and reinforces North East Derbyshire Local Plan Policy LC2 and other national and local planning policies that provide for appropriately located and designed affordable housing that meet identified local need.</p> <p>122. — It is recognised that affordable housing catered for in local planning policies may not be sufficient to address the scale of the affordable housing challenge in the Parish. Not least as it is uncertain whether any housing development proposal will come forward over the life time of the Plan of sufficient size to trigger the requirement that they provide affordable housing.</p> <p>123. — As part of the evidence base for the Plan, the Parish Council commissioned, using Government funding, a detailed assessment of the affordable housing need in Brampton, with a focus of affordable housing for rent. This assessment can be found at https://bramptonparishcouncil.org/neighbourhood-plan.</p> <p>124. — Rural exception sites have been highlighted as a possible suitable mechanism to provide more affordable housing in the Parish to</p>		
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meet local need. The NPPF in its Glossary of Terms describes Rural Exception Sites as 'Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding'. National and North East Derbyshire District Local Plan Policy LC3: Exception Sites for Affordable Housing support rural exception sites in special circumstances, including in the Green Belt. These special circumstances include that there is a genuine need and they have a close association with a defined built up settlement, in the case of the parish, Cutthorpe, Old Brampton and Wadshelf villages. Planning rules, however, do not allow for Rural Exception sites in the Peak District National Park. Rural Exception sites are a proven means to deliver much needed affordable housing in rural areas such as Brampton. The Plan will be supportive of, and actively encourage, Rural exception sites and other forms of community-led housing in the Parish where there is genuine evidence of local need which otherwise could not be met and is generally in accordance with relevant local and national planning policies.

125. The consultation to inform the development of the Plan identified that local residents would prefer to see new affordable housing being offered in the first instance to local families or those with local connections. NEDDC and PDNPA allocates social housing through a priority ranking of applicants based on the severity of the housing need and local connections to an area. However, they will allocate housing to those in greatest need in advance of considering local connections, which sometimes can make it difficult for people with local connections, but a less serious housing need, to obtain affordable housing in the

	<p>Parish. The Plan seeks to ensure that those identified as having a local need are included in any new housing and the Parish Council will work with NEDDC and PDNPA to consider if an alternative approach can be taken to seek to offer improved prioritisation for local residents and family members to access social housing within the Parish.</p> <p>126. Further, the Plan wishes to promote the creation of thriving and sustainable communities. It therefore wishes to see affordable housing well integrated into a development and indistinguishable from open market housing. It should be ‘pepper potted’ throughout the site rather than concentrated in one area with generally no more than two affordable dwellings placed next to each other.</p>		
Para’s 134, 136, 138 and 141	<p>134. According to Historic England English Heritage, there were 42 nationally designated heritage assets in the Parish in 2021. This comprises 37 Listed Buildings and 5 Scheduled Monuments.</p> <p>136. There are 5 Scheduled Monuments in the Parish. A Scheduled Ancient Monument is a nationally important archaeological site given legal protection under the Ancient Monuments and Archaeological Areas Act 1979. Scheduled monuments in Brampton include evidence of Bronze Age settlement and lead smelting. A Scheduled Monument is a historic building or site that is included in the Schedule of Monuments kept by the Government. These include evidence of Bronze Age settlement.</p> <p>138. These assets are important and designated and protected in legislation. The North East Derbyshire Local Plan Policy SDC6: Development affecting Listed Buildings supports proposals for alterations to, or changes of use of, a Listed Building where they preserve protect the significance of the heritage asset and its setting.</p> <p>141. The Derbyshire Historic Environment Record (‘HER’) identifies 104 heritage items within the Parish. These include designated and non-designated local archaeological sites and finds, historic buildings and historic landscapes. These include:</p>	Agree with proposed modification	Para 111, p28 For clarity and accuracy

	<ul style="list-style-type: none"> • At least 20 remains of 'charcoal pits'. These are hollows in old coppice oak woodland. The old woods have many of these charcoal platforms. It appears that the documentary term 'charcoal pits' probably refers to traditional charcoal platforms. • In Kitchenflat Wood a survey carried out in 1995 identified a total of 56 archaeological sites including deposits of slag, dams, leats, a quarry and a wood drying kiln. • A deposit of bloomery iron slag discovered in Birley Wood may relate to the documented iron forging carried out by the monks at Barlow Grange in the 12th century. • Remains of a late 16th century or early 17th century smelt mill, smelt mill dam, tail race and wheel pit in Linacre Wood. • Post-medieval white coal kiln /charcoal burning platform in Priestfield Wood, Frith Wood and Chaneyfield Wood. • Socketed bronze axe in Ingmanthorpe Wood. 		
Policy B7 BRAMPTON PARISH CHARACTER BUILDINGS OF LOCAL HERITAGE INTEREST	<p>The Plan identifies the heritage assets listed below and illustrated in Appendix 3 as Brampton Parish Character Buildings and Structures of Local Heritage Interest. <u>Any development proposal affecting a heritage asset must demonstrate how it has considered the character and setting of the asset, including consideration of local vernacular and materials. Proposals involving harm to, or the loss of a Brampton Parish Character Building of Local Heritage Interest must set out the scale of any such harm or loss alongside the benefits of the proposal.</u> To be supported development proposals relating to these assets must take into account the character, context and setting of the building or structure including important views towards or from the asset. To be supported development must be designed to take account of local styles, materials and details. The loss of, or substantial harm to, a Brampton Parish Character Building and Structure of Local Heritage Interest will not be supported unless it is demonstrated that any loss or harm cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development.</p> <p>1. Methodist Chapel, Cutthorpe.</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Para 111, p28</p> <p>To align with para 203 of the NPPF</p>

	2. The Square, Cutthorpe.		
Para 155	<p>155. Given the lack of Conservation Area Character Statements, there is no indication as to the extent of both authorised and unauthorised changes that have taken place since the conservation areas were adopted or last reviewed.</p> <p>PARISH ACTION 1: CHARACTER APPRAISALS FOR CUTTHORPE OLD BRAMPTON, PRATHALL AND WADSHSELF CONSERVATION AREAS</p> <p>The Parish Council in partnership with NEDDC and Historic England will pursue the undertaking of character appraisals for Cutthorpe, Old Brampton, Prathall and Wadshelf conservation areas.</p>	Agree with proposed modification	<p>Para 120, p30</p> <p>For accuracy and clarity</p>
Para 159	<p>Promoting and Ensuring High Quality and Distinctive Design</p> <p>159. The community attaches high priority to achieving designs of development that are of high quality and respond positively to the distinctive character of the local area.</p>	Agree with proposed modification	<p>Para 120, p30</p> <p>For accuracy and clarity</p>
Para's 175 and 176	<p>175. Both NEDDC and the PDNPA have produced detailed guidance supplementary planning documents (SPDs) that provide detailed guidance aimed at supporting the creation of distinctive and well designed places. In terms of NEDDC, this guidance is mainly contained in 'Successful Places: A Guide to Sustainable Housing Layout and Design document' and the PDNPA it is mainly contained in the 'Peak District National Park Authority Design Guide' .</p> <p>176. The Plan supports, reinforces and provides local detail and context to these local planning policies aimed at supporting and promoting well designed and distinctive places, in particular Policy B8 below.</p>	Agree with proposed modification	<p>Para 120, p30</p> <p>For accuracy and clarity</p>
Policy B8 PROMOTING AND ENSURING SUSTAINABLE HIGH QUALITY AND DISTINCTIVE DESIGN	<p><u>All new development in Brampton must be of high quality design and must respect local character and local distinctiveness. Development proposals should consider opportunities to:</u> Promoting and ensuring sustainable high quality design that respects and enhances the distinctive identity and character of Brampton is a top priority. All new</p>	Agree with proposed re-wording – in general conformity	<p>Para 120, p30</p> <p>To align para 16 of NPPF, for</p>

	<p>development proposals must be of high-quality design, layout and appearance that respects and, where possible, enhances the scale, density and character, layout, access of existing surrounding buildings and landscape and generally respects local character and contributes to the local sense of place. They must have regard to NEDDC's Successful Places: A guide to Sustainable Housing Layout and Design SPD and the Peak District National Park Authority Design Guide SPD and other relevant local and national planning policies. Proposals should be designed in such a way as to meet the following criteria, where relevant:</p> <p>a) <u>Reinforce the distinctive qualities of the environment in which it is located, taking account of natural and built character, historical context and established patterns of development. The use of contemporary and innovative materials and design must demonstrate a positive contribution to local character;</u> Reinforce the distinctive natural and built character and historic context environment in which it is situated, including any historic assets, routes and patterns of development. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the distinctive character of the local area.</p> <p>b) Materials chosen should complement the design of the development and add to the quality or character of the surrounding environment, traditional building styles and materials including local sandstones and gritstones and Derbyshire stone slate on roofs with irregular forms should be retained and used;</p> <p>c) Good use should be made of site characteristics and surroundings, including: layout and use; and form of space within the site; siting; scale; height; proportions and massing; orientation; architectural detailing; landscape, existing plants, trees and other features and materials;</p> <p>d) Established building arrangements and forms such as front gardens should be respected;</p>	with PDNP strategic policy.	clarity and accuracy
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	<p>e) <u>Provide</u> Should provide safe environments that ‘design out crime’;</p> <p>f) <u>Protect residential amenity, giving careful consideration to noise, privacy, outlook and to sunlight and daylight. Development should also consider impacts in respect of flood risk and odours;</u> Should not adversely impact on general amenity and give careful consideration to noise, odour, light, management of flood risk and loss of light to existing properties and uses;</p> <p>g) <u>Incorporate sustainability, sustainable construction and energy efficiency into design and development; and</u> Should have a high level of sustainable design and construction and optimised for energy efficiency; and</p> <p>h) Development proposals in Cutthorpe, Old Brampton, Prathall and Wadshelf Conservation Areas and the Peak District National Park should be particularly sensitive to the local context in terms of materials, design, colour scheme, scale and structure., including the impact of views to and from them; and</p> <p>Development proposals will not be supported if they are of poor or indifferent design which fails to take the opportunities available for improving local character and quality of the local area.</p>		
Policy B9 PROTECTING, CONSERVING AND ENHANCING DRY STONE WALLS	<p><u>Development should not result in the loss of, or harm to, traditional dry stone walls. The conservation and/or enhancement of traditional dry stone walls will be supported.</u></p> <p>Development proposals that result in the loss of, or have a significant adverse effect on, a dry stone wall should be re-designed to retain, replace or enhance the concerned dry stone wall. Development proposals that conserve and enhance the network of dry stone walls will be encouraged and viewed positively.</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Para 125, p32</p> <p>To align with para 16 of NPPF</p>
Para 195	<p>195. The Plan supports and encourages the appropriate and sensitive enhancement of existing community provision where it meets a local need, including through improvements to existing provision or new build. Large scale retail or community development, however, would</p>	Agree with proposed modification	<p>para 136, p34</p> <p>For accuracy and clarity</p>

	not be appropriate as it would harm the special nature and character of the Parish.		
Policy B10 PROTECTION AND ENHANCEMENT OF IMPORTANT COMMUNITY FACILITIES	<p>Proposals that result in the loss or significant harm to the community value of the following community facilities will not be supported unless; it can be demonstrated that the service or facility is no longer viable, <u>further to evidence of 12 months active marketing</u>, or is no longer required by the community; or the building or facility is replaced by an equivalent or better provision in terms of quantity and quality in an equally suitable location</p> <ol style="list-style-type: none"> 1. Royal Oak Public House. 2. Peacock Public House. 3. Highwayman Public House. 4. Fox and Goose Public House. 5. Three Merry Lads Public House. 6. Brampton Old School. 7. Cutthorpe Institute. 8. Wadshelf Village Hall. 9. St Paul's Church, Old Brampton. <p><u>The improvement of existing and the creation of new community facilities will be supported, subject to development proposals demonstrating that they respect local character and residential amenity and do not result in harm to highway safety.</u></p> <p>Small scale proposals to enhance the provision of community buildings will be supported where it can be demonstrated that:</p> <ol style="list-style-type: none"> a) it will meet an identified local (parish) need; b) it is appropriate in its location, scale and design and would not be detrimental to the character and appearance of the landscape or the built environment; and c) the amenities of neighbouring properties will not be adversely affected through the nature of the use, noise or traffic generated. 	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Para 136, p34</p> <p>To plan positively (para 93) and align with para 16 of NPPF</p>

	Small scale proposals to enhance the recreational and community value of Linacre Reservoirs will be especially supported and encouraged, where sympathetically located and designed.		
Para 196	196. The designation of a community facility as an Asset of Community Value provides the opportunity <u>for the community to bid to purchase it should it be listed for sale.</u> to give it added protection from inappropriate development.	Agree with proposed modification	Para 143, p35 For clarity and accuracy
Para 201	201. The inclusion of a specific policy in a neighbourhood plan with respect to Assets of Community Value provides the opportunity to give it formal recognition in the planning system. It ensures that the Listing of an Asset of Community Value is a material consideration (i.e., it must be taken into account) when determining a planning application.	Agree with proposed modification	Para 143, p35 For clarity and accuracy
Policy B11 ASSET OF COMMUNITY VALUE	Development proposals that support the longevity, appreciation and community value of an Asset of Community Value will be encouraged. Development proposals for a change of use that would result in the loss of an Asset of Community Value will only be supported where it is demonstrated the asset is no longer viable or no longer required by the community; or the asset is replaced by an equivalent or better facility in terms of quantity and quality in an equally suitable location. <u>PARISH ACTION 2: ASSETS OF COMMUNITY VALUE.</u> <u>The Parish Council will seek to encourage development that supports the longevity, appreciation and community value of Assets of Community Value.</u>	Agree with proposed modification	Para 143, p35 To align with para 16 of NPPF
Policy B12 BROADBAND AND OTHER TELECOMMUNICATIONS PROVISION	<u>The development of enhanced broadband and other telecommunications equipment will be supported where such provision is sympathetically located and designed.</u> Small scale development proposals that support and/or provide enhanced broadband and other telecommunications infrastructure provision will be encouraged, where they are sympathetically located and designed.	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	Para 148, p36 To align with para 16 of NPPF

Policy B13 HIGHWAY AND PEDESTRIAN SAFETY	<p><u>Development must not harm highway safety and development in Cutthorpe village should not result in the loss of existing car parking provision.</u></p> <p>To be supported, development proposals must demonstrate they will not adversely affect vehicular or pedestrian safety and not result in severe adverse cumulative traffic impacts.</p> <p>Development proposals that incorporate design features to improve localised issues of vehicular and pedestrian safety and movement will be supported where those design features are appropriately located and do not harm the local character.</p> <p>Development proposals that result in a reduction in car parking provision in Cutthorpe village will not be supported except where adequate and suitable replacement car parking provision is provided on or adjacent to the site or a nearby suitable location in the village.</p>	n/a to PDNP	<p>Para 155, p38</p> <p>To align to para 44 and 57 of NPPF</p>
Policy B14 FOOTPATHS, CYCLE PATHS AND BRIDLEWAYS	<p>The improvement and expansion of the existing network of footpaths, cycle paths and bridleways will be supported. Priority will be given to those that extend and join the existing network. Development proposals should protect and, wherever possible, enhance footpaths, cycle paths and bridleways.</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Para 159, p39</p> <p>To align with para 16 of NPPF</p>
Policy B15 ULTRA-LOW EMISSIONS VEHICLE INFRASTRUCTURE Page number	<p><u>The development of charging points for Ultra-Low Emission Vehicles and e-bikes will be supported.</u></p> <p>Development proposals that include the provision of Ultra-Low Emission Vehicle and e-bike charging points will be supported, where they are sympathetically located and designed.</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Para 164, p40</p> <p>To align with para 16 of NPPF</p>

Other matters	<p>245. The Plan will be monitored by the Parish Council in conjunction with NEDDC and PDNPA on at least an annual basis. The policies and measures contained in the Plan will form the core of the monitoring activity, but other data collected and reported at the parish level relevant to the delivery of the Plan will also be included.</p> <p><u>Other modifications</u> Update the Contents, Policy, Page, Paragraph and Plan numbering to take into account the recommendations contained in this Report</p>	Agree with proposed modification	Para 167, p41
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Brampton Neighbourhood Plan 2017-2034

DECISION STATEMENT

IN ACCORDANCE WITH REGULATION 18 OF THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (AS AMENDED)

Date: XXXXXXXX

Summary

Following the Examination of the Brampton Neighbourhood Plan and the receipt of the Examiner's Report, Peak District National Park Authority ('The Authority') accepts the modifications to the Plan as recommended by the Examiner. The Plan, as modified in accordance with the attached table, will then proceed to referendum.

The area for the referendum boundary should be the Neighbourhood Area as designated by the Peak District National Park Authority on 13 July 2018 and by North East Derbyshire District Council on 22 June 2018, under paragraph 61F of the Town & Country Planning Act 1990.

Background documents can be viewed on North East Derbyshire District Council's website at:

[Neighbourhood Planning - North East Derbyshire District Council \(ne-derbyshire.gov.uk\)](https://www.derbyshire.gov.uk/neighbourhood-planning)

To meet the requirements of the Localism Act 2011 a referendum will be held in the area formally designated as the Brampton Neighbourhood Area. The referendum will pose the question "*Do you want North East Derbyshire District Council and the Peak District National Park Authority to use the Neighbourhood Plan for Brampton to help them decide planning applications in the neighbourhood area?*"

If approved at referendum, Brampton Neighbourhood Plan will form part of the statutory development plan and will be used by the Authority, alongside the Core Strategy and Development Management Policies, for determining applications for development within that part of Brampton Neighbourhood Area that is within the National Park.

Background

The Brampton Neighbourhood Development Plan ('the Plan') relates to the area designated by North East Derbyshire District Council (on 22 June 2018) and the Peak District National Park Authority (on 13 July 2018) as a neighbourhood area.

The Pre-Submission Brampton Neighbourhood Plan underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') between 24 January 2022 to 21 March 2022.

Brampton Parish Council submitted a draft plan to the Authority and NEDDC on 12 October 2022. The submitted Plan was publicised under Regulation 16, and representations were invited between 1 February and 16 May 2023.

Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed by NEDDC with the consent of the Authority and Brampton Parish Council to undertake the examination of the Plan, and to prepare a report of the independent examination. The examination was conducted through written representations.

The Examiner's report was received on 7 August 2023. It concludes that the Brampton Neighbourhood Plan, subject to recommended modifications, meets the basic conditions set out in the legislation and can proceed to referendum.

Decision

The Regulations require that the Local Planning Authorities publish how they intend to respond to the Examiner's recommendations.

The Authority has considered each of the recommendations made in the Examiner's Report, the reasons for them, and has decided to accept modifications to the draft plan as set out in Appendix 1 of this Decision Statement. These changes are necessary to ensure that the draft plan meets the basic conditions and legal requirements. The same decision has been approved at NEDDC's Cabinet on 21 September 2023.

The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in Appendix 1 are considered to necessitate revisiting any of these assessments.

NEDDC and the Authority agree:

- 1) a formal decision statement is published detailing the response to the Examiner's recommendations within his report
- 2) following the inclusion of the Examiner's recommended modifications into the Plan (as set out in Appendix 1), it is approved that the Plan meets the Basic Conditions such that it can proceed to a referendum;
- 3) the referendum boundary is approved and will cover the designated Brampton Neighbourhood Area only; and
- 4) NEDDC's Electoral Services Manager be instructed to conduct a referendum on the Plan.

12. APPROVAL OF WHALEY BRIDGE NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM (CW)

1. Purpose of the report

To consider the recommendations set out in the report by the independent examiner of Whaley Bridge Neighbourhood Plan and decide how to proceed.

Key Issues

The Authority has been working with High Peak Borough Council (HPBC) to support Whaley Bridge Neighbourhood Forum to write a Neighbourhood Plan for Whaley Bridge Neighbourhood Area, which straddles the boundary of the two planning authorities. HPBC is the lead authority.

In accordance with Regulations an independent examination of the submission version of the Whaley Bridge Neighbourhood Plan has taken place and an Examiner's report has been submitted to HPBC and the Authority. This decision will ensure that the Authority meets its legal requirements under paragraph 12 of schedule 4b of the Town and Country Planning Act 1990, to consider the Examiner's report and determine if Whaley Bridge Neighbourhood Plan should proceed to referendum. The same decision will be considered by HPBC's Committee on 25th October 2023.

Appendix 1 sets out all of the examiner's proposed modifications, and an officer assessment and recommendation regarding whether to accept the proposed modification.

2. Recommendations(s)

That members, in accordance with paragraph 12 of Schedule 4B of the 1990 Town and Country Planning Act:

- **approve that following the inclusion of the Examiner's recommended modifications into the Plan (as set out in Appendix 1), the plan meets the basic conditions such that it can proceed to a referendum;**
- **approve publication of a formal Decision Statement detailing the Authority's response to the Examiner's recommendations (Appendix 2);**
- **determine that the referendum boundary will cover the designated Whaley Bridge Neighbourhood Area only.**

How does this contribute to our policies and legal obligations?

3. This is a legal obligation for the Authority and for High Peak Borough Council (HPBC) under the Town and Country Planning Act 1990 (as modified). The same decision will be recommended to HPBC's Committee on 25 October 2023.
4. This process contributes to the Authority Plan 2023-28 which aims for PDNP communities that are thriving and sustainable places, where all generations can live healthy and fulfilled lives.

Background Information

Process to date

5. The Whaley Bridge Neighbourhood Development Plan ('the Plan') relates to the area designated by High Peak Borough Council (on 24 October 2013) and the Peak District National Park Authority (on 13th September 2013). The draft plan and associated documents were submitted to HPBC and PDNPA on 13 December 2022 and approved for Regulation 16 consultation and examination. The Regulation 16 consultation took place between 12 May and 22 June 2023.
6. An independent examiner, Christopher Collison BA (Hons) MBA MRTPI MIED IHBC ('the Examiner'), was appointed by HPBC in consultation with the PDNPA and Whaley Bridge Town Council. Examination of the plan took place between July and August 2023, and was conducted by written representations. The Examiner considered all the policies and the supporting text within the plan. The Examiner's final report was received on 1 September 2023.
7. The role of the Examiner is to assess whether a Neighbourhood Plan meets 'basic conditions' and other matters set out in Paragraph 8 of Schedule 4b of The Town And Country Planning Act 1990 (as applied to Neighbourhood Plans by section 38a of the Planning and Compulsory Purchase Act 2004) and to recommend whether the plan should (with or without modifications) proceed to a referendum. Only a plan that meets each of the basic conditions can be put to referendum and made.
8. The 'basic conditions' for a Neighbourhood Plan are:
 - having regard to national policy, it is appropriate to make the plan;
 - the plan contributes to the achievement of sustainable development;
 - the plan is in general conformity with the strategic policies contained in the development plan for the local area;
 - the plan does not breach and is compatible with EU obligations;
 - the plan meets human rights requirements.
9. The Examiner must also consider whether the plan complies with provisions under sections 38a and 38b of the Planning and Compulsory Purchase Act 2004 (as amended). These are:
 - it has been prepared and submitted for examination by a qualifying body;
 - it has been prepared for an area that has been properly designated (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area.
10. The Examiner also considers whether the referendum boundary should be extended beyond the designated area should the plan proceed to referendum, and any other

prescribed matters.

11. In the report the examiner must make one of the following recommendations :
- the neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements;
 - the neighbourhood plan can proceed to a referendum subject to modifications;
 - the neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
12. The role of the two planning authorities is then to decide what action to take in response to the Examiner's report and recommendations, and to formalise this response by publishing a Decision Statement.

Consideration of the Examiner's report and proposed modifications

13. On Page 55 of the Examiner's report ('Conclusion and Referendum') he concludes that, subject to the modifications recommended in the report, he is satisfied that the plan has been prepared in accordance with statutory requirements and processes outlined within the report.
14. The Examiner concludes in para 187 that subject to his proposed modifications the plan meets the basic conditions and all the necessary legal requirements, and should be submitted for referendum.
15. The Examiner in his report has provided specific modifications to policies and supporting text so that as modified, the plan meets basic conditions. Each of the modifications recommended for this plan to meet the basic conditions is set out in Appendix 1.
16. Representatives from Whaley Bridge Neighbourhood Forum and officers from HPBC and PDNPA have considered the proposed modifications and the reasons for them, and agree that the plan should be modified in accordance with the Examiner's recommendations. This consideration is also set out in Appendix 1.
17. The Strategic Environmental Assessment screening report and Habitats Regulations Assessment screening report undertaken on a Regulation 14 pre submission version of the plan remain valid for the plan as modified in accordance with the examiner's recommendations. See Examiner report paragraphs 47-51.
18. Subject to the Examiner's modifications being made, the plan meets the basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended), is compatible with Convention Rights, and meets the requirements of paragraph 8(1) of schedule 4b to the Town and Country Planning Act (as amended). It is recommended that the Authority accepts all of the Examiner's recommended modifications to the draft plan and that the modified plan proceeds to referendum.

Decision Statement

19. Regulation 18(2) states that the Authority must publish the actions which will be taken in response to the recommendations of the Examiner. This is known as a 'Decision Statement'. A draft Decision Statement is at Appendix 2. It is recommended that the Decision Statement is published on the Authority's website as soon as possible after this report is agreed and in such other manner as is likely to bring the plan to the attention of people who live, work or carry on business in the neighbourhood area in

accordance with Regulation 18.

Referendum boundary

20. The referendum area must be, as a minimum, the Whaley Bridge Neighbourhood Area. If the planning authorities consider it appropriate, the area may be extended. In making a report the Examiner is required to consider whether the referendum boundary should be extended, and the authorities must consider any Examiner recommendation in making their decision.
21. The Examiner makes his recommendation on the referendum boundary at paragraph 188 in his report. He concludes that the referendum area should not be extended beyond the designated Neighbourhood Area.
22. For this reason, it is recommended that the boundary for the referendum should be the neighbourhood area boundary as formally designated on 13 September.

Referendum

23. The Neighbourhood Planning (referendums) Regulations 2012 (as amended) require that the referendum is normally held within 56 days of the date on which the decision that the referendum must be held is made, unless the local authority and neighbourhood forum agree that the referendum does not need to be held by that date.
24. Following the referendum, if more than 50% of those voting vote 'yes', then the plan must be 'made' within 8 weeks of the referendum. A further report to committee will be made at that stage.

Legal issues

25. The role of the Authority at this stage is to decide what action to take in response to the Examiner's report and any other prescribed matters. It is guided by Regulation 18 of the Neighbourhood Plan (general) Regulations 2012 (as amended). This states that before publishing its Decision Statement the council must consider the following.

1) Whether to decline to consider a plan proposal under Paragraph 5 of Schedule 4b to the 1990 Act.

There are no grounds to decline to consider the plan under paragraph 5. There are no previous plan proposal submissions or repeat proposals for this neighbourhood area. The Examiner also reached this conclusion, see examiner report paragraph 9.

2) Whether there are reasons to refuse a plan proposal under Paragraph 6 of Schedule 4b to the 1990 Act. Paragraph 6 says the Authority must consider:

- whether the qualifying body (Whaley Bridge Town Council) is authorised to act in relation to the neighbourhood area concerned as a result of section 61f of the 1990 Act.

The plan has been produced by the Whaley Bridge Town Council who are a qualifying body able to prepare a Neighbourhood Plan, in respect of the Neighbourhood Area (see Examiner report paragraph 3).

- whether the proposal by Whaley Bridge Neighbourhood Forum complies with provision made by or under that section, in this case the Planning and

Compulsory Purchase Act 2004, Section 38b (1) , which says:

A neighbourhood development plan must specify the period for which it is to have effect. *This is set out in the title of the plan. The period of the plan is 2022-2032 (see Examiner report paragraphs 19).*

A neighbourhood development plan may not include provision about development that is excluded development. *The plan does not contain any policies relating to excluded development. The Examiner agrees, see Examiner report paragraph 18.*

A neighbourhood development plan may not relate to more than one neighbourhood area. *The plan does not relate to more than one neighbourhood area and there is no other neighbourhood development plan in place within this neighbourhood area (see Examiner report paragraph 17).*

3) What action to take in response to the recommendation of an examiner made in a report under Paragraph 10 of Schedule 4b to the 1990 Act (considered above), and what modifications, if any, they are to make to the draft plan under paragraph 12(6) of schedule 4b to the 1990 Act. Paragraph 12(6) sets out the modifications that the examiner can recommend be made to a neighbourhood plan proposal. It also states that if the Authority can make modifications to a neighbourhood plan to enable that plan to meet the 'basic conditions' or for the purposes of correcting errors, then it must make those modifications rather than refuse a plan proposal. The Authority must consider, under part (d), whether there are any other modifications which are required to ensure the basic conditions are met, to ensure the plan is compatible with convention rights, to ensure the requirements of legislation are met, or to correct errors.

No other modifications, further to those recommended by the examiner, are necessary.

4) Whether to extend the area to which the referendum (or referendums are) to take place.

An extension to the referendum area is not required.

26. If the local authority is not satisfied that the plan meets the basic conditions, and/or is not compatible with Convention Rights or any other requirements of legislation are not met then they must refuse the plan.

There are no reasons to refuse the plan.

Are there any corporate implications members should be concerned about?

Financial:

27. There are implications for PDNPA staff time in assisting with making the modifications to the plan and publicising the decision statement. High Peak Borough Council will undertake the referendum and apply for the £20k 'extra burdens' payment once the plan is approved for referendum. This will be used to pay for the examination and referendum. If any of this funding remains unspent it will be split between the 2 planning authorities at a ratio to be agreed by the heads of planning.

Risk Management:

28. The steps that the Authority is taking to respond to the submission of Whaley Bridge

Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is low.

Sustainability:

29. Sustainability issues are fully considered in the neighbourhood planning process

Equality:

30. Equality issues are fully considered in the neighbourhood planning process

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

[Whaley Bridge Neighbourhood Plan Regulation 15 Draft Submission Version](#)

Whaley Bridge Neighbourhood Plan Examiners Report

32. **Appendices**

Appendix 1 - Neighbourhood Plan policies with recommended modifications

Appendix 2 - Decision Statement

Report Author, Job Title and Publication Date

Clare Wilkins, Communities Policy Planner, 28 September 2023

Appendix 1: Whaley Bridge Neighbourhood Plan Policies with Examiner's recommended modifications

Policy reference and page number	Policy wording with Examiner's modifications	PDNP assessment	Modification reference as per Examiners report and reason for modification
Section 3.6 (p75)	<ul style="list-style-type: none"> Mitigation for heavy traffic use on primary routes such as Buxton Road (Whaley Bridge) and the A6 (i.e. air quality improvement measures) <u>where the latest evidence confirms expansion is necessary.</u> 	Agree with proposed re-wording	Mod 1 (Page 17) To meet basic conditions
WB-G1 Town centre and economy (p22)	<p>1. Retail, restaurants, cafes, cultural uses, visitor facilities or recreational uses and other uses open to the public. <u>Proposals for main Town Centre uses (as defined in Annex 2 of the National Planning Policy Framework)</u> will be supported within the defined Town Centre (see plan 'Defined Town Centre' on page 24). This includes changes of use from residential.</p> <p>2. Cultural uses, visitor facilities or recreational uses will be supported in accessible locations outside of the Town Centre, providing:</p> <ul style="list-style-type: none"> a. it can be demonstrated that they cannot be accommodated within the Town Centre; b. it is not within the Peak District National Park; and c. there is no significant adverse impact on the amenities of residential properties or the open character of the countryside. <p>3. Live/work units will be supported within the defined Town Centre, providing the ground floor street frontage unit(s) remains in use(s) open to the public, including retaining shopfronts.</p> <p>Other modifications</p>	Policy does not relate to PDNP.	Mod 2 (Page 28) To meet basic conditions

	In the Interpretation section delete the second sentence.		
WB-G2 Community Facilities (p25)	<p>1. Community facilities and other uses open to the public will be supported within the defined Town Centre (see plan 'Defined Town Centre' on page 24). This includes changes of use from residential. 2. Community facilities will be supported in accessible locations outside of the Town Centre, providing:</p> <ul style="list-style-type: none"> a. it can be demonstrated that they cannot be accommodated within the Town Centre; b. it is not within the Peak District National Park; and c. there is no significant adverse impact on the amenities of residential properties or the open character of the countryside. <p><u>2. In the part of the Neighbourhood Area not in the Peak District National Park and outside the Town Centre community facilities will be supported:</u></p> <ul style="list-style-type: none"> <u>a. in locations that are accessible for users;</u> <u>b. where there is no significant adverse impact on the amenities of residential occupiers, or on the open character of the countryside; and</u> <u>c. where the scale of development is consistent with the role of Whaley Bridge as a market town, Furness Vale as a larger village, and the other settlements as part of the other rural area.</u> <p>3. The loss of existing community facilities will only be supported where a similar or better facility is provided in close proximity <u>or available in an equally accessible location for users</u>, or it can be demonstrated that the use is no longer viable or no longer required.</p> <p>4. Outdoor spaces that support outdoor community events should be retained, in the following locations <u>identified on the maps on page 26 of the Neighbourhood Plan:</u></p> <ul style="list-style-type: none"> • Yard to the west of the Whaley Bridge Canal Transhipment Shed; • Community car space to the north of the White Hart car park; • Whaley Bridge Bowling Club car park and green; • Whaley Bridge Cricket Club pitch and adjoining spaces; • Whaley Bridge Sports Pavilion; 	Agree with proposed re-wording – policy in general conformity with PDNP strategic policy.	Mod 3 (Page 30) To meet basic conditions

	<ul style="list-style-type: none"> • Furness Vale Bowling Club; • Furness Vale COGS Field; • Memorial Park. <p>Other modifications</p> <p>In the Interpretation section refer to the scale of development being consistent with the strategic settlement hierarchy set out in Local Plan Policy S2 where Whaley Bridge is defined as a market town, Furness Vale as a larger village, and the other settlements as part of the other rural area. In the Interpretation section refer to this policy augmenting High Peak Local Plan Policy CF5.</p> <p>In the Interpretation section state that within the Peak District National Park the policies of the Peak District National Park Local Development Framework Core Strategy Development Plan Document - Adopted October 2011, and the Development Management Policies Part 2 of the Local Plan for the Peak District National Park - Adopted May 2019 will apply. Draw attention to Core Strategy Policy HC4 which outlines the policy route for community facilities within the National Park and Development Management Policy DMS2 which outlines marketing requirements, working with community and exploring other community uses before a community use is lost.</p>		
WB-G3 Residential Development (p27)	<p>1. Residential development outside of the Peak District National Park will be supported <u>within the defined Whaley Bridge Built-up Area boundary, identified on the map on page 12 of the Neighbourhood Plan, however within the Whaley Bridge defined Town Centre boundary, identified on the map on page 24 of the Neighbourhood Plan, proposals must provide street-frontage ground floor units in uses open to the public.</u> for the following locations, subject to meeting the requirements of other policies in this Neighbourhood Plan:</p> <p>a. within the defined Whaley Bridge settlement boundary;</p> <p>b. within the defined Town Centre, providing street-frontage ground floor units are in uses open to the public;</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	Mod 4 (Page 36) To meet basic conditions

	<p>c. brownfield sites; d. infill sites in the form of gaps in existing substantially built-up frontages.</p> <p>2. Residential accommodation suitable for older people and those with limited mobility will be supported in suitable locations, taking account of <u>access to shops and services and</u> local topography.</p> <p>3. Self-build housing and community-led housing are encouraged, subject to meeting other requirements of this Neighbourhood Plan <u>will be supported where they meet local housing needs.</u></p> <p>4. All new dwellings must include screened storage for bins and recycling, located away from the street frontage.</p> <p>5. All new dwellings must include secure, covered cycle storage, proportionate in capacity to the size of the property, meeting the requirements of Policy WB-T1.</p> <p>Other modifications</p> <p>On the map on page 12 of the Neighbourhood Plan replace “Urban Area” with “Whaley Bridge Built-up Area boundary”.</p> <p>Replace the first paragraph of the Interpretation section with: “The Policy sets out an additional level of detail relating to sustainable locations for residential development identified in adopted High Peak Local Plan Policy H1. Reference should continue to be made to Policy H1 of the adopted High Peak Local Plan with respect to the location of housing development, and to Policy H2 of the adopted High Peak Local Plan with respect to sites allocated for residential development. Flood risk requirements are dealt with by Policy EQ11 of the adopted High Peak Local Plan. Parts of Whaley Bridge fall within flood zones 2 and/or 3 and therefore any proposals will need to follow the requirements of both the NPPF and Policy EQ11.</p>		
WB-H1 Heritage (p31)	<p>1. <u>Extensions to historic buildings will be supported where: they are of a size in proportion to the original building; their design and materials are high quality; and they complement the character of the original</u></p>	Agree with proposed re-wording – in	Mod 5 (Page 38)

	<p><u>building. This includes support for creative and green interventions that complement the character of the original building. Proposals for alterations to a heritage asset will be informed by a heritage statement that clearly describes the significance of the asset including the contribution that the setting makes to its significance.</u> Extensions to historic buildings will be supported where they are of high quality and complement the character of the original building. This includes support for creative or green interventions that complement the character of the original building.</p> <p>2. The reinstatement of <u>historic</u> shop fronts or original features that have previously been lost will be supported.</p> <p>3. New or replacement shopfronts must be designed to complement the character of the building in question, including retention of historic features.</p> <p>4. Development should preserve or <u>not adversely affect, and where possible</u> enhance the Shallcross Incline, including its immediate landscape setting.</p> <p>Other modifications In the Interpretation section insert the point that Policy WB-H1 is intended to augment High Peak Local Plan Policy EQ7.</p>	general conformity with PDNP strategic policy.	To meet basic conditions
WB-H2 Peak Forest Canal (p33)	<p>1. Development must not encroach into the canal waterway or towpath, unless this is essential for the operation and management of the canal.</p> <p>2. Development adjacent to the canal corridor will be supported where it would promote, or cause no harm to:</p> <ul style="list-style-type: none"> • the recreational and other uses of the canal and towpath, including as a sustainable route for walking; • the ecology, wildlife habitats and biodiversity of the canal corridor. <p>3. Development must not harm amenity, setting, safety or accessibility of the canal or towpath. Opportunities should be taken to</p>	Policy does not relate to PDNP.	No modifications proposed.

	<p>enhance the amenity, setting, safety and accessibility of the canal and towpath.</p> <p>4. Positive and active frontages must be provided to face the canal corridor. Servicing areas must be located away from the canal frontage and be screened.</p>		
WB-H3 Transshipment Shed and Canal Basin (p35)	<p>1. The Transshipment Shed building, Canal Basin and setting are key heritage assets in the area (see defined area on Transshipment Shed and Canal Basin plan on page 36) and their continuing use and development for community uses and as a visitor facility will be supported, where it preserves or enhances their heritage significance.</p> <p>2. Development adjacent to the defined area of the Transshipment Shed should preserve or enhance and cause no harm to its setting or links and access to the site</p>	Policy does not relate to PDNP.	No modification proposed
WB-E1 Sustainable Design (p41)	<p>1. Development must <u>should</u> be well-designed, locally distinctive to Whaley Bridge and sustainable, meeting the following requirements of this policy <u>where they are appropriate and necessary and</u> in a way that is proportionate to the nature and scale of the development.</p> <p>2-<u>a</u>. Development must <u>should</u> complement the townscape character and topography of the site and context and wider Whaley Bridge area in terms of scale, height, massing, roofscape, set-back from the road, spacing of properties, and the pattern of front and rear gardens.</p> <p>3-<u>b</u> Development should <u>seek to</u> enhance the architectural diversity of the area, avoiding excessive uniformity.</p> <p>4-<u>c</u> Schemes should incorporate high quality and well-functioning green infrastructure and public realm <u>appropriate to the scale of development</u> as an integral part of the design and layout.</p> <p>5-<u>d</u>. The layout of development must <u>should</u> prioritise pedestrian and cycle convenience, permeability, and safety, including by providing connections to surrounding paths.</p> <p>6-<u>e</u>. The design and layout of development should present active frontages to streets and spaces, to provide natural surveillance.</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Mod 6 (Page 42)</p> <p>To meet basic conditions</p>

	<p>Development that presents extensive blank elevations or enclosures to streets and spaces will not be supported.</p> <p>7.f. The use of local, recycled or low-embodied-energy materials will be supported.</p> <p>8.g. <u>Design solutions will not be prevented purely because they are innovative or creative.</u> Innovative and creative design solutions for new build or extensions are encouraged, especially where they incorporate superior environmental performance. This includes new build or extensions in the conservation area or affecting listed buildings, where the requirements of WB-H1 are met.</p> <p>9. <u>Development proposals that include positive design features to reduce carbon impact will be supported.</u> Development must include positive design features to reduce carbon impact.</p> <p>Other modifications</p> <p>In the penultimate paragraph of the Interpretation commence the paragraph with “Not all of these matters will be relevant to the determination of a planning application.” and replace “need to” with “may”</p>		
WB-E2 Minor Villages and Rural Settlements (p43)	<p>1. Development in <u>the Taxal character area identified on the map on page 45 of the Neighbourhood Plan</u> must complement its character as a small rural hamlet, taking account of the following key characteristics:</p> <ul style="list-style-type: none"> • Taxal Church as a focal point; • Building clusters; • Narrow rural lanes, often without pavements; • Combination boundary treatments comprising hedges and mature trees or low-stone walls; • Mix of one and two storey typical heights; • Stone buildings. <p>2. Development in <u>the Fernilee character area identified on the map on page 45 of the Neighbourhood Plan</u> must complement its</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	<p>Mod 7 (Page 44)</p> <p>To meet basic conditions</p>

	<p>character as a small rural village, taking account of the following key characteristics:</p> <ul style="list-style-type: none"> • Fernilee Church as a focal point; • Loose low-density layout based on larger detached properties and short rows of terraced housing; • Gaps in the built form, allowing views to the wider landscape; • Stone buildings. <p>3. Development in <u>the Horwich End character area identified on the map on page 46 of the Neighbourhood Plan</u> must complement its character, taking account of the following key characteristics:</p> <ul style="list-style-type: none"> • Properties at the rear of the pavement or set back from the edge of pavement behind small front courts; • Terraced housing following the contours/topography of the land; • Typically, stone or stone fronted buildings and brick; • Low stone boundary walls; • Predominantly two-storey to the road frontages, some with three storeys to the rear due to topography. <p>4. Development in <u>the Bridgemont character area identified on the map on page 46 of the Neighbourhood Plan</u> must complement its character, taking account of the following key characteristics:</p> <ul style="list-style-type: none"> • Linear in form; • Predominantly two-storey to the road frontages, some with three storeys to the rear due to topography; • Properties set back from the edge of pavement behind small front courts or gardens; • Typically, stone buildings, with stone or slate roofs and chimneys. 		
WB-E3 Natural Environment (p47)	<p>1. Development must preserve or enhance and not harm the rural and open landscape character of the area, including the Peak District National Park and its setting.</p> <p>2. Development must enhance and have no <u>should seek to minimise</u> adverse impact on the area's extensive tree canopy and woodlands. <u>Development resulting in the loss or deterioration of ancient woodland</u></p>	Agree with proposed re-wording – in general conformity with PDNP	<p>Mod 8 (Page 46)</p> <p>To meet basic conditions</p>

	<p><u>identified on the Map on page 48 of the Neighbourhood Plan will only be supported if wholly exceptional reasons are demonstrated and a suitable compensation strategy is proposed.</u></p> <p>3. Development should have no overall <u>avoid</u> adverse impact on ecology, wildlife habitats or biodiversity. <u>Development proposing unavoidable harm to biodiversity must achieve adequate mitigation or as a last resort compensation.</u> Any specific adverse impacts should be balanced by positive features in development to enhance ecology and wildlife habitats.</p> <p>4. Development should take <u>proposals should demonstrate they pursue</u> opportunities to enhance Whaley Bridge's ecology and wildlife habitats and must create biodiversity net gain.</p> <p>5. For trees and planting, native species that occur locally or other species with high bio-diversity value should be used, taking account of bio-security.</p> <p>Other modifications Improve the resolution of the maps presented on pages 48 and 49 of the Neighbourhood Plan</p>	strategic policy.	
WB-E4 Rural and Landscape Character (p50)	<p>1. Boundary treatments must <u>should</u> complement the rural and historic character of the area and support will be given to boundary treatments comprising native species hedges, stone walls or other local vernacular materials.</p> <p>2. Development <u>of new buildings or large extensions to existing buildings</u> on the edge of settlements must <u>should</u> include landscaping and natural boundary treatments to create a soft transition between the built and rural areas.</p> <p>3. Development must <u>should</u> take account of the area's topography and avoid harmful visual impacts on the wider rural area, including long-distance views. <u>Development proposals that are likely to affect the long-distance views identified on the map on page 51 of the</u></p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	Mod 9 (Page 47) To meet basic conditions

	<p><u>Neighbourhood Plan must demonstrate how the form and layout of the development have considered those long-distance views.</u></p> <p>4. Development <u>of new buildings or large extensions to existing buildings</u> should take opportunities to enhance and have no <u>have no significant</u> adverse impact on views along the Goyt Valley.</p> <p><u>5. Development must preserve or enhance and not harm the rural and open landscape character within the Peak District National Park and its setting.</u></p>		
WB-E5 Local Green Spaces (p52)	<p>1. The following spaces <u>that are identified on the maps presented on the maps below</u> are designated as Local Green Space:</p> <p>LGS1: Roosdyche, New Horwich Road</p> <p>LGS2: Whaley Bridge Linear Park</p> <p>LGS3: Fernilee Chapel churchyard, Elnor Lane</p> <p>LGS4: Shallcross Wood</p> <p>LGS5: Furness Vale Bowling Green, Sports Court and Playground</p> <p>LGS6: Whaley Bridge Cricket Pitch, New Horwich Road</p> <p>LGS7: Shallcross Incline Greenway, Shallcross Road</p> <p>LGS8: Taxal Churchyard, Whiteleas Road</p> <p>LGS9: Whaley Bridge Incline</p> <p>LGS10: Brookfield Pond, Reservoir Road</p> <p>LGS11: Wooded area to north of Jodrell Road Play Area, Jodrell Road</p> <p>LGS12: Land to the north of Meadowfield, Stoneheads Rise</p> <p>LGS13: Furness Vale School Garden, Coachman's Lane</p> <p>LGS14: Green at centre of Orchard Road, Orchard Road</p> <p>LGS15: Carr Field Horwich End, Buxton Road</p> <p>LGS16: Taxal Beeches, Taxal Moor Road</p> <p>2. <u>The designated areas will be protected from development in a manner consistent with the protection of land within the Green Belt.</u></p> <p>Development must not encroach onto Local Green Space or harm its community value amenity, accessibility or safety, except in exceptional circumstances and where:</p>	Agree with proposed re-wording – in general conformity with PDNP strategic policy.	Mod 10 (Page 52) To meet basic conditions

	a. it comprises very small scale development; b. it relates directly to the community value and use of the space; c. it does not harm the open or green character of the space.		
WB-T1 Transport and Movement (p73)	<p>1. Development should be served by a balanced provision of transport, including sustainable options, meeting the following requirements of this policy, proportionate to the number and nature of journeys generated.</p> <p>2-a. Layouts should provide pedestrian and cycle connections to surrounding public transport routes, also meeting the requirements of Policy WB-E1.</p> <p>3-b. <u>Proposals for new homes or employment development should either include on-plot secure covered storage for cycles proportionate to the scale of development or demonstrate why such facilities are not required.</u></p> <p>Secure, covered storage for cycles must be provided for all new dwellings, proportionate to the scale of the property, and where new employment space is being created.</p> <p>4-c. The design of the footpaths and the public realm should take account of the needs of people of varying levels of mobility, including older people and those with disability.</p> <p>5-d. A mix of parking provision should be provided, taking account of local character, including curtilage spaces and garages, so that streets and the public realm are not dominated by parking.</p> <p>6-e. Proposals for all new development, including new homes, should include provision of infrastructure to facilitate installation of electric vehicle charging points.</p> <p>Electric vehicle charging points must be provided within development that provides new parking spaces, including for all new dwellings.</p> <p>7. Opportunities should be taken to alleviate traffic congestion and pollution.</p>	<p>Agree with proposed re-wording – in general conformity with PDNP strategic policy.</p>	<p>Mod 11 (Page 54)</p> <p>To meet basic conditions</p>

<p>WB-T2 Active Travel (p74)</p>	<p>1. Development must not encroach <u>should seek to avoid encroaching</u> onto the area's footpaths, cycleways or green and blue routes, including the Shallcross Incline, The Linear Park and Whaley Bridge Incline.</p> <p>2. Development adjacent to footpaths, cycleways or green routes must have no adverse impact on their safety, amenity or accessibility <u>unless adequate alternative routes or mitigation is provided.</u></p> <p>3. Development should take opportunities to create new links and access to footpaths, cycleways or green routes, including the canal towpath.</p>	<p>Agree with proposed re-wording – in general conformity with PDNP strategic policy.</p>	<p>Mod 12 (Page 55)</p> <p>To meet basic conditions</p>
<p>Minor corrections through document</p>	<ul style="list-style-type: none"> • Page 4 section 1.1 paragraph 4 after “Group” insert “was” • The last sentence of section 2.1 be amended to state “Peak District National Park 2011 and Development Management Policies (DMP) document 2019” • Page 22 Interpretation paragraph 2 sentence 2 replace “excepted” with “expected” <p>Modify policy interpretation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.</p>	<p>Agree with proposed re-wording</p>	<p>Mod 13 (Page 57)</p> <p>To ensure sufficient regard for national policy and is “clearly written and unambiguous</p>

Whaley Bridge Neighbourhood Plan 2022-2032

DECISION STATEMENT

IN ACCORDANCE WITH REGULATION 18 OF THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (AS AMENDED)

Date: XXXXXXXX

Summary

Following the Examination of the Whaley Bridge Neighbourhood Plan and the receipt of the Examiner's Report, Peak District National Park Authority ('The Authority') accepts the modifications to the Plan as recommended by the Examiner. The Plan, as modified in accordance with the attached table, will then proceed to referendum.

The area for the referendum boundary should be the Neighbourhood Area as designated by the Peak District National Park Authority on 13 September 2013 and by High Peak Borough Council on 24 October 2013, under paragraph 61F of the Town & Country Planning Act 1990.

Background documents can be viewed on High Peak Borough Council's website at:

[Whaley Bridge and Furness Vale Neighbourhood area - High Peak Borough Council](#)

To meet the requirements of the Localism Act 2011 a referendum will be held in the area formally designated as the Whaley Bridge Neighbourhood Area. The referendum will pose the question "*Do you want High Peak Borough Council and the Peak District National Park Authority to use the Neighbourhood Plan for Whaley Bridge to help them decide planning applications in the neighbourhood area?*"

If approved at referendum, Whaley Bridge Neighbourhood Plan will form part of the statutory development plan and will be used by the Authority, alongside the Core Strategy and Development Management Policies, for determining applications for development within that part of Whaley Bridge Neighbourhood Area that is within the National Park.

Background

The Whaley Bridge Neighbourhood Development Plan ('the Plan') relates to the area designated by High Peak Borough Council (on 24 October 2013) and the Peak District National Park Authority (on 13 September 2013) as a neighbourhood area.

The Pre-Submission Whaley Bridge Neighbourhood Plan underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') between 20 May until 2 July 2022.

Whaley Bridge Neighbourhood Forum submitted a draft plan to the Authority and HPBC on 13 December 2022. The submitted Plan was publicised under Regulation 16, and representations were invited between 11 May and 22 June 2023.

Mr Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was appointed with the consent of the Authority and Whaley Bridge Town Council to undertake the examination of the Plan, and to prepare a report of the independent examination. The examination was conducted through written representations.

The Examiner's report was received on the 1 September 2023. It concludes that the Whaley Bridge Neighbourhood Plan, subject to recommended modifications, meets the basic conditions set out in the legislation and can proceed to referendum.

Decision

The Regulations require that the Local Planning Authorities publishes how they intend to respond to the Examiner's recommendations.

The Authority has considered each of the recommendations made in the Examiner's Report, the reasons for them and has decided to accept modifications to the draft plan as set out in Appendix 1 of this Decision Statement. These changes are necessary to ensure that the draft plan meets the basic conditions and legal requirements. The same recommendation will be considered at the HPBC Committee on 25 October 2023.

The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in Appendix 1 are considered to necessitate revisiting any of these assessments.

HPBC and the Authority agree:

- 1) a formal decision statement is published detailing the response to the Examiner's recommendations within his report
- 2) following the inclusion of the Examiner's recommended modifications into the Plan (as set out in Appendix 1), it is approved that the Plan meets the Basic Conditions such that it can proceed to a referendum;
- 3) the referendum boundary is approved and will cover the designated Whaley Bridge Neighbourhood Area only; and
- 4) HPBC's Electoral Services Manager be instructed to conduct a referendum on the Plan.

13. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 2023 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (July – September 2023).
2. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, the Head of Planning and Head of Law have joint delegated powers to authorise such action whereas authority not to take formal action is delegated to the Head of Planning, Monitoring & Enforcement Manager and Area Planning Managers.
3. The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to policies in the development plan and any other material considerations. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. When we take formal action it must be proportionate with the breach of planning control and be clear that resolving the breach would be in the public interest.
4. The National Planning Policy Framework states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. In March 2014 we published our Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be reported to the Authority, what matters may or may not be investigated and our priorities for investigation and action. It also outlines the tools that are available to us to resolve any breaches. The Local Enforcement Plan is available on the Authority's website.

RECOMMENDATION:

That the report be noted.

Summary of Activity

5. Notices issued

20/0141 343, Woodhead Road, Holme	Creation of vehicular access and parking area and associated change of use of land	Enforcement Notice issued 24 August 2023 – due to come into effect 27 September 2023
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Workload and performance

6. This section of the report summarises the team's performance over the last quarter. We have resolved 20 breaches in the quarter and so far this year have resolved 57 breaches, which means that we are almost on course to meet our annual performance target of 120 in the Service Delivery Plan. This represents a significant improvement as during the whole of the previous year (1 April 2022 – 31 March 2023) we resolved only 70 breaches. This improved performance is despite continuing issues with vacancies in the team. A full-time senior post has remained vacant since June 2021 and another part-time senior post has been vacant since March 2023, although since February 2023 a contractor has been engaged in that role on a 6 month contract for 3 days per week. One of the Monitoring and Enforcement Officers also left the Authority on 10 September 2023 and we are currently seeking to recruit a replacement.

7. Following investigation of enquiries we found 21 new breaches so the number of outstanding breaches at the end of the quarter has increased from 617 to 618. We are currently carrying out a major review of outstanding cases which it is anticipated will result in a significant reduction in cases over the next few months. More information will be provided in the next quarterly report in January 2024.
8. Our performance on dealing with enquiries has also been impacted by the vacancy issues with only 41% being investigated within 30 working days against our target of 80% in 2022/23. That increased to 50% in the quarter ending 30 June 2023 but has dropped back slightly to 46% in the latest quarter. The number of new enquiries received has dropped from 110 to 93 since the previous quarter. The number of enquiries outstanding at the end of the quarter has also reduced, from 232 to 223 – at the end of December 2022 the number outstanding was 300. Overall we would expect our performance to improve as the backlog is reduced but to a large extent that will depend on being able to fill the current Monitoring and Enforcement Officer vacancy.
9. The table below summarises the position at the end of the quarter (30 September 2023). The figures in brackets are for the previous quarter.

	Received	Investigated/Resolved	Outstanding At Year End
Enquiries	93 (110)	100 (124)	223 (232)
Breaches	21 (14)	20 (37)	618 (617)

10. Breaches resolved

18/0155 Ye Olde Nags Head Hotel Cross Street Castleton	Display of advertisement signs	Signs removed
22/0037 Hathersage Filling Station Main Road Hathersage	Display of advertisement signs	Retrospective consent granted
23/0022 Leadmill Trout Farm Leadmill Hathersage	Creation of a track and use of land as a caravan site with erection of associated structures	Caravan site use is permitted development. Not expedient to take action against track and associated structures
18/0137 Layby on A628 Opposite The Dog And Partridge Flouch	Siting of portacabin used as a cafe	Portacabin removed

18/0184 Calver BP Service Station Calver	Display of advertisement sign	Sign removed
21/0083 Booth Farm Kinder Road Hayfield	LISTED BUILDING – Internal and external alterations	Retrospective listed building consent granted
21/0101 Holmesfield Farm Mill Bridge Castleton	Use of land as campsite (including motor homes)	Operating within permitted development rights
19/0138 The Anchor Inn Tideswell	Display of advertisement signs	Signs removed
23/0045 The Cottage Main Road Little Hucklow	Demolition of rear extension in conservation area	Retrospective permission granted for demolition and a replacement extension
15/0133 Lindt and Sugacane Water Street Bakewell	Display of advertisement signs	Signs removed
21/0100 Hulleys Of Baslow Derwent Garage Calver Road Baslow	Breach of conditions with regard to permitted site area and number of buses operating	Conditions complied with and/or immune from enforcement action
20/0104 Barn to the rear of Bridge Cottage Edale Road Hope	Erection of timber dwelling	Temporary planning permission granted for 5 years
19/0121 Afe Way Bradford Youlgrave	Breach of conditions 2, 3 and 4 on NP/DDD/0518/0393 – replacement dwelling and garage	Section 73 approval granted

20/0113 Willow Farm Butterton Moor Bank Butterton	Non-compliance with condition 6 (removal of stables) on NP/SM/0815/0739	Duplicate record
22/0072 Land to the west of Hill End Farm Hollinsclough Rake Hollinsclough	Alterations to agricultural building including replacement roof slates and installation of roof lights and formation of access track	Not expedient to take enforcement action
21/0018 Field Behind Highclere The Wash Chapel-En-Le-Frith	Erection of timber stables	Planning permission granted for replacement stables
17/0126 Bradley Hall The Green Birchover	LISTED BUILDING – Installation of windows and internal alterations to form bathroom	Windows replaced with agreed design – consent granted for internal alterations
22/0014 Over Boothlow Farm Knowsley Hill Longnor	LISTED BUILDING – Non-compliance with approved plans in breach of condition 2 on NP/SM/0910/0964 and NP/SM/0910/0974 (Conversion of part of barns into holiday accommodation).	Breaches regularized by later consent and remedial works carried out
17/0042 Land near Coombes Tor, West of Cown Edge Farm, Glossop	Erection of fixed wireless broadband masts	Enforcement notice complied with – masts removed

11. Current High Priority Cases

15/0057 Land at Mickleden Edge, Midhope Moor, Bradfield	Laying of geotextile matting and wooden log 'rafts' to form a track	EN in effect – initial compliance period expired – Natural England consent obtained for works 30 May 2023 - officers seeking compliance
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17/0044 Woodseats Farm, Windy Bank, Bradfield Dale	External and internal alterations and extension to listed building, erection of lighting and CCTV columns and engineering works (including construction of hardstandings and tracks)	EN in effect with regard to engineering works, extension and erection of lighting and CCTV columns – applications seeking regularization of other works refused – officers considering further enforcement action
18/0062 Land at Cartledge Flat, Bradfield Moors	Creation of a track	EN in effect – compliance period expired - officers seeking compliance
19/0064 Alstonefield Hall, Church Street, Alstonefield	External and internal alterations to grade II* listed building	Applications for LBC to regularize works being considered
22/0040 Land at Cressbrook Dale (Otherwise known as Litton Frith Farm)	Construction of hardstanding/parking area, steps and a path and erection of tipi	Enforcement notice came into effect on 22 May 2023 – compliance period for removal of developments expired on 22 August 2023 so further action being progressed to secure compliance
21/0060 Home Farm Main Street Sheldon	Construction of track and hardstanding, erection of building, construction of timber sheds/structures, siting of caravans and conversion of building to residential dwellings	Application for injunction made – initial hearing held on 25 May 2023 – trial date listed for 5/6 December 2023

Report Author: Andrew Cook, Monitoring and Enforcement Team Manager

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14. MONTHLY PLANNING APPEALS REPORT (A.1536/KH)

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0323/0272 3325030	Extension to garage and roofing over yard at Jasmine Cottage, Main Street, Birchover	Householder	Delegated
NP/S/0722/0977 3319423	Erection of a new agricultural building and associated works on Land at Whitelow Lane, Sheffield	Written Representations	Delegated
NP/DDD/0922/1164 3324116	Extensions and alterations to existing dwelling at The Old Chapel, Heathcote	Householder	Committee
NP/DDD/1222/1526 3323801	First floor extension above existing garage and lounge at Stable Barn, Foolow	Householder	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

There have been no appeals decided during this month.

4. RECOMMENDATION:

To note the report.

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