

# Public Document Pack

**Peak District National Park Authority**

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



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

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Our Ref: A.1142/3384

Date: 26 October 2023



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 3 November 2023**

Time: **10.00 am**

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

PHILIP MULLIGAN  
CHIEF EXECUTIVE

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## AGENDA

1. **Apologies for Absence, Roll Call of Members Present and Members Declarations of Interest**
2. **Minutes of previous meeting held on 6 October 2023** *(Pages 5 - 12)*
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Section 73 Application for the Variation of Condition 5 and 71 on NP/DDD/0712/0760 for the Purpose of Securing a 2-Year Extension of Time to the Extraction Operation at the Quarry (NP/DDD/1022/1238, RB)** *(Pages 13 - 44)*  
Site Plan
6. **Full Application - Change Of Use of Dining Room for Bottling On Site Spring Water on a Permanent Basis at Crag Inn, Clough Road, Wildboardclough (NP/CEC/0723/0764, TS)** *(Pages 45 - 56)*  
Site Plan
7. **Listed Building Consent - 5 No.s Windows to be Replaced, Stonework Around Windows to be Replaced, All to the Front Elevation - Lilac Cottage, Main Street, Taddington (NP/DDD/0823/0935, RD) - ITEM WITHDRAWN** *(Pages 57 - 64)*  
Site Plan
8. **Household Application - Demolish Existing Porch to Side Entrance Door, Replace With New Porch, The Old Parsonage, School Lane, Taddington (NP/DDD/0723/0862, LB)** *(Pages 65 - 72)*  
Site Plan
9. **Household Application - Alterations and Extensions to Wynfield, Holme Lane, Bakewell (NP/DDD/0823/0901, LB)** *(Pages 73 - 82)*  
Site Plan
10. **Full Application - For the Conversion of an Agricultural Building Into a Single Dwelling, at Hope Farm, Alstonefield (NP/SM/0823/0928, DH)** *(Pages 83 - 92)*  
Site Plan
11. **Full Application - Proposal for the Installation of 1.no Micro-Wind Turbine at Brink Farm Cottage, Bakestonedale Road, Pott Shrigley (NP/CEC/0823/0917, WE)** *(Pages 93 - 106)*  
Site Plan

12. **Full Application - Development of an Existing Compound Area Within the Curtilage of Millers Dale Station into a Changing Places Facility That Will be Open to the Public (NP/DDD/0823/0972, GB) P. 10804** *(Pages 107 - 114)*  
Site Plan
13. **Full Application - Conversion of Existing Attached Domestic Garage to Utility and Dining Room at Beggars Rest, Town Lane, Bradwell. (NP/DDD/0623/0699, GB)** *(Pages 115 - 124)*  
Site Plan
14. **Full Application - Development of One Dwelling, Disused Quarry Chunal, Charlesworth (NP/HPK/0723/0810, JRS)** *(Pages 125 - 142)*  
Site Plan
15. **Planning Performance Update (BJT)** *(Pages 143 - 144)*
16. **Planning Appeals Report (A.1536)** *(Pages 145 - 146)*

### **Duration of Meeting**

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Committee will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Committee has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

### **ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)**

#### **Agendas and reports**

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting on the website <http://democracy.peakdistrict.gov.uk>

#### **Background Papers**

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected on the Authority's website.

#### **Public Participation and Other Representations from third parties**

Since the Coronavirus restrictions have eased the Authority has returned to physical meetings. However, meetings of the Authority and its Committees may still take place at venues other than its offices at Aldern House, Bakewell when necessary. Public participation is still available and anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Head of Law to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website <http://www.peakdistrict.gov.uk/looking-after/about-us/have-your-say> or on request from the Democratic and Legal Support Team 01629 816352, email address: [democraticandlegalsupport@peakdistrict.gov.uk](mailto:democraticandlegalsupport@peakdistrict.gov.uk).

## Written Representations

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

## Recording of Meetings

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

The Authority will make either a visual recording or a digital sound recording of the meeting which will be available after the meeting and this will be retained for three years after the date of the meeting. During the period May 2020 to April 2021, due to the Covid-19 pandemic situation, Planning Committee meetings were broadcast via Youtube and these meetings are also retained for three years after the date of the meeting.

## General Information for Members of the Public Attending Meetings

Since the Coronavirus restrictions have eased the Authority has returned to physical meetings. However, meetings of the Authority and its Committees may still take place at venues other than its offices at Aldern House, Bakewell when necessary, the venue for a meeting will be specified on the agenda. There may be limited spaces available for the public at meetings and priority will be given to those who are participating in the meeting. It is intended that the meetings will be either visually broadcast via YouTube or audio broadcast and the broadcast will be available live on the Authority's website.

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

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

## To: Members of Planning Committee:

Chair: Cllr P Brady  
Vice Chair: Cllr V Priestley

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

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

Prof J Haddock-Fraser                      Cllr C Greaves

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 6 October 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 D Murphy, Cllr Mrs K Potter, Cllr K Richardson and Mr K Smith

Apologies for absence: Cllr A Hart, Cllr L Hartshorne, Cllr I Huddleston, Cllr C O'Leary and Miss L Slack.

### **119/23 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST**

Mr S. Thompson attended the meeting as an observer.

#### **Item 6**

Cllr Brady had received a letter from the applicant.

#### **Item 7**

Cllr Brady declared that he knew the agent professionally, but they had not discussed the application.

#### **Item 8**

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

#### **Item 9**

Members had been copied into an email from an objector.

#### **Item 10**

Members had been copied into a letter from a neighbour objecting to the proposal.

Cllr Brady declared that he knew the agent professionally, but they had not discussed the application.

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### **Item 13**

Members had received an email regarding Cressbrook Dale.

#### **120/23 MINUTES OF PREVIOUS MEETING OF THE 8TH SEPTEMBER 2023**

The minutes of the last meeting of the Planning Committee held on the 8<sup>th</sup> September 2023 were approved as a correct record.

#### **121/23 URGENT BUSINESS**

The Head of Planning informed Members that the Chief Executive had received a letter from the Department of Levelling Up, Housing and Communities which stated that the Authority would not now be going into special measures as they have recognised that improvements have been made in performance regarding non-major planning applications

Over the last ¾ up to the end of June, the Authority was showing that performance was over the 70% requirement and data up to the end of September was showing that over 80% of applications were now being dealt with within 8 weeks. The Government looks at the data over a 2 year rolling period, so we still need to keep on monitoring the performance, but the trajectory was looking good which should improve with the appointment of new staff and structures as part of the re-organisation. It was also noted that the data on the number of applications approved was at 85% which showed we are positive in the vast majority of cases but we are always looking for solutions through the planning process.

Members conveyed their congratulations to Officers and all those involved in improving the position. It was also noted that the 85% approval rate was something that we need to publicise a bit more to get the message out to the public that the majority of applications are dealt with positively, and those that aren't were done for very good reasons.

#### **122/23 PUBLIC PARTICIPATION**

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

#### **123/23 FULL APPLICATION - CONVERSION OF FORMER GARAGE & WORKSHOP TO FORM SINGLE DWELLING AT HILL CROSS, ASHFORD IN THE WATER. NP/DD0223/0147, SC)**

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:

- Nick Marriott, Agent

Members supported the proposal, but were concerned that it could then become another holiday let and asked whether it could be controlled by a condition. The Planning Officer reported that the Authority had no control over holiday lets, and that there was no policy to put a condition on it as yet, but that it could be a debate to be had in the future.

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

**RESOLVED:**

**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.**

**124/23 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)**

The report was introduced by the Planning Officer who reminded Members that this application was a re-submission of a previously submitted application that was refused by the Planning Committee in August 2022.

The following spoke under the public participation at meetings scheme:

- Allen Newby, Applicant

Members considered that the proposal did not support farm diversification as it was not located close to the main farm and was in an isolated location in the open countryside.

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

**RESOLVED:**

**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.**

**125/23 HOUSEHOLD APPLICATION - ALTERATIONS AND EXTENSIONS TO WYNFIELD, HOLME LANE, BAKEWELL. (NP/DDD/0823/0901 LB)**

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

The following spoke under the public participation at meetings scheme:

- Jim Mundy, Agent

Members asked that the item be deferred to allow for a site visit to enable them to get a better understanding of the street scene, as there appeared to be little development to the other side of the road that would be affected by the proposal.

A motion to defer the item to allow Members to visit the site in order for them to get a better understanding of the setting and design, was moved, seconded, voted on and carried.

**RESOLVED:**

**To DEFER the application pending a site visit by Members to assess the setting and design of the site.**

*The meeting adjourned for a short break at 11:00am and reconvened at 11.05am.*

**126/23 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)**

The report was introduced by the Head of Planning.

Members asked whether a biodiversity metric assessment had been carried out on the site regarding the impact on the biodiversity as this was more common in neighbouring districts. The Head of Planning reported that at the present time the Authority does not have a policy basis for operating a biodiversity metric approach to delivering net gains. The Authority takes a proportionate approach to biodiversity net gain owing to the much reduced scale of development in the National Park. In this case officers were satisfied that an enhancement to the area's special qualities would be achieved through the removal of the existing slurry store and an improved appearance to the midden area for equipment and straw manure storage. The Authority's Ecologists are consulted where there is more appreciable threat to biodiversity interests. However, in this case the Authority Ecologists had no significant concerns so no specific ecology mitigation had been required. Moreover, the Authority's property team had committed to using the excavated material elsewhere on the wider estate in order to construct a new pond for ecological purposes.

Members asked officers to consider whether that a biodiversity metric assessment could be applied through conditions in order to ensure that there was no net loss and also to be certain about the level of gain that could be achieved. This would also ensure that the Authority is being seen to apply best practice in this area.

Members also asked that a condition be added to extend the amount of Yorkshire Boarding on the new building down to ground level, rather than the submitted design (incorporating concrete panels), in order to improve the character and appearance of the structure in the landscape.

A further suggestion was made to add further Yorkshire Boarding to the existing adjoining buildings on the site.

Officers agreed to take these suggestions away. The final conditions would need to be agreed with the Chair and Vice Chair of Planning Committee.

A motion to approve the application subject to consideration of these additional conditions regarding biodiversity net gain, and for additional Yorkshire Boarding to be added to the buildings, was proposed, seconded, put to the vote and carried.

**RESOLVED:**

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

1. **Statutory time limit**
2. **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**
3. **Removal when no longer required for the purposes of agriculture**
4. **Scheme of ecological mitigation and enhancement measures to be agreed.**
5. **Plans to be amended to incorporate additional Yorkshire Boarding rather than concrete panels.**

**127/23 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)**

Some Members had visited the site the previous day.

The Planning Officer introduced the report and informed Members that since the report had been published, the site plan had been amended.

Members noted that a good solution had been found between the Planning Officer and the Applicant/Agent and that there was a clear functional agricultural need for the lambing shed which could be accommodated without causing harm to the landscape.

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

**RESOLVED:**

**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.**

**128/23 FULL APPLICATION - NEW FORESTRY BUILDING ON LAND OFF A625, FROGGATT BRIDGE, CALVER (NP/DDD/0623/0604, SC)**

Some Members had visited the site the previous day.

The Planning Officer introduced the report and informed Members that since the report had been published a further report from the Authority's Ecology Team had been received, expressing concerns regarding the significant amount of woodland and scrub clearance that had taken place on the site, and concerns on further operations that may be facilitated by such a large building.

The following spoke under the public participation at meetings scheme:

- James Fletcher, Objector
- Oliver Wells, Applicant

Members expressed concern on the large number of trees that had already been removed, and considered that there was a lack of demonstrable need for the proposed building on the site which would be large and prominent in the landscape.

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

**RESOLVED:**

**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.**

**129/23 APPROVAL OF BRAMPTON NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM (CW)**

The Communities Policy Planner introduced the report which was to consider the recommendations by the independent examiner of the Brampton Neighbourhood Plan which has been submitted to North East Derbyshire District Council as well as the Authority for approval.

Members were concerned that the Examiner had deleted a large tract of text especially when the community had spent a considerable amount of time on the plan, and asked whether there was anything we could do which would help future communities with the process.

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

**RESOLVED:**

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

- 1. 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;**
- 2. Approve publication of a formal Decision Statement detailing the Authority's response to the Examiner's recommendations (Appendix 2);**
- 3. Determine that the referendum boundary will cover the designated Brampton Neighbourhood Area only.**

**130/23 APPROVAL OF WHALEY BRIDGE NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM (CW)**

The Communities Policy Planner introduced the report which was to consider the recommendations by the independent examiner of the Whaley Bridge Neighbourhood Plan which has been submitted to High Peak Borough Council as well as the Authority for approval.

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

**RESOLVED:**

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

- 1. 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;**
- 2. Approve publication of a formal Decision Statement detailing the Authority's response to the Examiner's recommendations (Appendix 2);**
- 3. Determine that the referendum boundary will cover the designated Whaley Bridge Neighbourhood Area only.**

*The meeting adjourned for a short break at 12:15pm and reconvened at 12.20pm.*

**131/23 MONITORING & ENFORCEMENT QUARTERLY REVIEW - OCTOBER 2023 (A1533/AJC)**

The report was introduced by the Monitoring and Enforcement Team Manager.

The following spoke under the public participation at meetings scheme:

- Jane Money – in regard to Cressbrook Dale
- Clare Gamble – in regard to Cressbrook Dale
- John Oxspring - in regard to Cressbrook Dale

The Officer then gave an update on case ref: 20/0141 at 343 Woodhead Road, Holme in that the enforcement notice had now been withdrawn due to the Highways Authority now withdrawing their objections in respect of the current retrospective planning application so there was no reason to continue with the enforcement notice now.

An enforcement notice was issued on the 29<sup>th</sup> September for Rocking Stone Farm following the retrospective planning application being refused at the Planning Committee in September. This was due to come into effect on the 3<sup>rd</sup> November unless an appeal against the enforcement notice is submitted. An appeal had been submitted against the refusal of the planning permission.

The Officer then shared “before and after” photographs of a resolved case, 17/0042, Land near Coombes Tor, Glossop, where a wireless broad band mast had been erected, and has since been removed. He also drew attention to the review of outstanding cases which is currently being carried out which is anticipated will result in a significant reduction over the next few months, and an update will be provided in the next quarterly report.

Members asked for an update on case 15/0057 at Mickleden Edge, Midhope Moor. The Officer reported that they were in contact with Natural England who had stated that an appeal to challenge some or all of the conditions attached to the SSSI consent had been lodged. The Officer also reported that the Authority was in discussions with the planning consultant regarding case 18/0062 at Cartledge Flat, Bradfield Moors, as they are considering submitting a further planning application to retain the development in some form; otherwise the Authority will be seeking compliance with the enforcement notice as soon as possible.

The Chair and Members of the Planning Committee thanked the Cressbrook Community for sharing their concerns regarding case 22/0040, and that their contribution has been invaluable.

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

**RESOLVED:**

**That the report be noted.**

**132/23 MONTHLY PLANNING APPEALS REPORT (A.1536/KH)**

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

**RESOLVED:**

**To note the report.**

The meeting ended at 12.55 pm

**5. SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 5 AND 71 ON NP/DDD/0712/0760 FOR THE PURPOSE OF SECURING A 2-YEAR EXTENSION OF TIME TO THE EXTRACTION OPERATION AT THE QUARRY (NP/DDD/1022/1238, RB)**

**Applicant: Mr Paul Bailey on Behalf of BlockStone Ltd**

**Summary**

1. This application has been submitted by the operator of New Pilhough Quarry for a 2-year extension of time to allow for the full extraction of the permitted reserves of dimensional building stone.
2. The applicant states that the extension of time is required due to the Brexit process and the Covid-19 Pandemic having had a substantial impact on the market demand for the product and their ability to extract the mineral.
3. The quarry is currently being operated under a 2017 consent that allowed a physical extension and time extension to the operation in return for the relinquishment of the operator's permission to work Stanton Moor Quarry, Application Ref: NP/DDD/0712/0760.
4. The key issues for the Authority to consider is whether the proposed extension of time is acceptable in regard to: National Park purposes; Whether the exceptional circumstance test is met; Impact on the environment; Impact on amenity; Impact on the safe operation of the highway network; Impact on cultural heritage; Impact on the landscape.

**Proposal**

5. The proposals are for a 2-year extension of time to the operational life of the quarry. This would allow the operator to extract the remaining permitted reserves, which at the time this application was submitted were approximately 24000 tonnes. The proposals are for the variation of some of the conditions attached to NP/DDD/0712/0760, which is the extant consent the quarry is operating under.
6. Condition 5 would be amended to extend the end date for quarrying operations to the 31<sup>st</sup> December 2024.
7. Condition 71 would be amended to require the final agreed restoration of the site to be completed by the 31<sup>st</sup> December 2025, or within 12 months following the permanent cessation of the winning and working of mineral, which ever is the soonest.
8. Although not listed on the application form, the applicant has agreed that Condition 26, relating to the restoration scheme of the haul road, would also have to be amended. The proposals are for the Condition to be amended to require the submission of a restoration scheme for the haul road to be submitted to the Authority no later than the 31<sup>st</sup> December 2023. Should a restoration

scheme receive written agreement from the Mineral Planning Authority, the restoration of the track should be carried out in strict accordance with that approved scheme and would be completed no later 30<sup>st</sup> June 2025, or 6 months following the permanent earlier cessation of extraction at New Pilhough Quarry.

9. The proposals also include an enhanced final restoration scheme that includes a more biodiverse planting scheme (subject to final agreement by way of condition) as well as the inclusion of a usable track for the landowner to access and maintain the land. A final restoration and aftercare management plan would be required to be submitted to the Authority by the 31<sup>st</sup> March 2024 which would detail, amongst other matters, a final seeding mix and planting methodologies which would be informed by soil and nutrient testing.
10. The conditions relating to the operation of the quarry (i.e working hours, vehicle movements, environmental mitigations etc) would be unchanged.
11. A Deed of Variation would need to be undertaken to amend the Section 106 Agreement which is attached to NP/DDD/0712/0760. Matters relating to dates, plan titles and the references made to heather-brash would need to be amended in the event the proposals are granted consent.

### **Site and Surrounding**

12. New Pilhough Quarry lies on the western side of the Derwent Valley, on the crest of the hillside that forms Stanton Moor. Stanton-in-Peak village lies about half a mile to the west of the site while the village of Stanton Lees lies approximately  $\frac{3}{4}$  mile to the southeast. The quarry is situated 250m from the Stanton Conservation Area to the west and 650m from Stanton Moor Scheduled Ancient Monument (SAM), which lies due south. Dale View Quarry, operated by another company, adjoins the application site. The current working area of Dale View lies immediately south of the application site. To the immediate west of New Pilhough Quarry is Sheepwalk Wood, which lies between the quarry and Stanton-in-Peak village. To the north, the land falls away towards the settlement of Congreave and onwards down to the valley of the River Wye.
13. The site is comprised of the void, working faces, a portable office/cabin and a stockpile of worked stone and restored areas of land. There are no permanent infrastructure or lighting systems installed on-site. The site has a vehicular access from Lees Road, which is used by all traffic accessing the site. There is a track that runs south of Lees Road, across the agricultural land, and re-joins Birchover Road approx. 750m south-west of the quarry void. The track, known as the haulage road, is only permitted for use by HGV's that are traveling to/from the site, allowing the HGV's to avoid having to drive through Stanton-in-Peak village.
14. The quarry produces dimensional building stone products. The site sits on the Ashover Grit horizon of the Millstone Grit series of Upper Carboniferous (Namurian) age. The mineral is predominantly won by hydraulic excavators, with black powder being used to split large pieces of rock once it has been pulled from the face. Black powder is a low-explosive substance used in dimensional stone quarries to split or win larger pieces of rock. It is used in dimensional

stone quarries as it has a much lower energy output, meaning the structure and integrity of the rock is preserved. Black powder causes significantly less noise and vibration than the explosives that are used to blast rock faces in larger hard rock quarries.

15. The site is operated by 4 permanent members of staff. Two contractors are used to service and repair the machinery and plant as and when required. The operators use 2 HGV drivers to transport the won block from site. The operation is limited to 5 HGV movements in and out of the quarry per day, by virtue of a condition attached to the extant 2017 permission. The operator submits weekly lorry data to the MPA, showing how many HGV's have been to site and how much material was loaded into each truck. The stone won on site is transported to a processing facility the operators own at Cadeby Quarry, close to Doncaster, where it is dressed by stone masons into the finished product.
16. The extraction and phased restoration appear to have been taking place in broad accordance with the approved phasing plans that were detailed 2017 permission. The extraction operation is now in Phase 2 as per the approved phasing plans. Restoration of the northern and eastern elements of the quarry have taken place and ground levels appear to be compliant with those detailed in the approved phasing plans. A topographical survey of the site is submitted to the Authority on an annual basis which provides the data for officers to check the extraction and restoration is taking place in accordance with the approved plans.
17. The operation is governed by a schedule of conditions that were attached to the 2017 permission, which dictate when and how the operation can take place. The extant permission contains conditions relating to: hours of operation; lorry routing; noise suppression and limits; archaeological investigation; site drainage; storage of contaminants; directions for storage and use of quarry waste; soil handling and protection protocols; ecological protection strategy; restoration plants; the requirements of the aftercare period; HGV movements; total annual sales and the total volume of mineral to be exported from the site.

### **Recommendation**

18. **Officers recommendation is that the application APPROVED subject to a Section 106 legal agreement and to grant officers to agree final wording of conditions under the following headings:**

1. **Archaeology**
2. **Soil Stripping**
3. **Accordance with Approved Plans**
4. **Commencement**
5. **Duration**

- 6. Cessation of Operation**
- 7. Hours of Operation**
- 8. Compliance**
- 9. Landscape**
- 10. Highways**
- 11. Restoration of Haul Road**
- 12. Noise Suppression**
- 13. Dust Suppression**
- 14. Hydrological Mitigation**
- 15. Waste Management**
- 16. Ecology**
- 17. Restoration and Aftercare**

### **Key Issues**

19. Whether the proposed development is in accordance with National Park purposes.
20. Whether the circumstances which underpin this application are considered to be exceptional.
21. Is the proposed development acceptable with regard to environmental impact, including impacts on amenity, cultural heritage, transport and biodiversity?
22. The implications of not approving the proposed extension of time.

### **Background**

23. The quarry was granted an extension of time, along with a physical extension of the extraction site in 2017 as a trade-off for relinquishing the permission for extraction at Stanton Moor Quarry. Stanton Moor Quarry sat in close proximity to the Stanton Moor Scheduled Ancient Monument, and as such was considered to be a far more sensitive site than New Pilhough Quarry. This trade-off was considered to accord with the Stanton Moor Principles which sought to move operational quarrying away from the most sensitive heritage assets on the Moor, in return for extended timeframes and/or permitted reserves for the sites at the edge of the Moor.

24. The physical extension of 1ha increased the permitted reserves by 50,000 tonnes, from 17,524 to 67,524 tonnes. The extension of time gave the operator until 31st December 2022 to finish the extraction, with the restoration process to be completed no later than 31st December 2023. The permission was subject to conditions that restricted the operation to 10 HGV movements (5 in and 5 out) a day, with the overall annual output restricted to 18,000 tonnes and no processing to take place on site.

### **Planning History**

25. 1985 - Unauthorised working within New Pilhough Quarry commenced on the misunderstanding that a planning permission issued in 1952 covered the site. (The 1952 consent covered Dale View Quarry immediately to the south of the site).
26. 1986 - Regularising application submitted. Application subsequently approved subject to the signing of a legal agreement revoking consent for a quarry near the Nine Ladies Stone Circle on Stanton Moor (Boden Stone Quarry).
27. 1989 - Legal agreement signed and permission issued subject to conditions, including duration (valid until 31 December 2006), output and lorry movements.
28. 1998 - Application for extraction of area to the west of the existing quarry using the existing access. It was recommended for refusal on the grounds that there was no need for the development as reasonable alternatives existed; on highway safety issues and; it was not in the public interest to allow the development. Prior to the decision notice being issued, the application was withdrawn.
29. 1999 - A further application DDD0399227 submitted for the extraction of an area to the west of the existing quarry, including the development of a haul road from the site south of Lees Road to join the Birchover - Stanton road. This would divert traffic from Pilhough, Rowsley and Stanton Lees, but redirect it though Birchover and/or Stanton-in-Peak. Planning permission refused on the grounds that there was no need for the development since reasonable alternatives existed and as such it was not in the public interest to allow the development; and on highway safety grounds.
30. 2000 - Two applications submitted. The first DDD0800335 was for a one-field extension to the west of the existing site, subsequently withdrawn prior to committee meeting to focus on the second application.
31. The second application DDD0399227 was for a two field extension to New Pilhough Quarry and included a haul road to the Birchover Road, revocation of Dungeon Quarry and part of Stanton Moor Quarry, an agreement not to work the remainder of Stanton Moor Quarry for 5 years, and a unilateral undertaking which committed the company to make an application for a full haul road to avoid all the villages around Stanton Moor. This application was considered by Planning Control Committee in May 2001 and refused. The applicant appealed against the decision and a public inquiry was scheduled, but the appeal was subsequently withdrawn.

32. 2001 - Application DDD1001434 made to consolidate the applicant's interests in the area. This included: renewal of consent for the existing quarry; 1.7ha extension of the existing quarry; construction of short haul road from the quarry to Birchover Road; capping and planting the Parish Tip; relinquishing reserves at Dungeon quarry; relinquishing part of Stanton Moor quarry and not working the remainder for five years; commitment by legal agreement to make an application for a haul road to reduce traffic through Birchover and Stanton in Peak. This proposal was granted permission in 2002.
33. 2004 - Application refused for an increase in the permitted output from 18,000 tonnes per annum to 28,000 tpa. NP/DDD/0804/0879.
34. 2005 - Breach of Condition Notice served in relation to output exceeding 18,000 tonnes per annum.
35. 2006 - Applications made for a new dedicated long haul route NP/DDD/0106/0039; and NP/DDD/0206/0118 for 1.8 ha extensions to the north and south of New Pilhough Quarry and relinquishment of Stanton Moor Quarry permission. The haul route application was considered by Planning Committee in June 2007 and refused. The extension application was recommended for refusal but withdrawn prior to committee.
36. 2008 - Application for variation of condition 17 to allow for a temporary increase in annual output to 24,000 tonnes per annum for two years. Application recommended for approval but subsequently withdrawn. NP/DDD/1008/0896.
37. 2011 - Continuation of stone extraction, (in the form of block) from the consented area of New Pilhough Quarry under varied conditions, the proposed 146,970 tonne extension to a permitted area of stone extraction at New Pilhough Quarry and amendment of the permitted restoration landform, refused. Appeal submitted but subsequently withdrawn. NP/DDD/0811/0766.
38. 2012 (application submitted) – Most recent consent (granted 2017). The application secured the relinquishment of the permission for extraction at Stanton Moor Quarry in return for a physical extension to New Pilhough Quarry along with an extension of time for the extraction to take place within.
39. The quarrying operation was conditioned to cease on the 31<sup>st</sup> December 2022. The quarry continues to operate in breach of planning control. The Authority has decided it would not be expedient to take enforcement action until this application has been determined.

### **Consultation**

40. Birchover Parish Council – No objection.
41. Derbyshire County Council Highways – No comment as the conditions to be amended are not related to highways.
42. Environment Agency - We have reviewed the Environmental Statement (September 2022) which has been submitted in support of this application to

extend the time limit on the quarry. We have paid particular attention to Chapter 12 which relates to the water environment. The chapter concludes that the proposed extension of time of 2 years would have a negligible impact on the local water environment in the vicinity of the quarry. Based on the information submitted we agree with this conclusion. We therefore have no objection to the proposed time extension.

43. Natural England – No comment on the variation of Conditions 5 or 71.

44. Stanton Parish Council – Object to the application on the following grounds:

- The application should not be dealt with under a Section 73 application;
- The company should have planned for the impacts of Brexit;
- The operator should have continued to extract the product for storage at the Cadeby Depot during 2018 when market demand was very low;
- The operator choose to reduce quarrying rather than increase their stock and stocking facilities during 2019;
- The submission of a pre-application enquiry regarding a 10-year extension of time is another example of the Company had a lack of foresight as to market conditions and lack of provision of additional storage facilities;
- The operation of the quarry did not take place in line with government guidelines on Covid-19 restrictions, as the staff remained furloughed until August when the guidance changed in May stating that those who could not work from home should return to the workplace;
- HGV movements have a negative impact on the village.

45. Derbyshire County Council Flood Authority – No comment.

46. PDNPA Ecologist – No objection. Has provided some detailed guidance for further investigation and clarification of matters to be dealt with through the submission of a Restoration and Aftercare Management Plan.

47. PDNPA Built Environment – Concludes that the proposed extension of time will result in a small, temporary adverse impact on the setting of the Scheduled Ancient Monument. The impact is judged to be at the low end of less than substantial harm.

48. A re-consultation was undertaken following the agreement of an amended restoration plan. Stanton in Peak Parish council made the following comments:

- The proposed Restoration Plan only deals with the quarried area and the haul road leading from the quarried area to Lees Road. Condition 71 of the extant consent requires that the restoration plan must cover all of the permitted area.
  - Officers comment: It is correct that the proposed restoration scheme only deals with the quarry and haul road north of Lees Road. The restoration of the haul road south of Lees Road was always intended to be dealt with by a separate plan. The plan detailed in Condition 71 of permission ref: NP/DDD/0712/0760 only covers the quarry and the haul road north of Lees Road. It is appropriate, therefore, that the restoration plan submitted as part of this application only deals with the parcel of land north of Lees

Road. Condition 26 of the extant consent states that “A scheme for the removal and restoration of the short haul road shown within the red line on plan BS/NP/12/01 REV B shall be submitted to the MPA for written approval by 30 April 2021. The scheme shall include the removal of the carriageway, regrading of the land, placement of soils available, removal of gates and any other works necessary to return the land to agricultural use”. This deadline was missed by the operator but the issue is being remediated by this application. Should the Authority grant permission for the extension of time, Condition 26 will be varied to require the submission of the restoration plan for the haul road south of Lees Road to be submitted within 3 months of the permission being granted.

- The failure to include the Haul Road south of Lees Road breaks the Revocation Order attached the NP/DDD/1001/434. Condition 43(iv) states that “access roads including all sections of the haul road” Appendix B of the Revocation Order outlines both sections of the haul road. Therefore, both sections of the haul road must be covered by the restoration plan.
  - Officers comment: The Revocation Order for NP/DDD/1001/434 (which was the permission the quarry was operated under prior to current consent) was issued following the approval of the extant permission. The Order revoked NP/DDD/1001/434 and any conditions attached to it. The only relevant permission for the operation of the site is NP/DDD/0712/0760, which is subject to the aforementioned Condition 26 relating to the restoration of the haul road, which will be amended should the Authority be minded to grant permission for the extension of time.

### **Representations**

49. A total of 20 letters of objection were received. The issues raised were:
- Impact of HGV’s on the valued characteristics of the village;
  - Quarrying is incompatible with the protection of the National Park;
  - Questioning whether the Covid-19 pandemic and the impacts of Brexit are valid reasons for the operation being delayed;
  - The environmental impacts of the quarry have a negative impact on the residents of the village (i.e. dust, noise and dirt);
  - The extension of time should not be granted because the operators have demonstrated an inability to adequately plan for the extraction and storage of the permitted reserves in the allotted timeframe.
50. A total of 2 letters of support were received from companies whose business is either intertwined or heavily dependent on the operation of the quarry. The businesses explain that they experienced a marked slow-down in trade over the Covid-19 pandemic, have all been affected by Brexit and are now dealing with significantly increased operating costs as a result of current economic environment. The extension of time for the operators to extract the permitted reserves will be a benefit to the companies as they continue to recover from the impacts of the Covid-19 pandemic.

## **Policy Context**

51. 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.
52. 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**

53. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
54. In particular Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
55. Paragraph 209 states that it is essential there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.
56. Paragraph 210 states that planning policies should safeguard mineral resources so that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development.
57. Paragraph 211 states that great weight should be afforded to the benefits of mineral extraction, including economic benefits. The paragraph also states that due consideration should be given to ensure there is no unacceptable impact on the natural and historic environment, human health or aviation safety, and the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality.

## **Peak District National Park Authority Development Plan**

### **Core Strategy (2011)**

58. Policy GSP1 relates back to the Park's statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous consideration of the criteria in national policy. Where a proposal for major development can demonstrate a significant net

benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

59. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to natural beauty, wildlife and cultural heritage of the area. This is expanded in policy L1 which relates directly to the conservation and enhancement of landscape character and other valued characteristics.
60. Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.
61. Collectively, GSP1, GSP2, GSP3, GSP4 and L1 provide overarching principles for spatial planning in the National Park and the delivery of national park purposes when considering development proposals, including mineral proposals, to ensure that the valued characteristics and landscape character of the area are protected.
62. Core Strategy policy L2 seeks to conserve and enhance any sites, features or species of biodiversity and where appropriate their setting. It also seeks to adopt the same approach to features or site of geodiversity importance. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on sites of biodiversity or geodiversity importance. Similarly, policy L3 seeks to ensure that development conserves and, where appropriate, enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations. Development will not be permitted other than in exceptional circumstances where it is likely to cause harm to the significance of any such asset.
63. Policy DS1 seeks to direct development to the most sustainable locations based on a range of criteria. In all settlements and in the countryside outside the Natural Zone the policy specifies a range of developments that are acceptable in principle, which includes mineral working. This is subject to the need to ensure that the principles contained within policy DS1 be considered in relation to other relevant and specific core policies of the plan.
64. Specific to minerals, Core Strategy policy MIN1 states that proposals for new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals and local small-scale building and roofing stone which are covered by MIN2 and MIN3 respectively) will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy Framework. Part B of policy MIN1 in the Core Strategy states that restoration schemes will be required for each new minerals proposal or where existing sites are subject to mineral review procedures. Where practicable, restoration will be expected to contribute to the spatial outcomes of

the Plan (either generally or for the constituent landscape character areas of the National Park). These outcomes will focus mainly, but not exclusively, on amenity (nature conservation) after-uses rather than agriculture or forestry, and should include a combination of wildlife and landscape enhancement, recreation, and recognition of cultural heritage and industrial archaeological features.

65. MIN3 relates to the development and operation of local small-scale building stone quarries. New Pilhough Quarry is modest in both the area of land it covers and in the amount of permitted reserves that have been worked across its operation history, however the mineral that is worked on site is sold on the national market and is used particularly in the restoration of historic buildings. The operation is not covered by the allowances of MIN3 as the quarry doesn't solely supply the local National Park market.
66. Core Strategy policy T1 seeks to conserve and enhance the National Park's valued characteristics in a number of ways, including minimising impacts of traffic within environmentally sensitive locations. Policy T4 specifically relates to freight traffic, stating that where developments require access by large goods vehicles they must be located on and/or be readily accessible to the Strategic or Secondary Road Network.

#### Development Management Policies

67. Policy DM1 explains that the Authority will adopt a presumption in favour of sustainable development, will work proactively with applicants to find solutions that are consistent with the National Park a purpose and that applications that accord with the policies contained within the Development Plan will be approved without delay, unless material considerations indicate otherwise.
68. Policy DMC1 sets out how development that may have a wide scale landscape impact should be determined. Such applications are required to be accompanied by landscape assessment which should be proportionate to the proposed development. The assessment should demonstrate how the valued characteristics of the National Parks' landscape will be conserved and, where appropriate, enhanced.
69. Design, landscaping and layout of developments are dealt with by Policy DMC3 which states that where development is acceptable in principle, permission should only be granted where the detailed treatments are of a high standard that respect, protect and where possible enhance the natural beauty and quality of the landscape.
70. Assessing the impact of development on designated heritage assets and their setting is laid out in Policy DMC5. The policy states that any planning application for development which will affect a heritage asset, including its setting, must clearly demonstrate how the asset's significance will be conserved, and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset. Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless there is clear and convincing justification that the harm or loss is

necessary to achieve substantial public benefits that outweigh that harm or loss. Policy DMC6 relates to applications that affect a Scheduled Monument or its setting and states that these applications will be determined in accordance with Policy DMC5.

71. Policy DMC14 relates to management of pollution and disturbance generated by development. It states that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits. Impacts to be assessed include: the amenity of neighbours; the amenity, tranquillity, biodiversity or other valued characteristic of the area; existing recreation activities; extensive land uses such as agriculture or forestry; ecosystem services including groundwater supply and the water environment; potential future uses of the land; any nuisance or harm to the rural character of the area.
72. The justification for mineral and waste development is dealt with by Policy DMMW1. Minerals development will only be permitted where evidence is provided to the viability and need for the development. The evidence base should include: the availability of other permitted mineral supply; the availability of other permitted or allocated sites both within and outside the National Park; the proximity of the waste operation to the supply-chain; suitable geological information on the quality, availability and volume of the mineral reserves, ensuring that high quality materials are retained for appropriate end uses; the durability and aesthetic qualities of the building stone together with precise details of its compatibility with any repair or restoration project it is proposed to supply. In order to demonstrate whether minerals development is in the public interest, consideration should include an assessment of: the need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, on the local economy; the cost of developing elsewhere outside the designated area; any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which these can be moderated. The need to demonstrate the requirements set out in the policy may vary in the case of applications for the extension to minerals workings, depending on their scale and nature.
73. Policy DMMW2 covers the impacts on amenity of minerals development. The policy states that minerals development will only be permitted where the adverse impacts on amenity can be reduced to an acceptable level or eliminated, particularly in relation to: nuisance and general disturbance generated from transport and vehicle movements; noise, which includes noise of a level, type, frequency and duration, likely to have a negative impact on areas of tranquillity; vibration; dust; fumes and odour; water run-off and flooding; visual impact; the potential effects of land instability arising from the development; effects on human health; and, impacts on recreation and public rights of way.
74. Policy DMMW3 relates to the impact of minerals development on the environment. It states that minerals development should only be permitted where the impacts of the development on the environment of the National Park are reduced to an acceptable level, or eliminated, particularly to: the risk and

impact on environmental receptors; the need to minimise landscape and visual impact; the need to minimise impacts on cultural heritage assets; the need to minimise residual waste arising from the development along with the proposals for the disposal of residual waste; any potential effects on groundwater, rivers or other aspects of the water environment; the need to prevent unauthorised stock ingress; the functional need of any buildings, plant and structures.

75. The restoration and aftercare of minerals sites is dealt with by Policy DMMW5. Minerals development will only be permitted where the restoration and aftercare contributes to the enhancement of the National Park. All proposals must demonstrate that: restoration can be achieved in the timescales proposed; sufficient material is available to achieve the levels proposed; no future land stability issues will arise; all buildings, plant and machinery including bases, foundations and utilities will be removed, restoration will contribute to the enhancement of biodiversity, geodiversity and amenity, as appropriate, and be acceptable within the National Park; a comprehensive scheme for the aftercare of the restored site for a period of 5-years.
76. Policy DMMW6 relates to the cumulative impact of minerals development. The policy requires that minerals development only be permitted where the cumulative impact of the development is considered to be acceptable, taking into a consideration: existing operations on the site and in the locality; other impacts from existing or planned development; the setting of the development; and, the off-site impact of any utility or infrastructure improvements necessary to serve the development.

### Wider Policy Context

#### Stanton Moor Principles

77. The Stanton Moor Principles do not form part of the Authority's adopted Development Plan. They were however considered by the Authority in determining the policy content of the Peak District Core Strategy and policies, and so the policies of the Development Plan reflect the Stanton Moor Principles. The Stanton Moor Principles are a material planning consideration, but can only be afforded limited weight in the determination of planning applications as the document has not been formally adopted into the Development Plan, having regard to the statutory provisions of s38(6) of the Planning and Compulsory Purchase Act 2004.
78. The Stanton Moor Principles were agreed by the Authority's Planning Control Committee on 27 October 2000, following a period of consultation. The consultation concluded in a meeting with interested parties on the 12 October 2000. This meeting was attended by representatives of the parish councils, landowners, mineral operators, English Heritage, action groups and officers of the Authority, and was observed by the Chair and Vice-Chair of the Committee.
79. The Principles agreed by Planning Committee were minuted as follows:
- “That the following principles be taken into account when considering mineral proposals within the Stanton Moor Area.

- a) There is an acceptance that quarrying for building stone will continue in the area for the foreseeable future. The Authority encourages the use of natural stone for building provided the scale and the environmental impact of working can be adequately controlled or mitigated. A number of the consents in the locality do not expire until 2042. Mineral working will therefore continue to have an impact on the local area particularly in terms of traffic generation. The emphasis must therefore be on controlling this impact rather than believing that it can be eliminated.
  - b) The Authority has a responsibility for conserving the landscape, wildlife and cultural heritage of the area. In particular it would wish to see the cessation or very severe curtailment of working in the central section which includes Lees Cross/Endcliffe and Stanton Moor quarries. These sites adjoin or overlap the Scheduled Ancient Monument and any working would be likely to cause environmental damage and would spoil the special character of the area. There are however valid planning consents covering these areas and these are unlikely to be given up lightly by the landowners and operators. As a general principle the Authority would wish to see working concentrated in the northern and southern groups of quarries.
  - c) Any proposals for variation or extension of existing workings must also put forward an acceptable means of minimising the impact of working and traffic on local residents. This is likely to involve restrictions on lorry movements and/or new or improved lorry routes.”
80. On 14 September 2012, a report was taken to Planning Committee to establish to on-going relevance of these principles. The Committee resolved:

“That the Stanton Moor Principles agreed by the Authority on the 27 October 2000 and incorporated into the Stanton Moor Conservation Plan agreed with English Heritage in 2007, which enshrine the Core Strategy principle of the exchanges of historic planning consents for more environmentally acceptable alternatives, remain in place unchanged until the two current applications (for New Pilhough Quarry (NP/DDD/0712/0760, granted conditionally) and Birchover Quarry (NP/DDD/0312/0257, granted conditionally)) are determined, as they provide specific locational advice that remains valid and relevant to planning decision making”.

#### Stanton Moor Conservation Plan

- 81. The Stanton Moor Conservation Plan provides an assessment of the significance of the Moor and the potential impact of the broad range of factors that may influence the site. The Plan contains a number of policies that are a material consideration in the decision-making process. It is worth noting that the Plan does not form part of the Development Plan and is not listed as a Supplementary Planning Document, and so can only be afforded a very limited weight in the decision-making process.
- 82. The Plan identifies future expansion of mineral extraction operations to the north of the moor as a potential impact to the setting of the Scheduled Monument. The Plan states that the impact of quarrying relates to the immediate setting of

the entire monument and not just the setting of the Nine Ladies stone circle and King Stone. A physical extension or an extension of time for either the operation of New Pilhough Quarry or the use of the haul road are identified as having potential impacts.

83. The Plan states that the aims of the policies, in relation to the impact of mineral extraction, is to reduce and control the adverse impacts which mineral extraction and associated activities have on opportunities for the quiet enjoyment and intellectual, spiritual and aesthetic appreciation of the scheduled monument within its setting.

84. The pertinent policies of the Plan are:

- Policy A3 – Pursue the preparation of an Environmental Impact Assessment as part of any development proposals affecting Stanton Moor, its setting and local landscape. The EIA should consider the impact of such proposals and demonstrate how this impact will be avoided, reduced or remedied.
- Policy C1.3 – Identify and implement measures necessary to address the current and future environmental impact on the scheduled area, and on local approach routes to the moor, of mineral extraction and tipping associated with Dale View and New Pilhough quarries, or any extensions to these quarries.
- Policy C1.4 - Identify and implement any measures necessary to address the potential impacts of current or future quarry haul routes on the archaeological and environmental value of the setting of the scheduled area and on the quality and character of local approach routes to the moor.
- Policy D.13 – Seek to preserve, and where possible expand, the Moor's biodiversity by maintaining and where possible enhancing: the priority value of the heather moor; the habitat mosaic across the moor and its periphery.
- Policy L.1 – Identify and support ensures to preserve and sustain the Historic Landscape Character of the moor's context area.
- Policy L.6 – Seek environmentally appropriate measures to lessen the impact of quarry traffic on routes within the moor's approach zone.
- Policy N.1 – Continue to promote and abide by the principle relating to quarrying in the Stanton Moor area which were agreed in 2002 following Peak District National Park Authority consultation with quarry operators, landowners and the public.
- Policy N.2 – Continue to promote the use of natural stone for building providing that the scale and environmental impact of quarrying can be adequately controlled or mitigated, and that the stone is used locally.

## **Assessment**

### **Principle of the Development**

85. The operator has submitted this application for a 2-year extension of time on the basis that the impacts of the Covid-19 pandemic and the Brexit process have caused a substantial disturbance to their business, which in turn has resulted in their inability to extract the permitted reserves before the deadline of the 31st December 2022.
86. The determination of this application must take place in accordance with the policies of the Development Plan, unless material considerations indicate otherwise, as per s38(6) of the Planning and Compulsory Purchase Act 2004. The key policies that relate to the principle of the extension of time for a mineral extraction operations are Policies GSP1, MIN1 and DMMW1. These policies state that major development should not take place within the National Park without exceptional circumstance to justify the operations. The Town and Country Planning (Development Management Procedure)(England) Order 2015 states that development involving the winning and working of minerals constitutes major development. Therefore, the proposed extension of time to the quarrying operation on site is considered to be an application for major development, and as such, the Authority needs to determine whether the reasons underpinning the application, or the implications of not granting permission, meet the criteria of being exceptional circumstance.
87. In the Environmental Statement submitted with the application, the operator states that the following timeline of events has contributed to the slowdown in operations:
- 2017 – The two-year countdown to the UK leaving the EU began which was accompanied by a downturn in market demand which resulted in 26% of worked mineral not being sold and being stored at Cadeby. The Referendum took place in 2016, which was followed by a period of significant uncertainty for business. There was a slow recorded in the construction industry which had a negative impact on the demand for building materials.
  - 2018 – The continued downturn in the demand for the product meant the operator decided not to work the quarry for most of the year, with any orders being fulfilled from the stocks that had been worked in 2017. Only 0.03% of the permitted tonnage was worked.
  - 2019 – An extension to the Brexit process was agreed, but on-going uncertainty meant the market continued to have low demand, resulting in only 46% percent of the permitted output being achieved.
  - 2020 – The market remained depressed. Production was also impacted by the Covid-19 pandemic and associated restrictions/lockdowns. The quarrying team

were furloughed between March and August, along with rolling periods of self-isolation and sickness for individuals in the team, which hampered production rates. These factors resulted in only 18% of the permitted output being achieved.

- 2021 – There was an up-tick in demand and production, with 60% of 18,000 tonne permitted annual volume being worked, but a shortage of HGV drivers meant that only 40% left the site, with the rest of the unprocessed blocks being stored on-site.
- 2022 – In the operators returns to the East Midland Aggregate Working Party they stated that as of 31<sup>st</sup> December 2022 there was an estimated 26987 tonnes of permitted reserve left in the ground (this information did not form part of the Environmental Statement but was made available to the Authority through the determination process).

88. The applicant has provided historic figures to give some context to the figures detailed above. Between 2000 and 2014 the site averaged 92% of permitted output. The figures between 2015 and 2021 equate to 31% of the overall permitted output. These figures are reflected in the sales data which show a 61% reduction across 2015-2021. It is possible that the downturn in demand in 2015 is attributable to the economic uncertainty in the run up to the 2016 Brexit Referendum.

89. The figures submitted as part of this applicant demonstrate a marked decrease in the demand for the product. Working to order (i.e. only extracting when there are sales orders to fulfil) is not uncommon in the dimensional block stone industry. The product can become worn or discoloured by environmental factors if it is left unprocessed in out-door storage for an extended period of time. There is also a financial rationale to why extraction rates slowed in line with demand. The operation of the quarry has some substantial and unavoidable costs such as fuel, maintenance of plant and machinery and wages for employees. Therefore, there was a material risk to the company's cash flow if they kept extracting at a higher rate without a clear demand for the product, notwithstanding the difficulties they have experienced in relation to HGV availability and staffing issues, which are a result of Covid-19 and Brexit.

90. This slowdown in production rates is confirmed by the Annual Returns Sales data that is submitted to the Authority on a confidential basis. Quarry operators are requested to record yearly sales which are provided to the relevant Mineral Planning Authority in the Annual Returns data. The Returns data doesn't deal with the production/extraction rates themselves, however it does give a clear indication of market demand, which for a small operation such as New Pilhough will be closely related to the onsite extraction. The Authority therefore has a level of confidence that the data submitted as part of this application is accurate.

91. In the processing of this application, the Authority has examined the Annual Returns data for other gritstone quarries in the National Park. Whilst a general downward-trend for most gritstone quarries was observed across the years 2015-2020, it is noted that no other site experienced such an acute slowdown as the application site. It is not possible to draw conclusions from the correlations in this particular data set, especially when considering the unique

qualities of the stone won at each of the different sites. However, it is worth noting that not all the gritstone sites in the National Park experienced the same severity of slowdown.

92. Sales data is a good indicator of demand and the Annual Returns between 2000 - 2014 were fairly consistent at between 12,000 – 14,000 tonnes a year. Given the level of information that is available on the matter, the Authority concludes that in the balance of probability, the Covid pandemic and the Brexit process were the underlying causes of the slowdown of demand and sales, and therefore, production rates.
93. Given the wide ranging and profound impacts both of these disruptive events had on the economy, it is the officer's conclusion that it is reasonable to categorise them collectively and individually as exceptional circumstances. These exceptional circumstances have directly impacted the operator's ability to extract the permitted reserves within the timeframe stipulated by the 2017 permission.
94. Paragraph 211(f) of the NPPF states the importance of meeting any demand for the extraction of building stone needed for the repair of heritage assets, and of taking account of the need to protect designated sites through the decision making process. Paragraph 211(g) recognises the small-scale nature and impact of building stone quarries and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites. Both of these subparagraphs support the premise of a short-term extension of time to extract the remaining mineral reserves.
95. Sub-paragraph F of Policy GSP1 requires that major development must be able to demonstrate a significant net benefit to the National Park. Where this benefit is identified, every effort must be made to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics. The main benefits of the proposed development are two-fold. Firstly, the stone extracted on site is a valued building material that will continue to play a part in the local vernacular. The stone won on site has very particular qualities in terms of colour and durability and so it cannot be assumed that another source of block stone with the exact same properties would be forth-coming in the short or medium term. It is worth noting that the following points:
- permitted reserves at another building stone quarry are nearly exhausted;
  - A large proportion of the National Park's permitted building stone reserves are held in another quarry which is currently almost inactive. The quarry has been inactive for a number of years and the Authority is not aware of an imminent change in the level or intensity of the operation. This has the potential to cause a significant negative impact on the supply of local sourced building stone in the National Park.
96. The stone from the area surrounding Stanton Moor is a key material that is part of the local building tradition. There is an inherent value allowing the permitted reserves to be worked to ensure a continued supply of stone for repair and

maintenance of traditional buildings in the area, which is an objective supported by Paragraph 211 of the NPPF

97. Secondly there is an environmental benefit to allowing the full extraction of the permitted reserves. If permission was not granted then the extraction operation will cease, leaving the remaining reserves in the ground. This is fundamentally unsustainable as the majority of the negative environmental impacts of the operation and significant release of carbon emissions have already been generated through the soil stripping and initial phases of the extraction. The wasted resource of any permitted mineral left in the ground would ultimately mean that a higher environmental price had been paid for the stone that has already been won and would require additional stone being won elsewhere which again has a negative environmental impact. The outcome of permitted reserves being left unworked is contrary to the objectives of Policy CC1 to make the most efficient and sustainable use of land and natural resources.
98. The applicant has submitted an enhanced restoration scheme with this application which offers a biodiversity gain above what had been offered through the extant restoration scheme (the full ecological impact on the development is analysed in a later section of this report). The operator is offering a commuted sum of £12,000 which can be used by the community for local services, equipment improvement or enhancement/restoration works for the Scheduled Ancient Monument. Both of these factors are considered to be a material benefit to local community.
99. Policy DM1 sets the Authority's commitment to a presumption in favour of sustainable development. The policy requires the Authority to work proactively with applicants to find development solutions that are consistent with the National Parks' purposes. The principle of extracting the permitted reserves has already been established and is deemed acceptable through the approval of NP/DDD/0712/0760. The limited scale of the proposed extension of time to extract the remaining permitted reserves is considered to be a sustainable development that does not conflict with National Park statutory purposes.
100. The requirements for the justification of a minerals development are set out in Policy DMMW1. The Environmental Statement that was submitted with the application is considered to have satisfied the criteria of the policy. It is clear from the data provided that the site is economically viable, notwithstanding the impacts of Covid-19 and Brexit, with an established high-quality product that contributes to the local vernacular. Therefore, the proposed extension of time is considered to be underpinned by the exceptional circumstances required by Policies MIN1 and GSP1, making the principle of the development acceptable. It is worth noting that Policy MIN1 sets out clearly that the need for exceptional circumstance may vary in cases where an extension is sought to an existing quarry, which can lower the threshold of the justification required for the Authority to support the application. The principle and impact of winning the permitted reserves has already been deemed acceptable, this application only seeks to justify an extension of time to extraction the remaining stone. There are also limited alternative options to meet market demand. As such, the proposed development accords with the requirements of Policy DM1 and DMMW1. The premise of the development is therefore considered acceptable.

### Environmental Impact

101. Quarrying operations can cause environmental pollution in a number of ways. For a modestly sized dimensional stone quarry such as New Pilhough the key environmental impacts are: dust; noise; carbon emissions and potential pollution of the hydrological environment. The site does not use high explosives and so vibration being generated on the site is not considered to be a factor.
102. The governments Planning Practice Guidance states that most building stone quarries are small-scale and have a far lower rate of extraction when compared to other quarries. This means that their local environmental impacts may be significantly less. Whilst the site does not qualify under the specific “small scale building stone” policy, in general quarrying terms the amount of remaining permitted reserves and the scale of the operation to win and transport the mineral is modest.
103. Policy DMMW3 deals with the environmental impact of minerals operations. The policy details a list of criteria relating to environmental pollutions that need to be eliminated or mitigated to an acceptable standard in order for the mineral developments to be considered acceptable. The notable impacts of the development are examined individually in this section of the report, but ultimately it is concluded that the proposed development does mitigate against environmental impact and pollution sufficiently to meet the requirements of Policy DMMW3.
104. Policy DMMW2 relates to the impact of minerals development on amenity. The impact of quarrying on the amenity of sensitive receptors is inextricably linked to the environmental pollutions generated by the operation and the degree with which these impacts can be mitigated. It is therefore appropriate to consider amenity in this section of the report. It is worth noting that odours are not generated on site and so have not been included in the assessment, and fumes generated by plant and machinery is at such a low level it does not have a materially negative environmental impact. The criteria Policy DMMW2 and Policy DMMW3 cover many of the same issues, but DMMW2 also details impact on human health and impact on recreation and rights of way. The potential risk to human health for on-site employees and visitors is mitigated by the operator’s adherence to industry standard regulations. Given the size and nature of the site there is no material threat to the health and safety of surrounding residential properties, and so the proposals are considered to satisfy the requirement of DMMW2(ix). The site is private land and the proposed development would not impact any public rights of way and so the proposals are not considered to have a negative impact on public recreation and therefore satisfies DMMW2(x).

### Noise

105. The ES submitted to the Authority included a detailed assessment of the likely impact of noise generated by the proposed development. The assessment was

comprised of computer software modelling and free field noise measurements taken from the properties that are identified as sensitive receptors.

106. The data collected from the noise sensitive properties is particularly useful in this application as the proposed extension of time would be carried out in strict accordance with the existing schedule of conditions which govern how the operator will mitigate the noise generated from site and what the maximum acceptable levels of noise are at the noise sensitive receptors.
107. As previously stated, the operator does not use high-explosives to win the mineral. Instead the rock is won by plant including a 360° excavator and a rock drill, and is then subsequently moved around the site using a loading shovel and dump truck. The majority of the work is carried out at the bottom of the quarry void, which is currently 35m below original ground level. The high walls of the quarry act as an effective natural acoustic barrier. Furthermore, any quarry waste remains on site to be used for the restoration process which minimises the volume of overall plant movements around the site and means that only the won product is transported from the site.
108. The current permission limits the operator to 5 HGV movements a day (5 in and 5 out). The lorries drive into the site in a forward gear, turn around where the access widens out and then reverse toward the quarry office portacabin where the loading shovel places the product onto the truck. The HGV then leaves the site in a forward gear, heading straight onto the haulage road south of Lees Road. The loading and movement of the HGV's takes place at ground level and so does not benefit from the acoustic barrier of the quarry void. However the number of HGV movements is controlled by condition and a HGV travelling at low speed generates significantly less noise than the plant and equipment that is used in the extraction process (the ES noise assessment states that HGV's generated 66dB(Lwa) where as a Rock Drill generates 108dB(Lwa) for example).
109. Condition 40 of NP/DDD/0712/0760 requires that the noise level attributed to normal site operation measured at any noise sensitive property shall not exceed 45dB LAeq (1 hour) (free field).
110. The sound modelling assessment provided in the ES, which is built around on-site data collected during the noise survey, states that during all the phases of the proposed extension of time the predicted noise generated through the mineral extraction will fall below the 45dB LAeq (1 hour) (free field) limit, and will be in the region of 10dB lower than the measured background noise at the noise sensitive receptors. There is one exception, which is that the model predicts that during the last phases of the operation, the quarry generated noise at Edelweiss Cottage will only be 5dB lower than background noise levels, but would still be comfortably below the 45dB limit.
111. The Authority has not received any complaints that the operator is breaching the noise limit and so it is considered reasonably likely that the predicted sound levels will be achieved. Therefore, the proposed extension of time is considered to be acceptable from a noise pollution perspective. The proposals are therefore considered to satisfy the criteria of Policy DMMW2(ii) and DMMW3(i).

### Dust and Air Quality

112. Mineral extraction operations have a multi-faceted capacity to generate dust which can travel from the site to affect local sensitive receptors. The likelihood of nuisance dust being emitted from the site and the severity of the emission is mostly influenced by the type of operational activity taking place on the site which is then influenced by climatic conditions.
113. The main sources of dust emissions for dimensional stone quarries are: soil stripping and handling; mineral extraction operations; movement of materials; and, mineral processing. The soil stripping operations have already taken place at New Pilhough and the footprint of the void is not going to be enlarged as a result of the proposed development so there is no risk of nuisance dust being generated from soil handling. The extant permission is clear that no processing of the won mineral can take place on site. This application does not seek to vary this stipulation of the permission and so there is no risk of dust being generated from mineral processing on site.
114. The geology of the site provided a natural mitigation to dust generation during the extraction process. The Ashover Grit horizon that runs through the site is a relatively faulted strata, which means that extraction can be undertaken using excavator, easing the rock out of the face, without having to use more robust methods. Extracting the mineral this way is inherently less likely to generate a substantial dust emission than using high explosives or pneumatic drills.
115. The most significant potentially dust generating activity is the movement of the won mineral out of the void to the storage and loading area. During the winter months the access leading down into the void becomes boggy and gets churned up by the plant and machinery moving up and down. During dry periods the ground becomes quite sandy and has a loose surface which in turn can generate dust pollution.
116. The survey undertaken as part of the ES states that the key dust sensitive receptors are: December Cottage, 390m north east of the site; Beighton House, 340m north west of the site; and, Edelweiss Bungalow, 420m south west of the site. It is generally accepted that properties at a distance of between 250m-500m will only be affected by medium sized dust particles that have been propelled with significant force with a corresponding wind speed.
117. The site is currently operated in accordance with the Dust Management Scheme that was submitted to the Authority by the operator, in line with the requirements of Condition 42 of the extant permission. The mitigation strategy to minimise dust generation includes: minimising drop heights for materials being loaded/unloaded; quarry plant to have upswept exhausts; restricted speeds for vehicles accessing the access roads to the site to be maintained in good order and to be well-compacted; where practicable road/track surfaces will be dampened down.

118. On balance the combination of the distances between the site and the nearest sensitive receptors, the infrequent nature with which the required climatic conditions occur and the mitigation strategy that is in place, and will remain in place for the duration of the proposed development, mean that it is unlikely that the extension of time will result in any enhanced risk of nuisance dust being generated on the site. The proposals are therefore considered to satisfy the criteria of Policy DMMW2(iv) and DMMW3(i).

#### Vibration

119. The method with which the mineral is won (i.e. pulled out by an excavator and, where necessary split with black powder) means that there is no risk of nuisance vibrations being emitted from the site. The proposals are therefore considered to satisfy the criteria of Policy DMMW2(iii) and DMMW3(i).

#### Carbon Emissions

120. The minerals industry is heavily reliant on fossil fuels to extract and process raw materials into usable products. Although electric and battery power plant is coming on-line they are a very costly investment for existing operators to make and there are still a substantial amount of embodied carbon that is associated with the production of this machinery. Given the modest size of the operation and the amount of reserves left to win, electric plant is not considered to be a viable alternative.
121. Policy CC1(d) states that the Authority should look to achieve the highest standards of carbon reduction. Given this application is for a relatively short extension of time of an existing operation, it is concluded that there is little scope to alter the overall carbon footprint of the site. However, Policy CC1(a) states that development must seek to make the most effective use of land and natural resource. By refusing this application, the Authority would essentially sterilise the remaining reserves of mineral which is clearly not an effective use of natural resource, and ultimately the market would require that stone be sourced from another site which may result in total carbon emission per tonne of stone won to be substantially higher than if the remaining reserves at New Pilhough were fully worked.
122. It is worth noting that Paragraph 209 of the NPPF gives an express support to the continued extraction and processing of mineral products to satisfy the national demand. The support remains in place despite the well documented dependence the sector has on fossil fuels.
123. In the balance of factors, the impact of the proposed extension of time on the carbon emissions generated on site is considered to be acceptable and broadly accords with the objectives of Policy CC1.

#### Hydrological Environment

124. The site is located on a ridge with a high point of 287 AOD. The underlying rock is heavily fractured. There are no signs or evidence of any permanent streams in either of the sub-catchment zones on either side of the ridge, which

indicates that rainfall penetrates the soils and fractured rock and travels underground before emerging at lower levels.

125. Ground levels surrounding the quarry void slope downward toward the northern boundary of the site. However, the majority of surface water run-off gets channelled into the void and drains through the fractured rock. Given the free-draining nature of the site it is considered highly unlikely that the proposed development would increase the risk of surface water or fluvial flooding.
126. As the site drains freely into the ground water system there is an enhanced risk from pollution and chemicals that might be leaked from the site. The conditions of the extant permission require all oil, fuel, lubricant, chemicals or any other potential pollutants to be stored on an impervious base, surrounded by impervious bunds and for chemicals to be handled with care on site. During the Authority's regular monitoring visits to the site there has not been any indication that the chemicals and fuels on site are being stored or handled in an inappropriate manner.
127. The Environment Agency offered no objection to the proposals through the consultation process. The conditions of the extant permission relating to the protection of ground water against pollutants would remain in place. The proposals are therefore considered to be acceptable in respect of its impact on the hydrological environment and satisfy the criteria of Policy DMMW3(v).
128. The proposals are considered not to result in a negative impact on the risk of surface water or fluvial flooding as the site benefits from good drainage. The local Flood Authority did not offer any objection to the proposed development. The proposals are therefore considered acceptable in relation to its impact on flood risk and therefore satisfy the criteria of Policy DMMW2(vi).

#### Impact on the Highway Network

129. Policy T4 of the Core Strategy states that the demand for freight transport should be managed by requiring development that generates HGV movements to be located on or with ready access to the strategic or secondary road network. The geography of the site means that HGV's have no choice but to travel along secondary country roads, however, the installation of the haul road and the condition requiring its use by quarry traffic is considered to adequately mitigate the impact of the development, particularly for the village of Stanton. Minerals can only be won where they are found which means that rural sites sometimes have to generate HGV movements on the rural road network. The proposals are therefore considered to meet the criteria of Policy T4.
130. The proposed extension of time will not alter the conditions that currently govern the vehicle movements associated with the operation of the quarry. This means that the operator would still be restricted to 10 HGV movements per day (5 in, 5 out), and that those HGV's would be obliged to use the haul road, which connects the quarry to Birchover Road, when leaving the site.
131. It is noted that there is an amenity impact of HGV's traveling to and from this location. The extant permission contains a Condition that requires all vehicles to travel within the site, including the haul road, to adhere to a 5mph speed limit.

This serves to reduce the engine noise and the noise of the vehicle travelling along the haul road in the most sensitive parts of the site. The Authority has not received any complaints that the speed limit is not being observed. There is no reasonable alternative to HGV's to transport the stone from the site, and given the number of daily movements and the speed limit on site is considered to adequately mitigate their impact on amenity. The proposals are therefore considered to satisfy Policy DMMW2(i).

132. The site does not have wheel washing facilities but operates with a “dirty” and “clean” zone, which means that HGV's collecting material from the site do not get muddy wheels. This in turn means that there is no quarry related debris being deposited on the highway, again satisfying the criteria of Policy DMMW2(i). The condition of the roads around the access to the quarry and haul road are checked during site monitoring visits conducted by the MPA.
133. The highway impact assessment that forms part of the ES sets out road traffic accident data for the Lees Road and Birchover Road. It is clear from the data submitted to the Authority that there are no over-arching road safety issues on the surrounding network. There have been no recorded incidents which have been caused by or involved quarry traffic since the extant permission came into effect.
134. The proposed development would not have a harmful impact on the safe operation of the highway. The Highways Authority offered no objection through the consultation process. The proposed extension of time is therefore considered to be acceptable from a highway's perspective.

#### Impact on the Landscape

135. The baseline parameters for assessing development in the National Park is that it is a protected landscape and has the highest standard of landscape protection as set out in both the NPPF and the Environment Act 1995. Policy L1 is clear that any development must conserve and enhance the valued characteristics of the National Park.
136. The site is located in “enclosed gritstone upland” of the Derwent valley, as defined by the Landscape Strategy. The quarry is located on the crest of a hill, with woodland flanking one side, open agricultural land sloping down to the north-east and Stanton Moor to the south and south-east.
137. The Authority does not agree with the assertion made in the ES that the landscape setting of the quarry has a medium sensitivity to the impact of development. The Authority's assessment is that the baseline sensitivity for development is high due to its position in the protected landscape and its intimate relationship with Stanton Moor.
138. However, there are some important mitigating factors. Firstly, the quarry's position on the crest of the hill means that the working void is well screened from view. Furthermore, the fact there is no processing allowed on site means that the amount of physical infrastructure on the site is limited to the site office portacabin and access track. The principle of the extraction of the permitted reserves has already been deemed acceptable under the 2017 consent.

139. There are views across the valley from Beeley Moor where the top of the quarry is visible, but this is mitigated by the woodland background which lessens the impact. There is a substantial distance between the site and these vantage points, again lessening the visual impact. Ultimately the impact of the quarry from Beeley Moor amounts to a distant view of the portacabin, the bare earth of the access into the void and the occasional movement of plant or machinery around the site. The impact on the landscape from this location is therefore considered to be minimal.
140. There are glimpses of the surface development afforded to passers-by on Lees Road, specifically where the road passes the access to the site and the haul road, but again, the modest level of development at the surface means that the visual impact is minimal.
141. Importantly none of the quarry or associated development is visible from the majority of the Stanton Moor Schedule Monument, although part of the haul road and the access into the quarry are visible from the footpath leading from the Moor to Lees Road, from the north-west tip of the Scheduled Ancient Monument designation.
142. All the associated development including the portacabin and any plant would be removed following the cessation of the extraction operations. The restoration plan submitted with this application shows an enhanced scheme from the currently approved plans in that it contains a variety of native plants to provide habitats from wildlife. Allowing the extension of time would allow the operator to access enough quarry waste to achieve the proposed contours.
143. The phasing plans submitted with this application are the same as the phasing plans that were approved with the extant consent, although the titles of the proposed phasing plans have been amended to avoid confusion. The applicant is proposing to continue extracting the mineral from within existing void and footprint of the quarry. No further soil stripping will be required in order for the remaining reserves to be extracted. Therefore, it is concluded that there will be no enhanced impact of the extraction on the landscape as a result of the proposed extension of time.
144. Following pre-application advice, and in line with the requirements of Policy MIN1, the applicant has submitted a revised restoration scheme. The key differences between the proposed and approved restoration masterplans is the planting scheme. There is no difference in the levels and land forming in the proposed restoration plan and so its contribution to the landscape would remain unchanged, with the exception of the enhanced planting scheme.
145. The extant permission and associated S.106 agreement do not contain any requirement or mechanism to require the operator to submit a revised restoration scheme in the event that full extraction is not completed. If the Authority is minded to approve this application, officers will ensure a condition is attached to the permission that requires the submission of a revised restoration scheme in the event of premature cessation or if the full permitted reserve is not extracted within the extension of time. This would mitigate any risk of the site being left unrestored or being restored to an unacceptable standard, which

would be an increase in the level of control the Authority has in comparison to the current situation.

146. Overall the continued extraction is going to have a minimal impact on the landscape over the two-year extension period and will have the added benefit of allowing the operator to fully restore the site. The proposals are therefore considered to accord with Policy L1 and Policy MIN1 of the core strategy.

### Impact on Ecology

147. An ecological assessment was submitted to the Authority as part of the ES which was comprised of desk-based assessments and monitoring surveys. The assessment has been produced by accredited and competent ecological professionals.
148. The primary impact on local wildlife populations would be that the vibration, dust and noise that is generated through the extraction process would continue until the end of 2024. Given the localised nature of these environmental emissions, it is concluded that there will be no impact on designated sites in the area, the nearest of which is the Clough Wood SSSI 1.6km south of the site.
149. The site, in its current state, is concluded to have no value for breeding or foraging birds detailed in the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area.
150. No badger sets were recorded within or immediately adjacent to the site. There were no trees suitable for bat roosts on the site itself, and the larger trees in the adjacent woodland would not be impacted by the proposed extension of time. A breeding colony of Sand Martins has previously been recorded on site, but there has been no record of them using the site since 2017. The proposals are therefore assessed to not have a harmful impact on any protected species.
151. Given the remaining extraction would take place within the existing footprint of the quarry void, it is concluded that there would no significant loss of habitat through the proposed extension of time.
152. Ultimately the impact of extending the period of time in which the extraction operation can take place is considered to have a very limited negative impact on the local ecological environment.
153. In order to meet the criteria of Policy MIN1 the operator has submitted an enhanced proposed restoration scheme. The proposed restoration strategy would see the northern portion of the site being planted with a heathland and species-rich acid grassland seed mix. The southern portion of the site would be left to regenerate naturally, and a section of exposed rock face on the southern boundary would be left as a potential habitat for Sand Martins. The Authority's ecological officer has agreed that this planting strategy would offer a broad enhancement, but has recommended soil nutrient testing takes place which will in turn inform the final seeding mix and planting methodology to be used in the restoration, which would be secured by condition. A restoration and aftercare management plan would also be required by condition. The management plan

would provide details of the final seeding mix, details of material placement for habitat creation, final details of site boundary treatment and management of undesirable/invasive species

154. To conclude, the negative impacts of the proposed extension of time would be mild and will be temporary in nature, whilst the enhanced restoration scheme would provide a long-term biodiversity net gain in accordance with the objectives of Policy MIN1. Enhancement of the site's biodiversity value would also help achieve the objectives of Policy GSP2. Therefore the proposals are acceptable from an ecological perspective.

#### Impact on Cultural Heritage

155. The site sits in close proximity to the Stanton Moor Scheduled Monument. The listing of Scheduled Monuments affords the asset the highest standard of heritage protection by Paragraph 200(b) of the NPPF.
156. The Historic England listing explains that the area of moorland has been designated as a Scheduled Monument because of the significant archaeological discoveries that have been made there. Notably the site is home to the “Nine Ladies” stone circle, along with a number of burial sites and settlement remains that have been dated back to the Bronze Age.
157. The extant permission was in part the result of an agreement between the operator and the Authority for the relinquishment of a historic permission that allowed for mineral extraction at Stanton Moor Quarry, which was considered to have a much greater harmful impact on the setting of the monument due to its location on the moor itself.
158. There would be no potential harm to the archaeological environment as a result of the proposed extension of time as the foot-print of the quarry would remain unchanged from that previously consent. There would be no further soil stripping taking place on site so any artefacts close to the surface on the site would have already been discovered.
159. The key question for the Authority to consider is whether the extension of time would have an unacceptable impact on the setting of the Scheduled Ancient Monument. It is important to consider that the quarrying operation would have a defined end date in the near future if this application is approved and so any impact on the setting of the Monument would be temporary in nature.
160. The surface development of the quarry, which would remain unchanged through the course of the development, is partially visible through existing vegetation from the north-west tip of the Monument designation, with the site completely shielded from view from the rest of the Moor. It is therefore concluded that the proposals will have a negligible impact on the visual setting of the heritage asset.
161. It is possible that in certain climatic conditions that noise and/or dust generated on the site may travel toward to the moor, however, given the existing practical mitigations required by the extant consent the likelihood of such an event has been minimised. The Authority has not received complaints from

visitors to the Moor that the quarry is having a negative impact on the enjoyment of the heritage asset. Notwithstanding, the short extension of time is assessed to pose a very limited potential impact on the heritage asset, which is outweighed by the benefits of allowing a sustainable extraction of the remaining permitted reserves.

162. The application has received no objection from English Heritage or from the Authority's Archaeological who offered no objection to the proposals. The Authority's Cultural Heritage Officer concluded that the proposed extension of time represented a less than substantial harm, and furthermore, was at the low end of the scale of less than substantial harm.

163. The impact of proposals on the historic environment are considered to be thoroughly out-weighed by the benefit of approving the application given the minimal visual impact of the site on the Scheduled Monument, the unlikely nature of environmental emissions causing nuisance and the temporary nature of the operation.

#### Cumulative Impact of the Development

164. New Pilhough Quarry is located immediately adjacent to Daleview Quarry, which is also a dimensional building stone quarry. It is possible that the combination of both quarries operating at the same time could exacerbate the impact of any environmental pollutions or emission that are generated across the sites.

165. The two quarries have operated next to each other for many years and the Authority is not aware of unacceptable impact which have been generate through a cumulative effect. The proposals will not see an intensification of operations above and beyond what is already permitted and so it is concluded that there will not be an unacceptable impact on sensitive receptors through the cumulative impact of the development.

#### Deed of Variation to Existing S.106 Agreement

166. Should Members be minded to approve this application it would be necessary to secure a deed of variation to the existing S.106 agreement. Such an agreement would ensure the retention of existing requirements and controls, update restoration requirements and secure a financial contribution for community benefit.

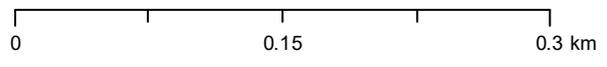
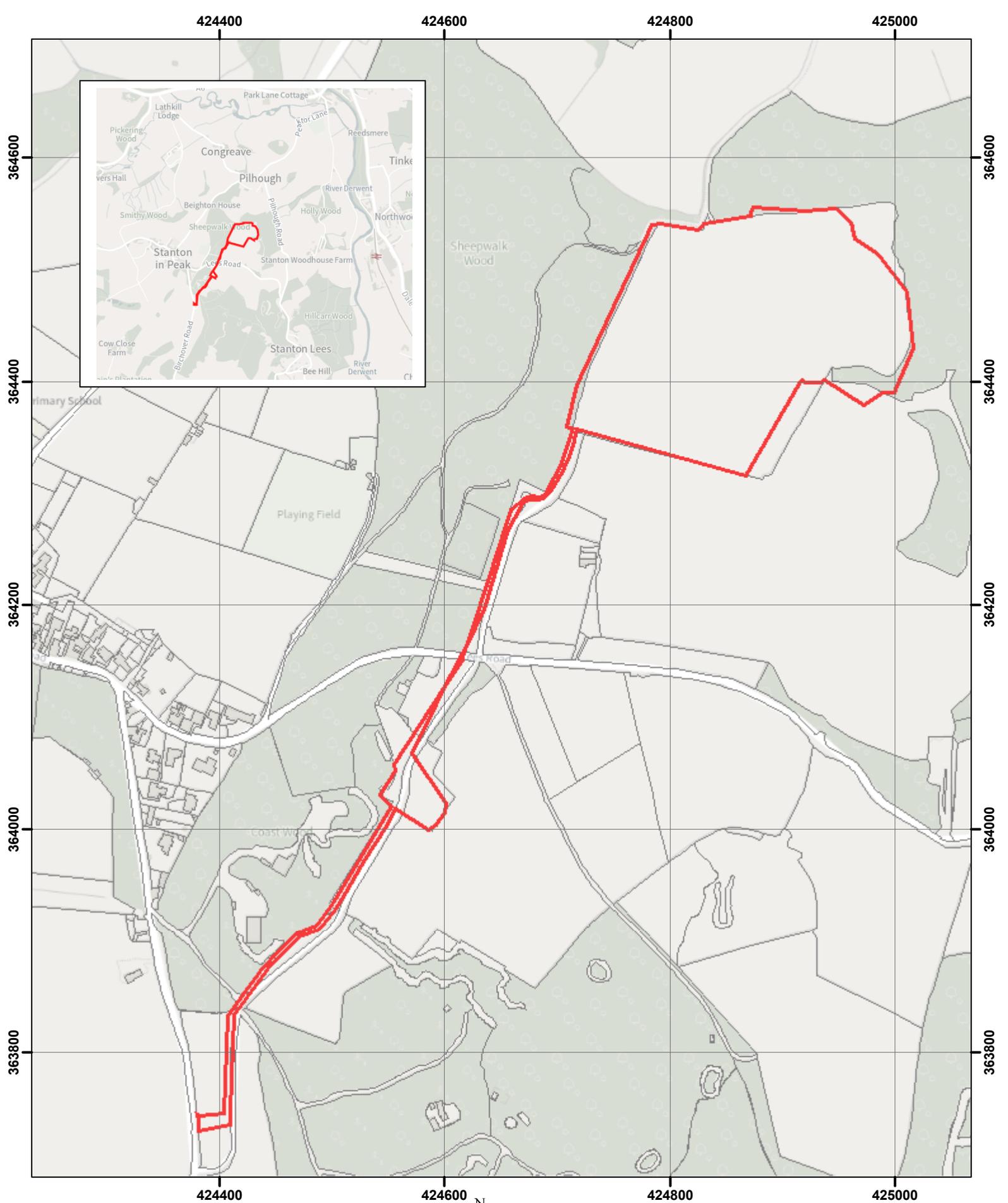
#### **Conclusion**

167. The proposed 2-year extension of time is considered to be modest addition to the life span of the quarry which is required, in part, due to the impact of Brexit and the Covid-19 pandemic.

168. The proposed variation of condition would allow the extraction process to continue until the end of 2024, with restoration process to be completed by the end of 2025. The final restoration planting would be informed by the results of

nutrient testing of the soils on site required by condition. The new planting scheme would provide an ecological enhancement for the site beyond the restoration scheme that is currently approved, and would create new native habitats.

169. Allowing the extension of time is assessed as being the most sustainable course of action. Both national and local planning policy support the most effective use of natural resources, which would not be achieved by refusing the extension of time and leaving permitted reserves of stone in the ground.
170. The stone won at New Pilhough Quarry plays an important role in the local building tradition and contributes to the national demand for high quality building stone. The stone is not sold exclusively in the National Park and so does not qualify under Policy MIN3. It is however a material consideration to ensure a sufficient supply of local building stone is available for development in the National Park to take place using appropriate materials. The site contributes towards meeting a need that would otherwise have to be met from elsewhere, if not from New Pilhough.
171. The conditions governing the operation of the site would be mostly unchanged, and enforceable limits relating noise, dust, pollution, hours of operation and highways conditions would all still be in place, meaning there would be no unacceptable impact on the amenity of nearby sensitive receptors. Should the Authority be minded to approve this application, officers will ensure that conditions are attached to the permission that require the submission of a restoration plan for the haul road within an amended time frame, and a condition requiring the submission of revised restoration in the event the extraction is not completed, which represents a significant gain for the Authority's control of the site.



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## New Pilhough Quarry

Item no. 5  
 Application no. NP/DDD/1022/1238  
 Committee date: 3rd November 2023

Page 13  
 Scale: 1:4,260 at A4 pagesize  
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**6. FULL APPLICATION – CHANGE OF USE OF DINING ROOM FOR BOTTLING ON SITE SPRING WATER ON A PERMANENT BASIS AT CRAG INN, CLOUGH ROAD, WILDBOARCLOUGH (NP/CEC/0723/0764) TS**

**APPLICANT: MR DORAN BINDER**

**Summary**

1. Planning permission was granted on a temporary basis in 2018 for use of the dining room at Crag Inn public house for the bottling of water from an on-site spring. The permission was granted on a temporary basis in order to allow for an assessment of the impact of the water bottling use on the public house as a community facility and also on the residential amenity of neighbouring properties over a prolonged period of time. The current application now seeks to make the planning permission for the use permanent.
2. We are of the view that the water bottling use at the scale as previously approved is an appropriate commercial use that does not have an unacceptable impact on the public house as a community facility. Furthermore, the nature of the water bottling use does not give rise to any unacceptable impacts in respect of any other material planning considerations, including residential amenity.
3. It is recommended that the application should be approved, and permission granted for the water bottling use on a permanent basis.

**Site and Surroundings**

4. The Crag Inn is a public house located adjacent to the minor road through Wildboarclough and to the south of the main group of buildings in the dispersed settlement. The building is not listed but is in keeping with the local building tradition and it is constructed primarily from natural gritstone under a blue slate roof.
5. The pub is served by a large car park to the south-west of the pub premises, which has two entrances at either end of the site frontage. The pub operates on the ground floor of the property with the applicant's living accommodation above.
6. The premises lie outside the confines of any named settlement and therefore the Crag Inn lies in open countryside for the purposes of the Development Plan and national planning policies in the National Planning Policy Framework.
7. A public right of way (Wildboarclough no.16) runs from the public highway to the west of the car park alongside the car park before heading in a westerly direction.
8. In April 2018 planning permission was granted for the change of use of the Crag Inn from a public house to a mixed use of a public house and water bottling plant (NP/CEC/0118/0031). The permission was granted for a temporary period of three years. A further temporary permission, also for three years, was granted in April 2021.

**Proposals**

9. Planning permission is sought to change the use of the Crag Inn from a public house to a mixed use of a public house and water bottling plant on a permanent basis. As with the existing temporary permission, it is proposed to use the current public house dining room, which is located on the ground floor, on the western side of the building as an area for bottling spring water that is extracted from below ground via an existing

- borehole located within the curtilage of the property.
10. The room in question has a floor area of approximately 29.5 m<sup>2</sup>. The bottling equipment that has been installed within the room in question consists of a rinsing machine, filling machine and a capping machine together with a double sink.
  11. After bottling (in glass bottles) the water is stacked into crates and removed from the building through an existing window opening in the east facing elevation of the building into an enclosed yard, ready for delivery. No alterations to the pub building itself are proposed.
  12. An updated supporting statement has been submitted which sets out that the public house would not have survived covid or the energy price crisis without significant subsidy from the spring water business. The spring water business allows the public house to open for 4 hours a week, despite the public house being loss-making. The applicant's intention remains to open the public house for more hours as the spring water business provides income to allow this.

### **RECOMMENDATION:**

#### **13. That the application be approved subject to the following conditions:**

- 1. Development to be carried out in accordance with the submitted plans.**
- 2. Water bottling and associated storage to be restricted to the dining room and enclosed yard to the east of the public house only.**
- 3. Maximum of 500 crates / 5000 litres of water to be bottled and/or distributed in any day.**
- 4. The water bottling use shall cease if the Crag Inn ceases to trade as a public house.**
- 5. Use of machinery and deliveries and activity in the external yard to be limited to between 08.30am and 6.00pm only.**
- 6. No direct sales of bottled water from the site other than from the bar within the Crag Inn public house**

### **Key Issues**

14. Principle of Development
15. Relationship with the public house as a community facility
16. Visual Impact.
17. Amenity Impact.
18. Access and Highways.
19. Climate change mitigation

### **History**

20. 2009 - Planning application seeking change of use of public house to dwelling withdrawn prior to determination.
21. 2011 - Planning permission refused for change of use of public house to dwelling.
22. 2011 - Planning application seeking change of use of public house to dwelling withdrawn

prior to determination.

23. March 2012 – Planning permission refused for change of use of public house to a dwelling. The application was refused on several grounds, including that it had not been satisfactorily demonstrated that the loss of this valued community and tourist facility was justified and that it could no longer be operated as a viable concern. A subsequent appeal was dismissed.
24. May 2014 – planning consent granted for erection of camping barn. This permission was not implemented, and the permission has now lapsed.
25. October 2017 – planning permission refused for erection of single storey building incorporating 2 short term holiday lets.
26. April 2018 – temporary 3 years planning permission granted for the change the use of the current dining room at the Crag Inn into a bottling plant for bottling on site Spring Water.
27. April 2021 – second temporary 3 years planning permission granted for the change the use of the current dining room at the Crag Inn into a bottling plant for bottling on site Spring Water.

### **Consultations**

28. **Highway Authority** – No objection, noting that *“There are no material highway implications associated with the continuation of this use, which I note has been operational since 2018 and I am not aware of any highway related issues that have arisen during this period.”*
29. **Cheshire East Council** – *“can confirm that the development does not appear to affect a recorded right of way”.*
30. **Parish Council** – No response.

### **Representations**

31. Fifty-four letters of support have been received raising the following points (in summary – the full letters can be read on the application file):

Environmental and sustainability benefits of bottling spring water in recyclable glass.  
Employment generation and economic benefits.  
The development adds to the tourism offer of the area.  
No impact on the host building or local environment.  
No impact on wildlife or ecology.

32. Five letters of objection have been received, including one from Ward Councillor O’Leary raising the following points (in summary – the full letters can be read on the application file):

Concerns about the impact on the public house business and that the Crag Inn should be returned to a place for the local community.  
The potential loss of the public house to a non-policy compliant business use.  
The impact on the water table.  
The use has created an untidy site.

## Main Policies

33. Relevant Core Strategy policies: GSP1, GSP3, E2, HC4, CC1

34. Relevant Local Plan policies: DMC3, DMC14, DME7, DMS2, DMT3

## National Planning Policy Framework

35. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2020. 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 Development Management Policies (adopted May 2019) 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.

36. 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.'*

## Core Strategy

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

38. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

39. Core Strategy policy E2 states that in open countryside businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmstead and in groups of buildings in sustainable locations.

40. Core Strategy policy HC4 seeks encourage the provision and retention of community facilities.

41. Core Strategy Policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy.

### Development Management Policies

42. Policy DMC3 expects a high standard of design that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape.
43. Policy DMC14 sets out that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could have adverse environmental and amenity impacts will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.
44. Policy DME7 states that expansion of existing business development outside of specific named settlements will only be permitted where it is of a modest scale in relation to the existing activity and does not extend the physical limits of the established use and it does not harm and wherever possible secures an enhancement to the amenity and valued character of the area and the site.
45. Policy DMT3 states the development will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.
46. Policy DMS2 sets out relevant considerations for proposals for the change of use of shops, community services and facilities.

### Assessment

#### Principle of Development and Relationship with the Public House Business

47. When planning permission was granted in 2018 for the use of part of the public house as water bottling plant (for spring water that emerges at the site), it was granted on the basis that *'the proposals could provide a valuable additional income stream to help to support the (pub) business and at the scale proposed the use would remain modest in scale in relation to the main use.'* The reasons we took that view were because it was demonstrated that the loss of the dining room could be compensated by additional tables within the remainder of the pub, and that the scale of the business was limited by restricting the bottling use to the dining room and adjacent yard only. A condition to limit the number of crates of water produced to 500 per day was also considered to be necessary to further control the level of use. A 3 year temporary consent was granted to enable any impacts of the main use of the site as a public house and on residential amenity to be re-assessed after a reasonable period of time.
48. The applicant sought to make the permission permanent in 2021, in the midst of the covid pandemic. The Covid 19 pandemic had meant that public houses were either closed or subject to restrictions for a significant proportion of the initial permission granted in 2018. This meant that it had been difficult to properly understand the long-term impact that the water bottling business had on the public house. As such, a further temporary permission was granted in 2021. This was also for a three year period, which expires in April 2024.
49. Planning guidance makes it clear that there will not normally be reasonable justification for the issuing of a temporary permission on more than one occasion. Whilst the covid pandemic provided exceptional justification for a second temporary permission, no such circumstances exist now. At this stage, the options before the Authority are to approve the water bottling use on a permanent basis, or to refuse it which would force the cessation of the water bottling business once the current temporary permission expires in April 2024.

50. The two temporary permissions have served the intended purposes of allowing a good understanding of the impacts of the water bottling use. It is evident that the water bottling has become a successful business, and this is welcomed. Supporting information from the applicant sets out that the water bottling business employs up to 15 people.
51. Concerns raised by objectors in respect of the impact on the public house are noted and fully acknowledged. It is understood that the public house currently opens for 4 hours a week, at the weekend.
52. Whilst this is clearly a very limited offer in terms of the public house as a business and community facility, the applicant has stressed that the public house business would not have survived the pandemic and energy price issues without significant subsidy from the water bottling business. Information has been supplied that shows very modest takings from the public house business, and the applicant states that these takings represent a loss-making enterprise (when the public house business is considered in isolation from the water business).
53. As with any business, the extent of the opening hours (at least in respect of minimum opening hours) are a matter to be determined by the business operator and not by the Local Planning Authority. It would clearly be preferable for the public house to be open to serve members of the local community and visitors for far more than 4 hours a week. However, significant weight is also given to the very realistic likelihood that the public house would have closed altogether without the business diversification that the water bottling business provides.
54. The applicant has reiterated an aspiration to open the public house for more hours as the success of the water bottling business provides more income to subsidise the public house to a greater extent.
55. It is apparent that, as things stand today, the water bottling business has overtaken the public house business as the main income generator, and this is reflected in the very limited opening hours of the public house. However, significant weight is also given to the difficulties faced by the hospitality industry throughout the last three years, and it is accepted that there is a very high possibility that the public house business will close altogether if the water bottling business is brought to an end.
56. As with the previous permissions, it remains the case that there is no reason to conclude that the water bottling business actively harms the public house. It remains limited to one room and the external yard area. There is no practical reason as to why the water bottling and public house businesses cannot both thrive in the same building.
57. Whilst the limited opening hours of the public house could be said to be disappointing, the applicant's stated commitment to extending these hours is encouraging and it is considered that the continuation of the water bottling business provides the best likelihood of the public house surviving and being able to open for longer hours in the future.
58. The repetition of the previous condition requiring the water bottling business to cease if the public house business closes is necessary in order to protect the public house as a community facility and to incentivise efforts to make the public house more viable. Similarly, conditions limiting the scale of the water bottling operation are again recommended in order to ensure that the public house business is not subsumed by the water bottling business and to protect residential amenity, as discussed further below.

59. Overall, the use of part of the public house site for a water bottling business on a permanent basis represents an appropriate and sustainable form of business diversification, and which makes use of a traditional building. The proposal, therefore, accords with policies E2 and DME7 in this respect. Furthermore, the water bottling use on a permanent basis does not result in the loss of the public house as a community facility and the proposal accords with policies HC4 and DMS2. The principle of the water bottling use on a permanent basis is, therefore, considered to be acceptable.

#### Impact on Residential Amenity

60. The other reason for the temporary permission was to allow the impact on residential amenity to be re-assessed after a reasonable period. The main property that had the potential to be affected by the proposals was 'Old Beams', which is located immediately to the north of the public house. Concerns were raised by the occupier at the time of the original application with regard to potential for noise to emanate from the yard where the bottles are stored and delivered/collected and that this could cause harm to amenity. We took the view that it would be unlikely that the proposed use would increase the noise levels from the yard significantly over and above existing potential levels if the pub were operated more intensively (the yard's existing use was as a delivery and storage yard for the pub). However, the 3 years permission would enable a re-assessment of any impacts.

61. We have not received any complaints from the occupier of Old Beams since the bottling plant has been in operation and they have written in with regard to the current proposals, raising no objections. Consequently, we are satisfied that the bottling plant, as originally approved does not cause harm to the privacy and amenity of neighbouring properties and therefore amenity issues would not be a barrier to a permanent consent.

62. Subject to a repetition of the conditions that limit the scale and hours of the water bottling operation, it is considered that the use on a permanent basis would not result in harmful amenity impacts and the proposal accords with policies DMC3 and DMC14.

#### Visual Amenity

63. Concerns raised in representations regarding the site being untidy are acknowledged. However, the use of one room within the public house business for water bottling has no visual impact. Furthermore, the yard to the eastern side of the public house building is well contained and the use of this area for storage has little impact on the appearance of the site and no impact on the wider landscape character and special qualities of this part of the National Park.

64. A tent has been erected over the yard area. This does not have planning permission and is not under consideration as part of this application for the use of the site. A separate application would be needed for the erection of the tent on a permanent basis. The use of the tent to provide shelter on an occasional basis, for example during adverse weather, is unlikely to constitute operational development as long as it is entirely removed when not in occasional use. A repetition of the previous condition limiting storage to the eastern yard is again recommended in order to prevent the use extending into the main car park and outdoor space to the front of the building.

65. Given that the water bottling use is limited to one room within the building, and to the eastern yard area, the general condition of the exterior of the public house building and any issues relating to the external space to the western side of the building are not directly related to the proposed use that is under consideration and, therefore, do not carry any significant weight in the consideration of this application.

66. Overall, it is considered that the water bottling use on a permanent basis does not harm the visual amenity, landscape character or special qualities of the National Park and accords with policy DMC3 in this respect.

#### Access and Highways Impacts

67. The site includes adequate space for delivery vehicles and staff and visitor parking. The local highways authority has raised no objections, noting that the water bottling use has been in operation for several years now and that a permanent permission would not result in any adverse impacts. The proposal accords with policy DMT3.

#### Sustainability and Climate Change Mitigation

68. Representations have noted the suitability benefits of the water bottling business, and these points are noted. Water is taken from a borehole on site and also bottled on site. This, therefore, does not require any transportation between the source and bottling stages and is sustainable in this respect. The water is also bottled in reusable glass bottles, and not single use plastic. Whilst no specific renewable energy or carbon reduction measures have been put forward, it is considered that the water bottling is a sustainable operation that reduces emissions and traffic movements compared with the situation if water was to be tanked and taken elsewhere for bottling. The scheme is considered to sufficiently accord with policy CC1.

#### Other Considerations

69. A representation has raised concern about the impact of the water bottling process on the water table and on the water supplies of other properties in the locality. The applicant has provided information that sets out that a hydrogeology survey has been undertaken that indicates a source capacity of about 500,000 litres of water per day. An extraction licence is required for extraction of over 20,000 litres per day. At 5000 litres of water per day (in accordance with the recommended condition) the volume of water extraction is well below both the indicative source capacity and the threshold for licencing. The hydrogeology report sets out that the yield will always be maintained at this level of extraction as the water is replenished at a faster rate than it is extracted.
70. Based on the above information, we have no technical evidence to substantiate any concern that the water bottling operation has an adverse impact on the water table or on other local water supplies.

#### Conclusion

71. It is concluded that the water bottling use represents a suitable and appropriate form of business diversification at the established public house site, and would not adversely impact on the viability of the public house as a community facility. Furthermore, the temporary consents have demonstrated that the use does not have an unacceptable impact on the amenity of neighbouring residents. Whilst concerns relating to the limited extent of the public house use at the moment are noted and well understood, this is weighed against the continued provision of an alternative income source that has subsidised the public house during very difficult conditions for the hospitality sector. Overall, it is considered that permanent permission should now be granted for the water bottling use alongside the public house business. The proposal is considered to accord with policies GSP1, GSP3, E2, HC4, CC1 of the Core Strategy, policies DMC3, DMC14, DME7, DMS2, DMT3 of the DMP and the relevant sections of the NPPF.

**Human Rights**

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

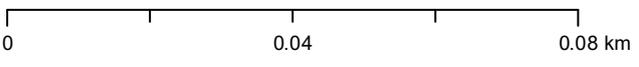
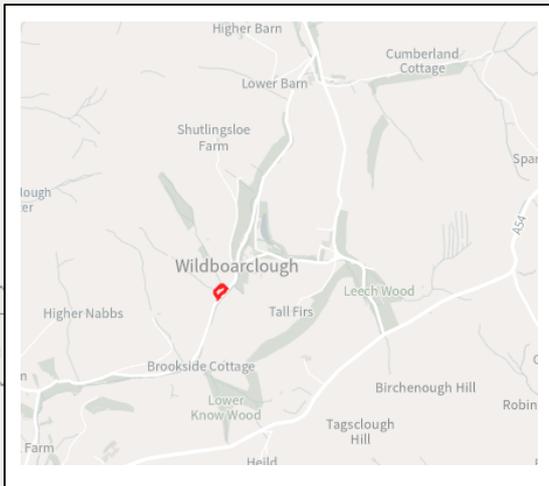
**List of Background Papers** (not previously published)

73. Nil

**Report Author and Job Title**

74. Tom Shiels – Consultant Planner

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**Crag Inn, Wildboarclough**

Item no. 6  
 Application no. NP/CEC/0723/0764  
 Committee date: 3rd November 2023



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**7. LISTED BUILDING CONSENT – 5 NO.S WINDOWS TO BE REPLACED, STONEMWORK AROUND WINDOWS TO BE REPLACED, ALL TO THE FRONT ELEVATION – LILAC COTTAGE, MAIN STREET, TADDINGTON (NP/DDD/0823/0935, RD)**

**APPLICANT: MR TREVOR RIDE**

**Summary**

1. The application site comprises a residential property located in the village of Taddington.
2. Grant aid was given for replacement windows on this property, which were completed by 16/4/2004. The grant aided windows have been replaced with double glazed windows sometime since 2005 without the consent of the PDNPA.
3. Listed building consent is now sought for the replacement of five windows with new timber windows including double glazed units, all to the principle elevation of the property.
4. The proposed development would result in harm to the significance of the listed building and to the character of the Conservation Area.
5. The application is therefore recommended for refusal as the proposed works would harm the character, appearance and significance of the Grade II listed property, its setting, and the conservation area within which it sits, and is therefore not in accordance with the relevant adopted policies.

**Site and Surroundings**

6. Lilac Cottage is a Grade II listed property situated on the northern side of Main Road, just to the east of the Methodist Chapel. It is a late 18th century, two-storey farmhouse constructed of coursed rubble limestone with gristone dressings. Stone slate roof with stone gable end stacks.
7. Lilac Cottage sits within the Taddington Conservation Area.

**Proposal**

8. Listed Building Consent is sought to replace five windows on the front elevation of the property, including the stonework around windows. The proposal would replace the existing unauthorised windows with new timber, double glazed units.
9. The replacement windows would all be on the principle elevation of the property.
10. A number of the stone jambs also require replacement.

**RECOMMENDATION:**

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

**The proposed works would harm the significance of the Grade II listed property, its setting, and the conservation area within which it is located. The arising public benefits are heavily outweighed by this harm. Therefore, the proposal fails to conserve the architectural and historic interest of the building, to which the Authority is required to have special regard as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.**

### **Key Issues**

11. The key issues are the desirability of preserving the designated heritage asset affected by the proposed works, the setting and any features of special architectural or historic interest, which are possessed.

### **Relevant Planning History**

12. September 2002 – DDD0902472: Listed Building consent - Erection of conservatory and alterations to dwelling – Granted Conditionally
13. September 2002 – DDD0902474: Erection of conservatory – Granted Conditionally

### **Consultations**

14. Parish Council – In support of the application, on the grounds that they are restorative works that will also improve the resilience and energy efficiency of the building.
15. Highway Authority – No objection.
16. District Council – No response at the time of writing.

### **Representations**

17. One letter of representation has been received by the Authority in support of the application, on the grounds that it would return the property to its original design at the time of listing and simultaneously improve the property's energy rating.

### **Main Policies**

18. Relevant Core Strategy policies: L3
19. Relevant Development Management policies: DMC5, DMC7 & DMC8

### **National Planning Policy Framework**

20. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was last revised and re-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.
21. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
22. Paragraph 176 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

23. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It notes that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It advises that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
24. Paragraph 199 sets out 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.
25. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
26. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Peak District National Park Core Strategy

27. L3 - *Cultural Heritage assets and archaeological, architectural, artistic or historical significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

#### Development Management Policies

28. 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.
29. DMC7 – *Listed Buildings*. The policy provides detailed advice relating to proposals affecting listed buildings and states that:
  - a. Planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:
    - (i) how their significance will be preserved;
    - (ii) why the proposed development and related works are desirable or necessary.
  - b. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the Listed Building and its setting and any curtilage listed features.
  - c. Development will not be permitted if it would:
    - (i) adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or
    - (ii) result in the loss of or irreversible change to original features or other features of importance or interest.
  - d. In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to:
    - (v) Repairs or alterations involving materials, techniques and detailing

inappropriate to a Listed Building;

- 30 DMC8 – *Conservation Areas*. The policy outlines how developments in a conservation area that affect its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation area will be preserved or enhanced.

## **Assessment**

### **Background**

- 31 The list description for the listed property refers to the windows on the front elevation.
- 32 *“C20 part glazed door. Flanked on each side by a 2-light square section flush mullion window. Central single light window to first floor with flush stone surround flanked on each side by a 2-light square section flush mullion window.”*
- 33 A Historic Building Grant was given in 2002 for installation of 12 6-paned casement lights; 9 to the front and 3 to the rear kitchen window. These were single-glazed, with traditional detailing: flush-fitting not storm-proof frames; slender frames and 18mm glazing bars; and with traditional profiled inner moulding detail to the glazing bars and frames. Listed building consent for these works was required but never applied for, albeit the works clearly progressed with the support the Authority’s conservation officers as a grant-aided works that enhanced the listed building.
- 34 A photograph in the PDNPA archives dated to the 17<sup>th</sup> March 2003 shows the new windows fitted, with the exception of two windows at the ground floor of the front elevation.
- 35 Numerous enquiries have been received by the PDNPA (PE\2020\ENQ\39492; PE\2022\ENQ\45268; PE\2022\ENQ\46835) regarding the possibility of the installation of double glazing.
- 36 The Authority’s stance on the matter has consistently been that double-glazed windows would not be acceptable in this property, and furthermore that we would not want to see windows which the Authority has previously grant-aided being removed or altered.
- 37 However, it is apparent that the grant-aided windows have been replaced with double-glazed units at some point within the last 20 years, with windows of modern detailing and wider frame sizes. These windows do not benefit from listed building consent and are unauthorised.

### **Impacts of the works on the significance of the listed building**

- 38 The proposed windows would be timber framed and double glazed, with 20mm thick glazed units to be used.
- 39 The use of double glazed units would fundamentally alter the appearance of the windows when compared to historic single-glazed windows. They would possess different reflective qualities, and have spacers evident within the frames. This, and the greater weight of double glazed units, also gives rise to a different, wider, profile of frame. As a result they would not conserve the historic character or appearance of the windows, which form an important part of its architectural significance. As such, they would harm the significance of the listed building in a similar manner to the current unauthorised windows.
- 40 Further, it is proposed for the windows to have applied glazing bars – i.e. faux bars that are adhered to the outer faces of the glass. These do not accurately represent

traditional joinery and would be historically incorrect. They would also fail to produce the multi-faceted reflectivity of individual panes of glass, appearing too uniform and flat. Additionally, with applied glazing bars there is a risk of the adhesive failing. The proposed use of applied glazing bars would therefore undermine the authenticity and integrity of the listed building.

- 41 With reference to Paragraphs 201 and 202 of the NPPF in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposed works, it is considered that the harm in this instance would be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
- 42 Justification for the proposals concerns the poor condition of the existing windows, as well as their poor energy performance, and states that replacement will enhance, maintain and prolong the life of the listed building. Given that the current windows are unauthorised, their appearance is given very little weight in the balance; although it is recognised that appropriate replacement windows do need to be secured for the buildings sake.
- 43 In the case of listed buildings, the authority's position on windows is in alignment with that of Historic England, the government's advisor on the historic environment, who state that: *Where historic windows, whether original or later insertions, make a positive contribution to the significance of a listed building they should be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.*
- 44 Therefore, if the windows are beyond repair we would expect any new windows to be a like for like replacement. In this case that would be in line with the grant-aided windows installed c.2003 which should be 6-paned single-glazed casements, flush-fitting with mitred joints, with narrow glazing bars (18mm) and slender frames, and with a traditional inner moulded profile to the glazing bars and frames. The glass should be secured with a glazing compound (putty), not beads. The new windows need to be in timber, but a more durable hardwood than was used historically would be acceptable.

#### Public Benefit

- 45 The installation of double glazing will improve the energy efficiency of the property. Whilst reduced costs of heating the property are a private benefit for the occupier, the improved energy efficiency leading to reduced loss of energy from the dwelling is a public benefit.
- 46 It is noted policy CC1 relating to climate change mitigation and adaptation recognises the benefits of improved energy efficiency. This public benefit is acknowledged and given weight in the planning balance.
- 47 However, this benefit must be weighed against the importance of the continued conservation of the heritage asset as required by both national legislation and the NPPF.
- 48 Firstly, in the context of historic buildings, it is not necessarily the case that double glazing is more sustainable than the alternatives. It is of note that double glazing units have a limited lifespan, typically lasting 10-30 years, after which the units need replacing with new glass – which is itself a high energy/high carbon material. Further, options of secondary glazing and other traditional methods of insulation (such as heavy curtains, shutters, blinds etc) can improve the environmental credentials of listed buildings with less or no impact on their significance.

- 49 This is material; it reduces any benefit arising from the introduction of double glazing when compared to other measures that could be introduced (rather than as a simplistic comparison between single and double glazing).
- 50 The NPPF and Historic England guidance also requires proposals to avoid or minimise conflict between a heritage asset's conservation and the proposals for that asset. Given that there are alternatives that would be achievable and less harmful, the proposals cannot be said to avoid or minimise harm to the listed building.
- 51 Further, and without dismissing the cumulative benefits that can arise from small domestic energy efficiency improvements, the benefits to climate change mitigation achieved through the insulation gains here would be modest, given the size and function of the building.
- 52 These are found to be heavily outweighed by the harm that would arise to the significance of the listed building and, consequently, the conservation area – matters to which the Authority is required to have special regard by primary legislation as well as by national and local planning policy.

### **Conclusion**

- 53 The proposed works would harm the character, appearance and significance of the Grade II listed property, its setting, and the conservation area within which it is located. The public benefits arising from the proposals are heavily outweighed by that harm.
- 54 Therefore, having special regard to the architectural and historic interest of the building, it is recommended that Listed Building Consent be refused.

### **Human Rights**

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

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

- 56 Nil

Report Author: Rachael Doyle – Assistant Planner (South Area).



Church

Lilac Cottage

Home Farm

The Cottage

Pump

Pond

Taddington

A6

Slipperlow Lane

Moor Lane

Laurel House

Cottage

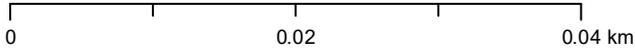
Foxglove Cottage

318.0m

Rose Cottage

Treetops Cottage

Hall



### Lilac Cottage, Taddington

Item no. 7  
 Application no. NP/DDD/0823/0935  
 Committee date: 3rd November 2023



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**8. HOUSEHOLD APPLICATION – DEMOLISH EXISTING PORCH TO SIDE ENTRANCE DOOR, REPLACE WITH NEW PORCH, THE OLD PARSONAGE, SCHOOL LANE, TADDINGTON. (NP/DDD/0723/0862, LB)**

**APPLICANT: MRS LISA SAILSBURY**

**Summary**

1. The application seeks planning permission for the demolition of a porch and erection of a replacement porch at The Old Parsonage, School Lane, Taddington.
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 the design, the proposed porch extension fails 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. The Old Parsonage is a detached dwelling located on School Lane in Taddington, within the designated Conservation Area. The property dates from the 19<sup>th</sup> century.
5. The two-storey property is constructed from limestone, with gritstone detailing under a stone slate roof. A single storey open-fronted porch projects off the southern gable. A garage is located to the north west.
6. The nearest neighbouring property is The Sycamores, located 16 metres to the north south.

**Proposal**

7. Planning permission is being sought for a replacement porch on the south elevation.
8. Amended plans show the porch will be constructed from natural limestone under an aluminium framed glass hipped roof.
9. Aluminium leaded light windows are proposed with gritstone surrounds.

**RECOMMENDATION:**

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

**By virtue of its form, design and materials, the proposed porch fails to harmonise with or adequately respect the character and appearance of the existing dwelling. As a result of this and its position facing the highway it would also result in harm to the character of the Taddington 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**

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

## **History**

12. PDNPA Planning enquiry: 35398 Replacement porch with a stone and timber framed pitch roof structure. PDNPA advised no objection to the scale and a pitched roof design is acceptable as reflects the form of the dwelling. However, the proposed timber crux frame is unacceptable due to its ornate appearance, and detailing and materials do not match that of the dwelling.

## **Consultations**

13. Highway Authority – No highway safety objections.
14. Taddington and Priestcliffe Parish Council – support the application. *'This decision was reached particularly in regard to the restorative nature of the development, which will repair and improve the structure from its present form. In addition, the coherence of the development to surrounding installations and the use of existing materials and materials matching existing features are felt to be very positive benefits of the work.'*
15. Derbyshire Dales District Council: No response to date.

## **Representations**

16. Five letters of support have been received. These are the relevant planning considerations taken from the letters:
  - Design is sympathetic and in keeping with the dwelling
  - Proposal enhance the locality
  - Materials reflect the dwelling
  - No change to the character of the building

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

17. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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**

23. 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.
24. 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.
25. 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.
26. CC1 - *Climate change mitigation and adaptation*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

### **Development Management Policies**

27. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
28. 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.
29. 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 97m<sup>2</sup>.

### **Supplementary Planning Documents**

30. The PDNPA has a Supplementary Planning Document (Detailed Design Guide) for alterations and extensions. Chapter 3 relates to extensions to dwellings and states that there are three main factors to consider, massing, materials, detailing and style. All extensions should harmonise with the parent building, respecting the dominance of the original building. The original character of the property should not be destroyed when providing additional development. With regard to porch extensions, paragraph 3.19 states that they are not a traditional feature of Peak District buildings. Paragraph 3.21 states that if a porch is considered to be appropriate to the age and character of a house then it should be kept to a minimum size. 3.22 says that the design of a porch should relate to the parent building. Paragraph 3.23 states that a common design fault is to over-window a porch

### **Assessment**

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

31. Generally, there are no objections to extending a dwelling, in this case by the addition of a porch, 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.
32. 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**

33. The Old Parsonage is the last property to the east on School Lane when approaching the junction at Humphry Gate, south of the dwelling.
34. The property sits in a prominent position at the junction of School Lane and Main Road, clearly visible from the street scene on School Lane. Whilst not of vernacular design in all regards (the oversailing roof the most notable deviation from this), it is an attractive historic property that makes a positive contribution to the appearance of the locality and Conservation Area.
35. Constructed from limestone under pitched slate roofs the dwelling has a linear plan form with two rear projections, and is well proportioned throughout with plain gables and a high solid to void ratio.
36. A small hipped glazed open fronted porch, in poor condition, projects off the southern gable which, due to its design, form and materials is considered to be an unsympathetic addition to the dwelling.
37. The proposed plans propose a porch to be located on the southern gable, replacing the existing porch.
38. The Authority's SPD states that the design of any new porch must relate to the parent building.
39. The proposed porch has an external footprint of 3.1 metres wide x 2.5 metres deep, 2.3 metres to the eaves and 3.2 metres to the ridge, under a hipped glazed roof effectively

replicating the existing design approach at a larger scale. It would be constructed from limestone under a glazed aluminium framed hipped roof, with leaded light aluminium framed windows, gritstone surrounds, and a timber door painted white.

40. The proposed footprint, eaves and ridge height have all increased, creating a porch of a larger scale and massing than the existing structure. In comparison to the dwelling the proposal is still of modest proportions and will still read as a secondary addition. Therefore, the scale of the proposed porch would not detract or dominate the host dwelling and subsequently raises no objections. The proposed limestone and gritstone walling materials also raise no objection.
41. However, whilst the proposed hipped roof mimics that of the existing porch, the design does not reflect or relate to the dominant pitched roofs of the parent building, detracting from the dwellings simple form, character and appearance, contrary to policy and the authority's design guide.
42. This is further exacerbated by materials of the proposed roof structure, aluminium framed glazing which is divided into vertical subdivisions. This is not traditional material or design and will not reflect or provide continuity with the dwelling or the solid construction of the porch it would serve.
43. Whilst the fact is that these materials and details reflect the current porch, that porch is in itself an unsympathetic addition to the building and the increased massing of the proposed replacement serves to exacerbate that impact.
44. Further, the proposed scale of the window openings are too large for the elevations they serve, resulting in a low solid to void ratio, and do not sit comfortably against the smaller windows on the elevations of the dwelling where viewed together. In addition, the abutment of the door and windows on the south elevation overcrowds this modest elevation and deviates from the simple rectangular form of other openings around the building, complicating its appearance.
45. Overall, it is considered that the proposed form, design and materials of the porch, would have a detrimental effect upon the character and appearance of the dwelling, being an unsympathetic extension that does not harmonise with the parent building.
46. Further, the development is located within the Conservation Area. As a result of the harm identified to the dwelling from the proposed porch, the proposal would also harm the character of the Conservation Area, due to its clear visibility from the adjacent pavement and highway that pass the site, and because of the contribution that the building makes to the Conservation Area in its own right.
47. Therefore, the proposed porch is contrary to Development Management Policies DMC3, DMH7 and DMC8, and to adopted design guidance.

#### Potential amenity issues

48. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property.
49. Due to the location and nature of the proposed development it would not have any detrimental effect on the residential amenities of the nearest neighbouring properties.

#### Highway matters

50. The Highway Authority have raised no objection to the proposals, and parking and

access would be unaffected by the proposals.

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

#### Environmental Management and Sustainability

52. 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. The porch would result in some minor improvements to the energy efficiency of the property; however these benefits are heavily outweighed by the adverse impacts arising from its design and appearance referred to in earlier sections of this report.

#### Conclusion

53. The proposed porch fails to conserve or enhance the dwelling and would result in harm to the character and appearance of the building, and to the Taddington Conservation Area. The application is contrary to policies GSP1, GSP3, DMC3, DMH7 and DMC8 in these regards. In the absence of any policy or material considerations that outweigh this conflict, the application is recommended for refusal.

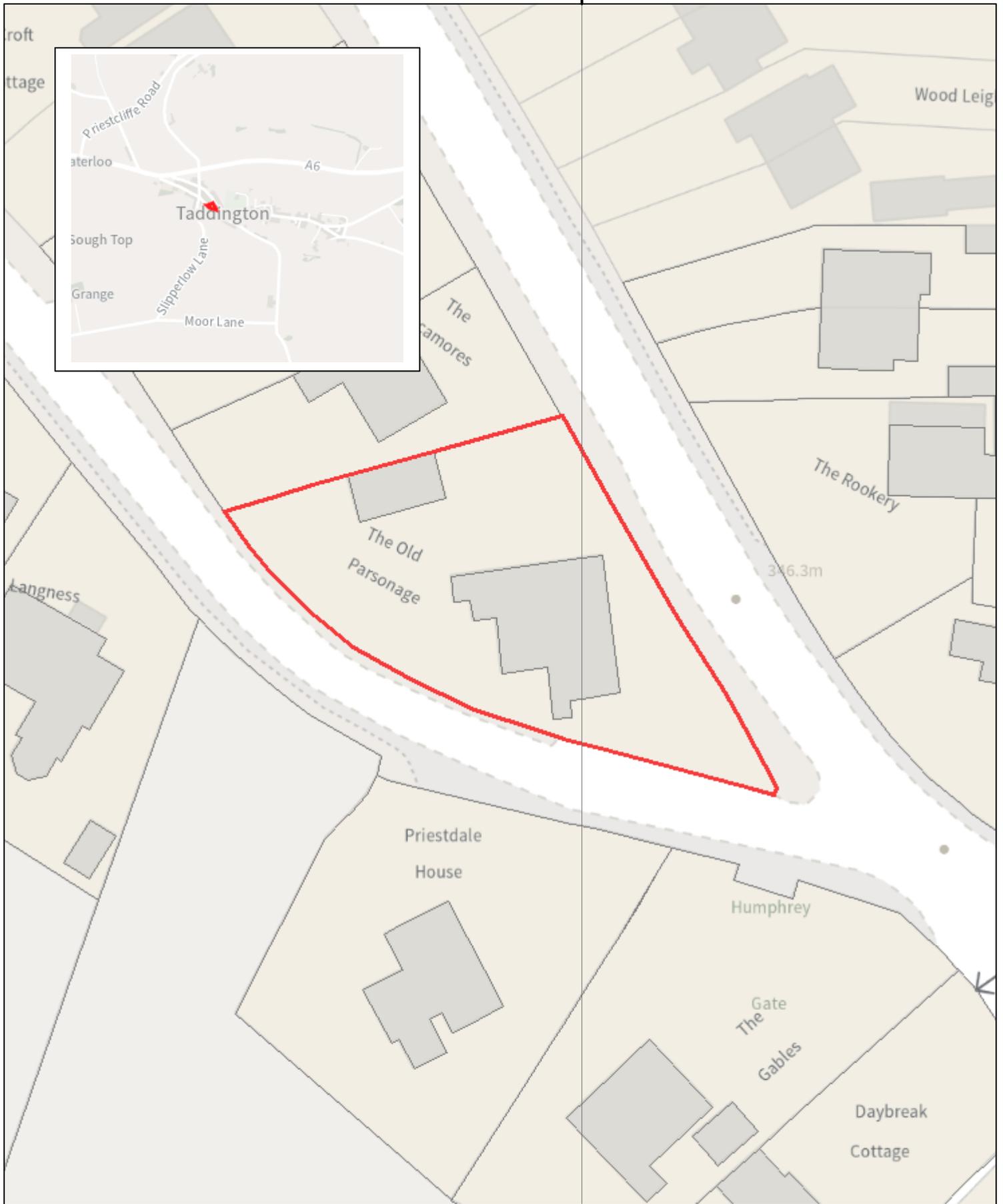
#### Human Rights

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

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

55. Nil

56. Report Author: Laura Buckley, Assistant Planner, South Area Planning Team.



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### The Old Parsonage, Taddington

Item no. 8  
Application no. NP/DDD/0723/0862  
Committee date: 3rd November 2023

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**9. 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 its 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 97m<sup>2</sup>.
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 4<sup>th</sup> 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. In effect the current balance and harmony the property enjoys would be lost, impacting adversely upon its character.
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.

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

72. Report Author: Laura Buckley, Assistant Planner, South Area Planning Team.

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Posts

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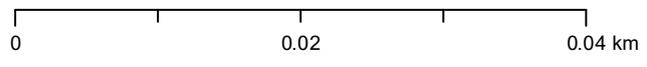
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### Wynfield, Bakewell

Item no. 9  
 Application no. NP/DDD/0823/0901  
 Committee date: 3rd November 2023

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 Scale: 1:532 at A4 pagesize  
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**10.FULL APPLICATION - FOR THE CONVERSION OF AN AGRICULTURAL BUILDING INTO A SINGLE DWELLING, AT HOPE FARM, ALSTONEFIELD (NP/SM/0823/0928, DH)**

**APPLICANT: MR & MRS HAMBLING**

**Summary**

1. The application is for the conversion of redundant farm buildings to a single dwellinghouse.
2. The buildings the application pertains to are not historic or traditional in their massing and materials, nor are they considered to have any special architectural interest or be of vernacular merit.
3. The applicants have not demonstrated an eligible local need for new housing within the National Park. The information provided states that the dwelling would be ancillary to the farmhouse, however, the scale of the proposed dwelling is not justified and could not be seen as ancillary accommodation.
4. The application is recommended for refusal.

**Site and Surroundings**

5. Hope Farm stands in open countryside off the south side of Hopedale Road, opposite the junction of Furlong Lane, approximately 680m to the south-west of Alstonefield, which is the nearest named settlement in policy DS1.
6. There are no listed buildings in the vicinity. Neither does the site lie within a designated conservation area, the nearest point of the Alstonefield Conservation Area is 266m to the north-east.
7. The site comprises two distinct yard areas, largely separated by a drystone wall. In the yard to the north, by the road, there is a holiday cottage, which is a conversion of a small traditional stone building, the farmhouse itself, and small stone outbuilding. In the yard area to the south there is a small range of more modern agricultural buildings, two profile sheeted buildings, small timber buildings, plus the building which it is proposed to convert. A pole barn and a lean-to off the larger of the portal frame buildings stand in the field to the west, to the rear of the yards. A further two fields extend the entire holding, including the yard areas, to a total of approximately 1.58 hectares (3.91 acres).
8. The building the application pertains to is a long, narrow single storey former cattle building and dairy which spans both yards, though mainly being in the southern yard. The building was clearly used for cattle housing, the concrete boskins, water bowls and feed troughs remain in place in the linear part.
9. The building appears to have been built over three stages, a red brick single storey building being the first stage. This was extended with approval gained in 1959, the extension was in concrete blockwork with a render finish; at some point a lean-to addition was added to the newer part, also rendered, with timber windows and a domestic door. All elements have profile sheet roofs.
10. The nearest neighbouring property is Hope Farm House, approximately 40m to the west of the building which is the subject of the application.

### **Proposal**

11. The proposal is for the conversion of the single storey linear building, formerly an agricultural building, to a single dwelling.
12. Although the Design and Access Statement says that the dwelling would be for the parents of the occupiers of the farmhouse, the development description is not for ancillary accommodation.

### **RECOMMENDATION:**

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

- **The building is not historic or traditional in terms of its massing and materials, therefore there is no justification for conversion to provide a viable use to ensure its longevity.**
- **The applicant does not have an eligible local need for new housing within the National Park and the current application is therefore contrary to policy HC1(A) of the Core Strategy.**
- **In this instance, there are no exceptional circumstances or any other material planning consideration that would justify a departure from the Authority's adopted housing policies.**
- **By virtue of the proposed development's scale, it is considered that the proposal would not constitute an ancillary dwellinghouse. In the absence of a clear and robust justification for its size, it would not be subordinate to the farmhouse and would instead constitute a separate planning unit. It is therefore contrary to policy DMH5 and the Residential Annexes Supplementary Planning Document.**

### **Key Issues**

14. The key issues are:

- Whether an exception to policy HC1 is justified; or
- Whether the proposal could be considered to be ancillary to the farmhouse; and
- 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**

15. 1959 - A cow-house was granted by NP/LKR/559/2, this was the concrete black half of the building which is the subject of this application, the lean-to addition was not shown on the approved plans.
16. 1990 - The restoration of a disused farmhouse to a dwelling was granted subject to conditions by NP/SM/0590/075 – Condition 14 imposed an agricultural occupancy condition.
17. 2002 - The conversion of a small stone traditional building in the yard to a holiday cottage was granted subject to conditions under NP/SM/0702/041.
18. 2018 - Extensions to the farmhouse were refused under NP/SM/0818/0742, an appeal was dismissed, and a resubmission was made, NP/SM/1018/0968, for a

reduced scheme, which was granted.

19. 2023 – During the course of the application it has been established that the occupation of the farmhouse is in breach of condition 14 of NP/SM/0590/075. A Section 73 application for the removal of condition 14 (NP/SM/1023/1281) has been received.

### **Consultations**

20. Staffordshire County Council (Highway Authority) – No highway objections subject to a condition requiring the site access to have a bound surface for a minimum of 5m.
21. Staffordshire Moorlands District Council – No response to date.
22. Alstonefield Parish Council – No objections.
23. Natural England - No response to date.
24. PDNPA Ecology - No objections subject to recommended conditions.
25. PDNPA Built Environment - The building cannot be considered a non-designated heritage asset, and therefore capable of conversion under Core strategy policy HC1CI and development management policy DCM10.

### **Representations**

26. During the publicity period, the Authority received 4 representations, all of which are supportive of the proposed development. The following reasons are given:
- *The conversion would rescue a deteriorating farm building from dereliction.*
  - *The applicants would be an asset to the village, and with their financial expertise, are willing to take on important roles in the community.*
  - *The change of use makes good use of the building and ensures it isn't left to fall into disrepair.*
  - *The added proposition of the dog boarding would be of benefit to the village.*
  - *It is an unobtrusive development providing parental support for a young family wishing to continue their professional careers whilst enjoying the benefits this location provides.*
  - *The conversion to a permanent residence would bring many benefits to the wider community.*

### **Main Policies**

27. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1, HC1 & L1
28. Relevant Local Plan policies: DMC3, DMC10 & DMH5
29. National Planning Policy Framework

### **Wider Policy Context**

30. 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

31. 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.
32. 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.*'
33. The NPPF is supportive of development which brings back into residential use empty housing, redundant or disused existing buildings. However, paragraph 80 states that planning policies and decisions should avoid new isolated homes in the countryside unless there are special circumstances such as:
- (a) meeting an essential need;
  - (b) ensuring the longevity of a heritage asset by allowing a viable use;
  - (c) the development would re-use redundant buildings and enhance its setting;
  - (d) the development would involve the subdivision of an existing residential building; or
  - (e) the design is of exceptional quality.

### Peak District National Park Core Strategy

34. 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
35. 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.
36. 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.
37. DS1 - *Development Strategy.* This sets out what forms of development are acceptable in principle within the National Park.

38. 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.
39. HC1 – *New housing*. Policy HC1 states that provision will not be made for housing solely to meet an open market demand, and sets out the exceptional circumstances where new housing can be accepted in open countryside.

#### Local Plan Development Management Policies

40. 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.
41. DMC10 – *Conversion of a heritage asset*. Under DMC10 (B) (ii) proposals under HC1C1 will only be permitted where, based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset.
42. DMH5 – *Ancillary dwellings in the curtilage of existing dwellings*. DMH5 states that the conversion of an outbuilding within the curtilage of an existing dwelling to an ancillary dwelling use will be permitted provided that: (i) it would not result in an over-intensive use of the property, and inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property at a later date through demand for further outbuildings; and (ii) the site can meet the parking and access requirements of the proposed development; and (iii) the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling.

#### Assessment

##### Principle of the development

43. Core Strategy policy DS1 (C) states that the conversion or change of use, preferably by the re-use of traditional buildings, to housing, community facilities or business use in the countryside outside the Natural Zone is acceptable in principle.
44. Policy HC1 sets out the exceptional circumstances where new housing can be accepted in open countryside. DMC10 permits the conversion of non-listed buildings to dwellinghouses in accordance with HC1 in principle, but only where they have been demonstrated to be non-designated heritage assets.
45. In this instance, the buildings which are proposed for conversion are not traditional, or of any architectural merit.
46. Policy DMH5 allows for the conversion of outbuildings to ancillary accommodation in principle.

##### Whether the proposal meets the criteria for new housing

47. The development description is for, “Conversion of an agricultural building into a single dwelling” Therefore the first assessment is whether the existing building meets the

criteria set out in policy HC1 as the exceptional circumstances where new housing can be accepted in open countryside.

48. The Design and Access Statement says that the dwelling would be for the parents of the owner of the farm who currently live in the south of England. Further information which was requested, states that the proposed occupiers want to retire and move closer to their daughter and her family. It adds that the applicant currently runs a dog breeding, boarding, day care and walking service, and would like to continue this on a smaller scale. It should be noted that the proposal is for the conversion of the building to a dwelling, a new business in open countryside is not part of this application. However, from this information, it can be concluded that the proposed dwelling would not address eligible local needs, nor is it for aged persons' assisted accommodation, as required by HC1 (A). Neither would the dwelling be a provision for key workers in agriculture, forestry or other rural enterprises, as set out in HC1 (B).
49. The final exceptional circumstance set out in HC1(C) is where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings, or conservation or enhancements in settlements. As noted, the site is not within the boundaries of a named settlement.
50. Paragraph 3.30 of the Local Plan (supporting text to Policy DMC3) states that, "*A traditional building is defined as a property built prior to 1919 with solid walls constructed of moisture permeable materials. In the National Park, traditional buildings usually have pitched roofs covered in slate or other natural roofing material, typically stone.*"
51. The building proposed for conversion has been assessed by the Authority's Conservation Officer, and the older part is thought to date from the 1930's, the roof is profile sheet. The newer part was granted planning permission in 1959, the roof is also profile sheet. The lean-to addition to the newer part does not appear to have had the benefit of planning permission, but is of the same materials as the newer part of the building. Therefore, no part of the building can be considered to be traditional or a valued vernacular building. Conservation Officers have also confirmed that the building cannot be considered to be a non-designated heritage asset for the purposes of policies HC1 and DMC10.
52. Therefore, it is concluded that the proposal is contrary to Core Strategy policy HC1, and in any event, fails to meet the requirements of Development Management policy DMC10.

#### Whether the proposal meets the criteria for an ancillary dwelling

53. The Authority's Supplementary Planning Document on Residential Annexes contains criteria for ancillary accommodation and states at paragraph 5.2 that in determining an application for ancillary residential accommodation the Authority will expect the proposed to, amongst other things:
  - be subordinate in scale to the main dwelling
  - be located within the residential curtilage or building group associated with the main house
  - have a functional connection/degree of dependence on the main house (e.g. the occupant should be a dependent relative of the residents of the house, a carer, or be employed at the main house as an au pair, servant, nanny etc)
  - contain a level and scale of accommodation that can be justified for its intended occupants
  -

54. Due to the location of the building in the southern yard, albeit a small part is close to the farmhouse, it is debatable whether it can be considered to be in the curtilage of the existing dwelling.
55. Although the intended occupants would provide baby-sitting duties for the occupiers of the farmhouse, there would not appear to be a functional connection or degree of dependence on the main dwelling.
56. The scale of the proposed accommodation is excessive having two en-suite bedrooms, a lounge, a substantial kitchen/diner, a utility, and a 'dog room'
57. On the basis of the above, it is concluded that the proposed dwelling would not represent accommodation ancillary to the main dwellinghouse as it fails to comply with the criteria set out above.
58. As such, primarily by virtue of the scale of the proposed residential accommodation provided by the proposal, and in the absence of adequate justification, the proposal fails to comply with the requirements of DMH5 and would not represent accommodation ancillary to the house on site.

### Visual Impacts

59. The guiding principle behind the design of any conversion is that the character of the original building should be retained and conserved for the future. The Authority has a detailed design guide on conversions. It states that conversion is often the only feasible way of securing a viable future for some buildings. The building in question must be of sufficient historic or architectural merit to warrant conversion to a new use, and the design must be appropriate.
60. As noted, in this instance the existing building is not considered to be of historic or architectural merit.
61. The conversion is within the shell of the existing building and utilises existing openings. The only new openings proposed are three rooflights, however, the scheme alters the proportions of some of the existing openings, albeit where there is evidence that some may have been doors which are now blocked up.
62. The detailed treatment includes some overly domestic features. Therefore, the proposed scheme fails to preserve the character and appearance of this simple, functional building.

### Amenity Impacts

63. The intervening distance between the site and the nearest neighbouring property other than the farmhouse is such that there would be no neighbourliness concerns.
64. The site is large enough that there would be no concerns regarding parking provision, amenity space etcetera.

### Sustainability

65. A statement was provided with the application, and the proposals include the provision of solar panels. Had the conversion been acceptable in principle, it is considered that it would comply with the requirements of CC1.

## **Conclusion**

66. The building cannot be considered a non-designated heritage asset, and therefore capable of conversion; nor is it of sufficient architectural merit to justify its conversion to provide a viable use, thereby ensuring its longevity.
67. The applicant has not demonstrated any eligible local need or functional need for housing in this location.
68. In terms of scale, the proposal far exceeds that which could be considered to be ancillary to the farmhouse at Hope Farm.
69. As such, it is concluded that the proposal is contrary to the Core Strategy Policy HC1 and national planning policy.

## **Human Rights**

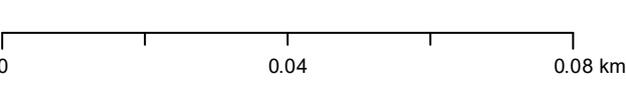
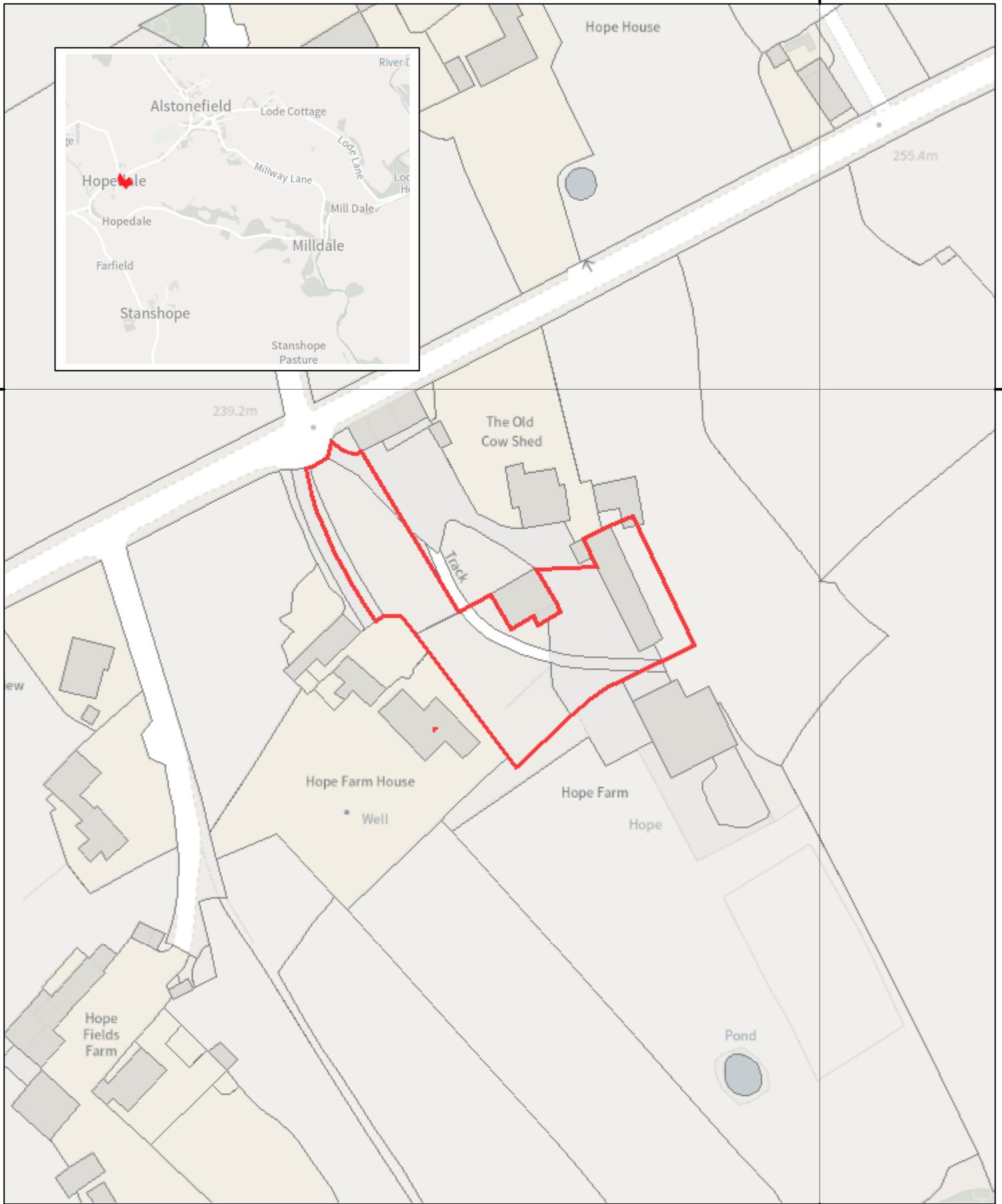
Any human rights issues have been considered and addressed in the preparation of this report.

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

Nil

## **Report Author and Job Title**

Denise Hunt – Planner – South Area



**Hope Farm, Alstonefield**

Item no. 10  
 Application no. NP/SM/0823/0928  
 Committee date: 3rd November 2023



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**11. FULL APPLICATION – PROPOSAL FOR THE INSTALLATION of 1.NO MICRO-WIND TURBINE AT BRINK FARM COTTAGE, BAKESTONEDALE ROAD, POTT SHRIGLEY (NP/CEC/0823/0917, WE)**

**APPLICANT:** Mr John Murphy

**Summary**

1. This application seeks consent for the installation of a 15m wind turbine in the curtilage of Brink Farm Cottage. The property is located on the southern side of Bakestonedale Road approximately 1.3km to the west of Pott Shrigley. Approximately 55m south-south-west from the turbines proposed location is Brink Brow and Brink Barn, a converted barn in residential use as a short-stay holiday accommodation.
2. Brink Farm Cottage is located on a relatively raised position in the landscape. To the south of the property, the landscape drops away to form a wide, undulating valley. As a result, the property is exposed on the landscape, particularly from the south-east.
3. The proposed development would be constructed from galvanised steel in grey. The tip of its blade would be located 15m from the ground. By virtue of the raised location it is considered that the proposed development would be extremely visible from the south-east, and the blade unit would break the skyline of the back-drop it would sit within. The turbine's rotary and mobile nature would result in it becoming a prominent feature in the landscape. It's location, material, and overall height would detract from the rural and undeveloped landscape it sits within. As such, it is considered that the proposed development would have a detrimental impact on the landscape. In addition to this, the noise generated from the turbine would result in an unacceptable level of harm to the residential amenity of those staying within Brink Brow and Brink Barn.
4. The application is therefore recommended for refusal.

**Site and Surroundings**

5. The development site is Brink Farm Cottage, a residential property located on Bakestonedale Rd, approximately 1.3km to the west of Pott Shrigley. The property is situated within a cluster of buildings, including Brink House and Brink Farm, which are two farmhouses with associated outbuilding and landholdings. Beyond the cluster of residential and agricultural buildings, the local landscape is agricultural and pastoral in character, primarily grazing land for cattle and sheep.
6. Brink Farm Cottage is a large, hipped roof property constructed from gritstone under a blue-slate roof. It features several historic agricultural outbuildings constructed from coursed or random gritstone walling with traditional stone-slate roofs.
7. Brink Farm Cottage has a triangular rear garden which is bound primarily by drystone walling but also features some hedgerow and boundary trees. The rear garden is largely contained to approximately 30m from the rear elevation of the property; however, it does feature a small narrow pan-handle shaped area which extends another 25m from the property. At present, there is currently a plastic oil-tank in this section of the garden, in addition to an area for storing garden waste. It is this area of the garden where the proposed wind turbine would be sited.
8. As noted, to the south of Brink Farm Cottage is the converted barn housing two short-stay holiday-lets. The barn is approximately 55m from where the turbine would be;

however, it is acknowledged that the outside seating area for the north-eastern holiday-let is closer to the proposed development site.

9. The development site is located in the enclosed gritstone upland section of the Dark Peak Western Fringe. It sits on a sloping landscape which raises to the north towards the Natural Zone and Lyme Park. To the south, the landscape drops away to form a shallow undulating valley. There are several rights of way in the immediate vicinity, including footpath 192/FP24/1 which goes directly north from Bakestonedale Rd approximately 250m east of the development site, and 253/FP19/5 which goes south-west from Bakestonedale Rd, which is also approximately 250m east of the development site.

### **Proposal**

10. This application seeks consent for the installation of a 15m micro-generation wind turbine to power the domestic property Brink Farm Cottage.
11. The supporting mast of the turbine would measure 12.3m in height. For the first 6m of the mast, its width would measure approximately 0.4m, after which it would narrow to 0.273m in width.
12. The rotor would measure nearly 4m in length, whilst the diameter (inclusive of the blades) would measure 5.5m.
13. The turbine would be constructed from galvanised steel, and feature a grey finish.
14. It would be sited at the far end of Brink Farm Cottage's garden, at the southern tip of the "offshoot".

### **RECOMMENDATION:**

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

1. **By virtue of its siting, scale, materials, and the dynamic rotating nature of the blades, it is considered that the proposed turbine would be a dominant and visually intrusive feature in the landscape which would have an unacceptable urbanising impact on the pastoral and agricultural landscape. The structure would be out of scale with the nearby built-form surrounding Brink Farm Cottage, and the rotor of the turbine would break the skyline of the landscape when viewed from the south-east, resulting in a prominent, rotating feature. It would therefore cause significant harm the valued characteristics and special qualities of the National Park landscape which would not be outweighed by the sustainability benefits of the scheme. On this basis, it is contrary to policies L1, DMC1, GSP1, and GSP2 and the National Planning Policy Framework.**
2. **The noise generated from the proposed development would have an adverse impact on the amenity of the guests visiting Brink Barn. The noise levels would exceed the identified allowance for residential properties and would despoil the quiet, tranquil character of the property. In addition to this, Brink Barn is an established business within the area and the noise generated from the proposed development would have a negative impact on the owner being able to operate their business. It is therefore contrary to policies CC2, DMC14, the Climate Change and Sustainable Buildings SPD and the National Planning policy Framework.**

## 15. **Key Issues**

- Principle of development;
- Impact on the valued characteristics of the landscape;
- Amenity and noise;
- Ecology;
- Climate change and sustainability.

## **History**

16. There is no relevant planning history for the development site. An application for a single 8m high wind turbine was submitted in March 2022 on a section of land to the west of the development site (NP/INV/0322/0304), but the application remains invalid.

## **Consultations**

17. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
18. Rainow Parish Council – Support. Rainow Parish Council supports this application because of the nature of the location and limited impact on the landscape.
19. Cheshire East Council Planning – No response to date.
20. Cheshire East Council Regulatory Services and Health – Considered the application but have no comments to make with regard to Air Quality, Amenity and Contaminated Land.
21. PDNPA Ecology – Originally objected to the application due to insufficient information on the impact of removing the Hawthorn hedgerow. The agent provided a written response to these comments, outlining that the hedgerow is poor quality and unlikely to be appropriate habitat. A verbal confirmation was received which resolved to make no objection to the application subject to conditions.

## **Representations**

22. One ‘general comment’ was received during the determination of the application. It raised concern over the visual and noise impacts of the proposed development on Brink Brow and Brink Brow, the two short-stay holiday-lets which are approximately 55m south of the development site. It notes that many of the guests praise the area for its “pristine landscape, the peace and quiet that the countryside provides”, and outlines concern that the visual and audible impact of the turbine would despoil this.

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

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

24. The National Planning Policy Framework (NPPF) has been revised (2023). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
25. Paragraph 158 of the NPPF states that when determining applications for renewable and low carbon development, local authorities should:
- not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
  - approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and
  - in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.
26. It goes on to state that for an application for wind energy development involving one or more turbine should not be considered acceptable unless it is in an area identified as suitable for wind energy in the development plan or supplementary planning document, and following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.
27. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

## **Main Development Plan Policies**

### **Core Strategy**

28. 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.
29. 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.
30. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
31. 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.

32. L2 – *Sites of biodiversity or geodiversity*. Development must conserve and enhance any sites, features of special importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of importance or their setting.
33. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
34. Policy CC2 - Proposals for low carbon and renewable energy will be encouraged provided they can be accommodated without adversely affecting landscape character, cultural heritage, other valued characteristics, or other established uses of the area.

#### Development Management Policies

35. DMC1 – *Conservation and enhancement of nationally significant landscapes*. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced.
36. 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.
37. DMC11 – *Safeguarding, recording and enhancing nature conservation interests*. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.
38. DMC12 – *Sites, features of species of wildlife, geological or geomorphological importance*. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.

#### Supplementary Planning Documents

39. Climate Change and Sustainable Building SPD (2013). This SPD offers on, amongst other topics, the provision of renewable and low carbon energy development including wind power.
40. It outlines that wind turbine development is the most challenging of all types of low carbon and renewable energy development to accommodate into the statutorily protected landscapes of a National Park. It states that the construction of a single small wind turbine is likely to have significant visual impact in an open landscape, outlining that careful attention to scale, location, and design is needed.

41. It outlines that the most successful way to assimilate wind turbines into the landscape is to integrate them into the existing built-environment. It suggests turbines of up to 15m are the easiest to assimilate into the National Park landscape, after which it becomes more difficult to successfully integrate them without harm.
42. The document suggests utilising the Sensitivity Assessment to determine whether the landscape character type has the opportunity for wind power. Within the Sensitivity Assessment, it outlines that enclosed gritstone upland landscapes have a *moderate to high* sensitivity to small-scale wind energy development. It outlines that the landscape's *broad landform, sparse tree coverage, strong sense of openness, high levels of tranquility and remoteness, very sparse settlement, valued upland habitats and historic industrial remains all place significant sensitivities on development of wind turbines.*
43. The document advises that single small-scale turbines are likely to be most appropriate. These should be located close to existing built elements (e.g. farm buildings, main roads) or areas of tree cover.

## **Assessment**

### **Principle of Development**

44. Policy CC2 outlines that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character, cultural heritage, other valued characteristics, or other established uses of the area.
45. Paragraph 158a of the NPPF states that when determining applications for renewable or low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
46. As such, it is considered that the proposed development is acceptable in principle. Officers acknowledge the need, and overall benefit, of low carbon and renewable energy development. The provision of such development will be given significant weight in the planning balance. Notwithstanding this, the impact of the proposed development on identified features of value, in addition to established uses, need to be appropriately balanced against these benefits. The identified features of value pertinent to this development are the landscape and ecology. The impact of the development on the established residential use of nearby accommodation is also a key consideration.

### **Impact on the valued characteristics of the landscape**

47. The development site is located in the enclosed gritstone upland section of the Dark Peak Western Fringe. This landscape is characterised by:
  - High rolling upland with some steeper slopes;
  - Thin soils over gritstone bedrock with localised pockets of peat;
  - Remnants patches of rough land with bracken and gorse;
  - Permanent pasture and rough grazing enclosed by gritstone walls;
  - Regular pattern of medium to large fields;
  - Straight road with wide verges of grass, and in some places, heather
  - Scattered gritstone farmsteads with stone slate roofs and some relict quarry and coal mining sites;
  - Trees grouped around farmsteads for shelter.

48. The development site is within a cluster of gritstone farmsteads located on a steep slope which rises to the north. The local area is primarily large field parcels of grazing land; however, there are isolated patches of rough gorse or bracken. Some of the nearby farms feature small copses and belts of trees. Bakestonedale Rd is a largely straight road which runs in an east-west direction, with views to the north steep grazing land, and views to the south open, pastoral and undulating large agricultural fields. As such, it is considered that the development site features many of the key characteristics of the enclosed gritstone upland landscape type.
49. This application has been supported by a Landscape and Visual Study. The document outlines several representative viewpoint locations to assess the impact of the proposed development, mainly consisting of footpaths on the local network, but also features some locations which would be visible from roads.
50. The study identifies several viewpoints where the turbine would not be visible in the landscape. These include 2 views from the Gritstone Trail, a medium distance trail connecting Kidsgrove to Disley. From the point at which the Gritstone Trail meets Bakestonedale Rd, and on the trail approximately 750m north of the road, the study states that the turbine would be largely screened by intervening tree coverage. Officer's agree that the proposed development would not be visible from these viewpoints.
51. The study presents a viewpoint from footpath 192/FP23/1, located on the open hillside of Sponds which rises towards Lyme Park. From this viewpoint, vistas are southward looking and are largely characterised by large grazing field parcels in the medium distance, and the rolling hills of Goyt Valley and Shutlingsloe in the longer distance. In the middle of this view is the cluster of farms surrounding Brink Farm Cottage. The large farm complex of the adjacent farm is clearly visible in this viewpoint, featuring many large-scale portal framed sheds and outbuildings. The study's montage shows that the rotor and blades of the turbine would be visible between one of the large farmhouses and mature tree. The assessment concludes that that the turbine would be "scarcely perceptible", and occupy a small part of a wide view and be a minor addition to the overall farm complex. While Officers agree that from this viewpoint, the turbine would be well assimilated into the wider farm setting of Brink Farm, the study fails to consider the mobile nature of the rotor which would increase the prominence of the turbine on the landscape. Notwithstanding this, it is considered that from this localised viewpoint, the proposed turbine would not be a dominant or detracting influence on the wider landscape.
52. The study provides a montage of the proposed development from footpath 253/FP19/5 which starts from Bakestonedale Rd approximately 250m to the east of the development site, and runs south south-west down the sloping hills towards Harrop Farm. The study outlines that the proposed turbine would be in a "noticeable but not prominent feature in the views", and would be sited "in a 'fold' in the landform occupying a small part of the view and would be seen partially against the skyline and partially back clothed against vegetation with the colour of the structure helping it integrate into the view. It is likely to be perceived as an addition to the overall farm complex". It then goes on to state that the view would be experienced by "small numbers of people using the footpath". It concludes by stating that the addition of the small-scale turbine would not affect the overall character of this view.
53. Officer's disagree with this summary. The intervisibility of the development site is open from the top of 253/FP19/5 for over 400m. From this viewpoint, the landscape is largely characterised by steep rolling hills, with the converted Brink Barn in the foreground at the bottom of Brink Brow knoll, with a small amount of Brink Farm Cottage's rear elevation visible within the fold of the landscape. The pastoral landscape, with historic features such as the converted barn and drystone walls, present an isolated and rural landscape character. Crucially, from this viewpoint, the large agricultural development to the north

of Brink Farm Cottage is not visible due to the topography of the landscape. As such, Officer's disagree that the proposal would be seen as "an addition to the overall farm complex".

54. The proposed turbine would be sited at the rear of Brink Farm Cottage's garden. Whilst this is slightly lower in height to Brink Farm Cottage, it is still a raised piece of land when compared to footpath 253/FP19/5. The provision of the 15m turbine would be a prominent, and incongruous feature, when viewed from this footpath. Its relatively large height would be out of scale when compared to the focal point of the view which is Brink Farm Cottage itself. The proposed colour and form would not sit harmoniously with the property, and would instead contrast the traditional and simple gritstone form of the dwelling. By virtue of "looking up" towards the proposed development from this footpath, it would increase the overall prominence of the development.
55. In the Sustainable Buildings SPD, it outlines that development that breaks the ridgeline of a hill when viewed at a distance will have a significant landscape impact. It is considered that from this footpath, the rotor and blades of the turbine would sit above Brink Farm Cottage and its adjacent tree coverage. It is considered that this further exacerbates the imposing nature of the proposed development when compared to the relatively undeveloped and pastoral viewpoint.
56. As noted, the mobile nature of the proposed turbine's rotor and blades would further and significantly exacerbate its intrusive impact on the landscape. From this viewpoint, it is considered that the landscape is largely static in nature, featuring understated properties in the centre of the view and animal grazing in the adjacent field parcels. While the Bakestonedale Rd offers a source of intermittent traffic movement, it is considered that the mostly constant rotating rotor and blade of the turbine would instantly "draw the eye" to the turbine, which would detract from the valued characteristics of the landscape.
57. As such, from this viewpoint, the proposed development is considered harmful and would present an incongruous, large-scale piece of infrastructure which does not relate well to the landscape nor the built-form it sits against.
58. The study appraises a further three viewpoints. One of these is from footpath 253/FP92/1, a footpath approximately 1.2km south of the proposed development. This viewpoint features a wide-open valley landform, with several trough, valleys and rolling hills. The main element of this view is Harrop Farm, an equestrian centre featuring a traditional farmhouse with several medium sized sheds. At the top of this viewpoint is Brink Barn, Brink Farm Cottage and Brink Farm. From this view, the full extent of agricultural development cannot be seen due to the landform and tree planting. It is considered that the turbine would be visible from this viewpoint, with the rotor and blade sitting above the skyline of the built-form. Whilst this would comprise a small section of the wider landscape, its scale, material and mobile form would detract from the setting of the landscape and would appear out of keeping with the relatively undeveloped landscape.
59. The final two viewpoints are from footpaths at further distances away. One of these is 253/FP/14/4, which is approximately 2.43km south south-east of the proposed turbine. This viewpoint is a large, panoramic vista featuring several large field parcels with interspersed farmsteads and tree belts. From this viewpoint, the raised land to the north of Brink Farm is visible, so it does not appear as sitting atop of the hill. From this viewpoint it is considered that the relatively narrow column and small rotor and blades would not be discernible from this distance. Similarly, the viewpoint from HP14/133/1 located close to Embridge Causeway is nearly 5km south-east of the development. It is considered that the proposed development would not be visible from such a distance.

60. As identified, there are several local viewpoints where the proposed wind turbine would be highly visible on the landscape. It is considered that the 15m structure would be a highly incongruous and prominent feature set against the undeveloped, rolling and agricultural landscape. As noted, from the south, the large-scale agricultural development of Brink Farm cannot be seen, so the proposed developments location near this farm does not provide any mitigation or potential for assimilation into the complex. It is considered that the proposed development is contrary to the guidance outlined within the Climate Change and Sustainable Building SPD, wherein it advises that the turbine should relate well in terms of landscape, built-form and tree coverage. In this instance, whilst the proposal would be relatively close to Brink Farm Cottage, from the identified viewpoints this property appears more as an isolated property in the open countryside as opposed to a piece of built-form close to a large farm complex. It does not utilise the landform, as it sits on a piece of raised land, and the nearby tree coverage offers little mitigation due to the headgear of the turbine sitting above the landform and tree canopy.
61. It is therefore concluded that the proposed development's siting, scale, materials, and mobile nature would have an unacceptable urbanising impact on the pastoral and agricultural landscape. The structure would be out of scale with the nearby built-form surrounding Brink Farm Cottage, and the rotor of the turbine would break the skyline of the landscape when viewed from the south-east, resulting in a prominent, non-static feature. It would therefore harm the valued characteristics of the enclosed gritstone upland character type. On this basis, it is contrary to policies L1, DMC1, GSP1, and GSP2 and the National Planning Policy Framework.

### **Amenity and noise**

62. The Climate Change and Sustainable Building SPD outlines that the impact of the turbine, including noise, disturbance and shadow flicker on private and public amenity should be considered in the determination of applications for wind turbines.
63. This application has been supported by a Noise Assessment. The assessment provides information pertaining to 4 receptors; Brink Farm Cottage itself; Brink Barn/Brink Brow, the holiday-let in close proximity to the proposed turbine; Brink Farm, and Brink House, two residential properties to the north of the development site.
64. The Noise Assessment utilises guidance from the institute of Acoustics titled 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOA: GPG)', which utilises the 'ETSU-R-97' methodology. The assessment notes that that this guidance is only relevant to wind turbines/farms with a minimum power output of 50kW, while the proposed turbine is only 5kW. It states that it utilises this methodology and guidance in absence of any relevant guidance for smaller turbines.
65. The assessment breaks receptors into two categories 'ESRs' and 'FSRs'. An ESR is an existing sensitive receptor, while FSRs are financially involved sensitive receptors. In this instance, Brink Farm Cottage is an FRS as it is financially involved with the wind turbine.
66. The assessment outlines two noise limits to nearby receptors. The existing sensitive receptor would have a limit of 35dB, while financially involved sensitive receptors would have a limit of 45dB. The assessment identifies Brink Farm Cottage as an FSR, and identifies Brink Farm and Brink House as ESRs.
67. The assessment utilises the higher 45dB limit for Brink Brow/Brink Barn, despite the owner of the property having no financial interest in the construction of the wind turbine. The assessment states that due to the location of the turbine, direction of the wind, and the fact that the barn is in "transient" short-stay holiday use, the upper limit is appropriate.

68. The conclusion of the report outlines that for Brink Farm Cottage, Brink House, and Brink Farm, the noise levels would fall within the specified appropriate range. Brink Farm Cottage would have a noise level of 44dbA, below the specified 45dB, while Brink Farm would have a noise level of 32dBA, and Brink House would have a noise limit of 29dBA, below the identified 35dBA limit.
69. The noise level at Brink Brow and Brink Barn would be 42dBA. The assessment concludes that this is acceptable due to it being a worse-case scenario. It outlines that there is a screened section of the building where the noise level would be 31dBA.
70. Officer's disagree that Brink Brow and Brink Barn should be subject to the higher noise criteria. Ultimately, the property is in residential use, and whilst there is a holiday occupancy condition attached to the site, the established use of the site as a short-stay residential dwelling should be given appropriate weight in the planning balance.
71. The report advises that there is an area of the garden on the southern side of the barn where the noise level from the turbine would be 31dbA, an appropriate level for residential properties. It is noted that the barn is converted into two separate properties; one on the north of the barn (Brink Barn) and one on the south (Brink Brow). The northern properties' amenity space is located to the north of the gable end, while the southern property has small amenity space on the southern gable end of the building. It was the amenity space to the north of the barn which had the anticipated noise level of 42dBA (7dBA above the identified criteria for ESRs). As such, it is considered inappropriate to consider the fact that there is amenity space available which does not form part of the curtilage for each unit. Guests to Brink Barn may not be able to use Brink Browns amenity space, particularly if both properties are rented out at the same time. They would be required to use the space where higher than acceptable noise levels are anticipated.
72. While guests to the holiday-lets would not stay in the property for extended periods of time, there would nevertheless be a detrimental impact to their amenity. In addition to this, the holiday business is an established use in the area, and the provision of the wind turbine may prejudice the owner's ability to operate their business if the quiet, tranquil nature of the barn and its setting is despoiled by the noise generated by the turbine.
73. It is considered that from the information provided, the proposed wind turbine would generate inappropriate levels of noise for residents of Brink Barn. Whilst it is appreciated that the properties are holiday-lets, and the assessment provides a "worse case" scenario, it nevertheless demonstrates that the proposed turbine has the potential to have a detrimental impact on guests, in addition to potentially prejudicing the established business on site.
74. Policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting an established use of an area. In this instance, it is concluded that as a result of the excessive noise levels at Brink Brow and Brink Farm, the proposed development would have a negative impact on the established business on site. The proposed development is therefore contrary to policy CC2.

### **Ecology**

75. This application has been supported by an Ecological Appraisal, with field assessments carried out over summer (April-September) 2023.

76. The report gives an overview of the impact of the proposed development on various species, including bats, birds, great crested newts and other protected and priority species.
77. The appraisal outlines that there would be no adverse impacts on protected or priority species. The development site, inclusive of scrub hedgerow planting nearby, is considered to be of low value to bats and outlines that more favourable habitat is available in the locality. Similarly, the development site and wider locality is considered to be of low value to birds, so the proposed development is unlikely to have a detrimental impact on these species.
78. The assessment concludes that the impact of the proposed development on other protected species would be low. It also states that there would be no impact on ecologically designated areas in the wider vicinity.
79. The application proposes to remove a small 40m section of “leggy” hawthorn hedgerow in close proximity to the proposed turbine, and planting of a 50m section of native berry and fruit bearing hedgerow of native provenance elsewhere in the wider site.
80. Authority ecologists originally objected to the scheme on insufficient information, citing concern over the removal of hedgerow without appropriate surveys or assessment. The agent provided a rebuttal to the ecologist’s response, outlining the poor-quality nature of the hedgerow and limited potential for habitat.
81. Following receipt of this additional information, the ecologist provided a verbal response outlining that subject to conditions, they had no extant objection. While no written response was received from the PDNPA ecologist, it is acknowledged that the rebuttal from the agents has addressed their primary concern over the potential hedgerow habitat. Had the development been found acceptable in other respects then a pre-commencement condition requiring details of the timing, species, and location of the 50m native hedgerow would have been suggested. In addition to this, conditions relating to precautionary measures during construction for great crested newts, badgers, and birds would also have been suggested.
82. Subject to these conditions, it is considered that the ecological interest of the development site could be appropriately conserved to accord with policies DMC11 and DMC12.

### **Climate change and sustainability**

83. The proposed development has the capability to generate a nominal power of 5kW. Officers are mindful of paragraph 158a of the NPPF, which outlines that applicants are not required to demonstrate overall need for renewable or low carbon energy. Officers acknowledge that even the provision of small-scale, or ‘micro-generation’ schemes, have the potential to provide a valuable contribution towards decreasing reliance on greenhouse and meeting carbon net-zero.
84. This report will not present the sustainability benefits of the proposed development; however, significant weight has been placed on the provision of low carbon energy development in the wider planning balance.

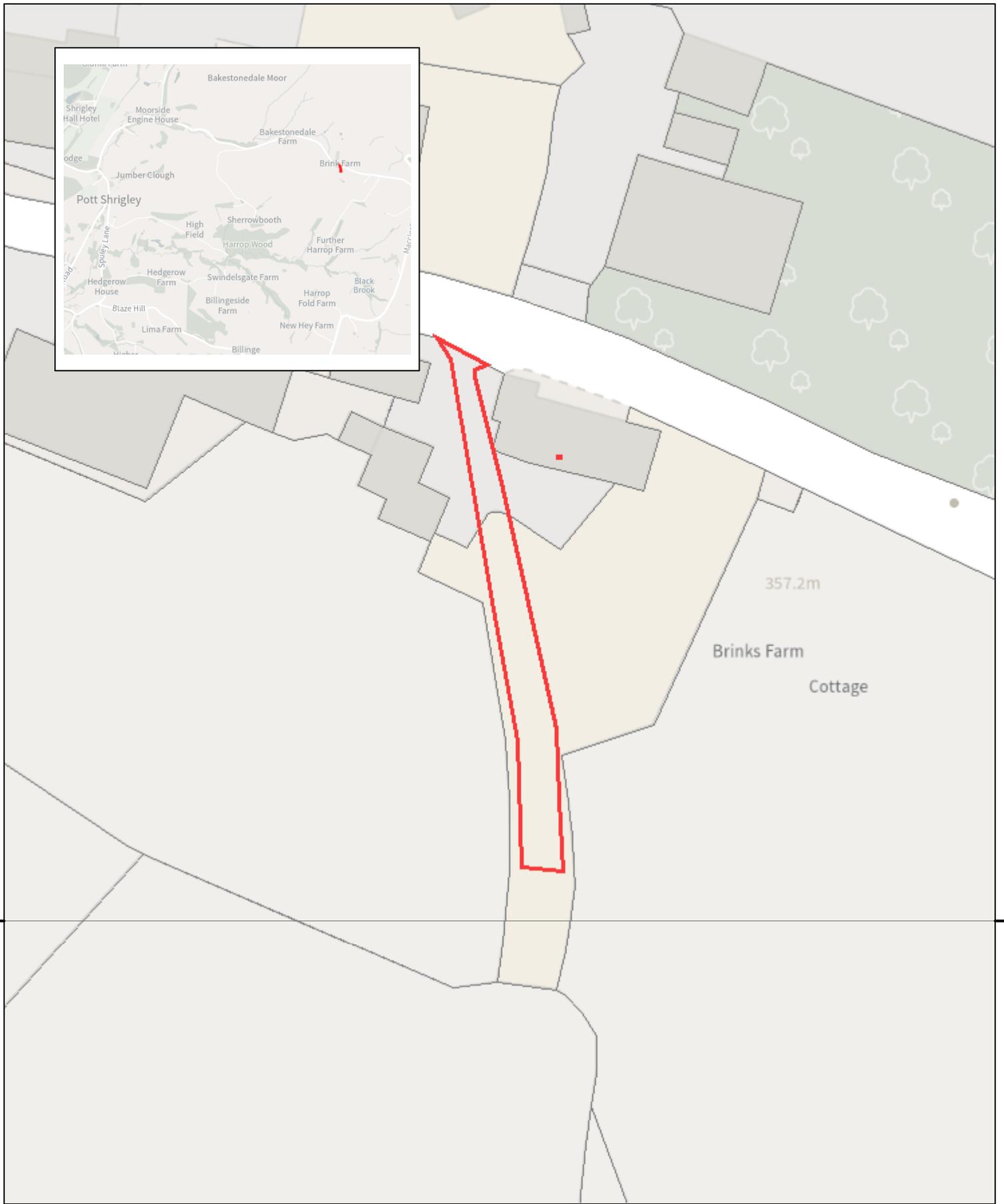
## **Conclusion**

85. This application seeks consent for the installation of a 5kW, 15m micro generation wind turbine located in the rear garden of Brink Farm Cottage, located in the open countryside between Kettlethulme and Pott Shrigley.
86. The proposed turbine would be visible from the south-east along the nearby footpath. It is considered that from this viewpoint, the proposed turbine would be seen as incongruous, alien feature in an otherwise pastoral and undeveloped landscape. In addition to the close-range views from the nearby footpath, and from Bakestonedale Road, longer distance views onto the development site are permitted from further site. Even from the longer distance views, the proposed development would detract from the rolling, pastoral landscape through the introduction of a rotating dynamic feature which does not relate well in scale, material or form to the adjacent built-form. While Officers accept that the built-form surrounding Brink Farm Cottage is large and expansive, due to the topography of the landscape the largescale farm complex cannot be seen over the top of the hill. As such, the proposal cannot be assimilated or integrated into the wider site in its proposed location.
87. The noise generated from the proposed development would have an adverse impact on the amenity of guests to the nearby holiday-lets at Brink Brow and Brink Barn. The noise at the northern extent of the garden would exceed the established noise limits for residential properties. Due to the tight garden space surrounding the converted barn, there is no scope for finding an alternative site for outdoor amenity space where the noise levels would be lower. In addition to impacting amenity, it would also have an adverse impact on an established business in the locality of the development site.
88. Whilst the provision of renewable energy development is a significant material consideration in the determination of this application, to be acceptable development must conserve and enhance valued landscape character and other valued characteristics - Policy L1. National policy in the NPPF p176 also requires that “Great weight should be given to conserving and enhancing landscape in National Parks.”
89. It is concluded that the harm identified above would have a significant detrimental impact on the special landscape of the National Park. This, coupled with the harmful impact on amenity and established uses, outweighs the significant sustainability benefits of the proposed scheme. On this basis, the proposed development is considered contrary to policy GSP1, GSP3, CC2, L1, DMC1, DMC14, and the guidance outlined within the Climate Change and Sustainable Buildings SPD and the NPPF. On this basis, it is recommended for refusal.

## **Human Rights**

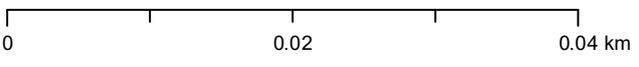
90. Any human rights issues have been considered and addressed in the preparation of this report.
91. List of Background Papers (not previously published) Nil

Report author: Will Eyre, North Area Senior Planner



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**Brink Farm, Pott Shrigley**

Item no. 11  
 Application no. NP/CEC/0823/0917  
 Committee date: 3rd November 2023

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**12. FULL APPLICATION - DEVELOPMENT OF AN EXISTING COMPOUND AREA WITHIN THE CURTILAGE OF MILLERS DALE STATION INTO A CHANGING PLACES FACILITY THAT WILL BE OPEN TO THE PUBLIC. (NP/DDD/0823/0972 GB) P. 10804**

**APPLICANT:** Peak District National Park Authority

**Summary**

1. The proposals comprise the erection of a new 'Changing Places' building within the car park of Millers Dale station yard.
2. The proposed building is to provide public changing and washing facilities for people with profound mobility or learning difficulties who cannot use regular toilet facilities. The building would provide for sufficient room for users and their carers. The building would also provide secure storage for a 'Tramper' off-road mobility scooter which would be available for hire using a free booking system.
3. The proposed purpose-built building would reflect the appearance of a Midland Railway goods wagon, but be permanently attached to the ground to allow for services connections and wheelchair access.
4. The proposals, are considered to further opportunities for the understanding and enjoyment of the National Park whilst conserving its built and landscape heritage.
5. The application is therefore recommended for conditional approval.

**Site and Surroundings**

6. The application site falls within the Millers Dale Station complex approximately 400m south-west of Millers Dale, and 1.6km south-east of Wormhill, on the mid-slopes of the Wye Valley. The site stands within Millers Dale Conservation Area.
7. The proposed building would be located immediately north of the Monsal Trail and between the former station building and restored former station shed known as the Goods Shed, now operating as visitor and interpretation centre. The site is currently part of the wider yard serving the trail and visitor centre, and would be accessible from the car park.
8. The Visitor Centre and its car park is a popular visitor destination and important access point to the multi-user Monsal Trail. The station building is located on the old platform. Attached to the building are conventional public toilets, an open compound where the sewage treatment plant is located, a small brick tool shed and the recently conserved goods shed.
9. The site is highly accessible and visible by the public due to its close proximity to the trail and car park. The Goods Shed is a visitor attraction providing engagement and interpretation for visitors and the National Park Authority owned car park which caters for visitors travelling by car.

**Proposal**

10. The proposal comprises the construction of a permanent bespoke changing facility which is designed to accommodate more complex needs in terms of internal space, access and internal washing, changing and sanitary facilities. Changing Places is a national consortium campaigning for the provision of appropriate facilities for users with more complex mobility and learning needs. The Changing Places Consortium supports the

installation of CP toilets in key public buildings. Members of the Consortium are: PAMIS, Muscular Dystrophy UK, Martin Jackaman and Centre for Accessible Environments

11. A Changing Places facility will normally comprise: A height-adjustable, adult-sized changing bench; Ceiling track hoist system; Adequate space for the disabled person and up to two assistants; Peninsular toilet with space both sides for assistants; Privacy screen; Wide paper roll; Large waste disposal bin; Washbasin, preferably height adjustable, and; Back rest on toilet seat.
12. The range and specifications of such facilities determines the scale of the space within which they are presented in an accessible form. To accommodate these facilities at the visitor centre a new bespoke building is proposed.
13. An innovative design approach has been developed whereby the building will reflect the form and character of a former Midland Railway goods wagon which historically would have been utilised on the former railway through Millers Dale. The simple goods carriage form of the building would include a distinctive shallow arc-profile to the black corrugated sheeting roof and horizontal larch cladding with external visible steel framework in anthracite to the side elevations. A single wide-access door would be provided to the front elevation with double doors to the gable end of the Tramper store section. The floor height will allow ramp-less access to the building from the car park.
14. Specifically the building footprint would measure approximately 6.7m x 3.2m, (including a lower Tramper mobility scooter storage section with an overhanging eaves of 0.1m all around. The building would have a maximum height of 3.2m height to the shallow arched roof, with eaves height to 2.5m. The Tramper store section would be to the western elevation and have a lower roof height to 2.4m.

#### **RECOMMENDATION:**

1. **That the application be APPROVED subject to the following conditions -**
2. **Standard time limit**
3. **Carry out in accordance with specified approved plans**
4. **External paintwork to be maintained as dark recessive colours**

#### **Key Issues**

- 15 The principle of the provision of visitor facilities for people with specific needs and its implications in relation to National park purposes.
- 16 The impact of the development on the appearance of the built environment and landscape of the National Park, including Millers Dale Conservation Area.

#### **History**

- 17 1982: Planning permission granted conditionally for public toilets, ranger base, car park and septic tank.
- 18 1992: Planning permission granted unconditionally for car park extension.
- 19 2004: Planning permission granted on a temporary basis for siting of mobile refreshment vehicle.
- 20 2018: Planning permission granted conditionally for change of use of former station building from office and workshop to visitor information point and café, extension to car park (NP/HPK/0518/0407).

- 21 2018: Planning permission granted conditionally for replacement roof to derelict railway goods shed and change the use of the building to incorporate interpretation (NP/HPK/1118/1010).
- 22 2022: Planning Permission granted to install 4 additional picnic benches for additional seating to the café NP/HPK/0621/0709).

### **Consultations**

23. Derbyshire County Council Highways - No objections.
24. Wormhill Parish Council - No comments received
25. Derbyshire Dales District Council – No response received.
26. National Park Authority Archaeologist: No objections.

### **Representations**

27. No representations received.

### **Main Policies**

28. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, RT1.
29. Relevant Development Management policies: DM1, DMC1, DMC3, DMC4, DMC5, DMC8.

### **National Planning Policy Framework**

30. The National Planning Policy Framework (NPPF) was revised in September 2023. 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.
31. 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.'
32. Para 177 explains that when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and  
any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

### Core Strategy

- 33. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 34. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
- 35. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 36. Policy L1 requires that development must conserve and enhance valued landscape Character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
- 37. RT1 states that the National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable.

### Development Management Policies

- 38. DM1 sets out a presumption in favour of sustainable development in the context of National Park Purposes.
- 39. The Development Management Policies DPD requires a high standard of design (DMC3), and require any heritage asset's significance to be identified and conserved or enhanced through development (DMC5).

40. DMC4 seeks to ensure development respects and complements the historic form and extent of settlements and landscape character.
41. DMC5 requires proposals to have regard to the significance of any designated or non-designated heritage asset it may affect, proportionate to the level of significance and why the proposals are desirable or necessary.
42. DMC8 relates to Conservation Areas and requires development proposals to preserve or enhance the particular qualities of the particular heritage asset.

## **Assessment**

### Principle

43. The proposal for the provision of a specialist changing and toilet facility to meet the needs of a wider spectrum of visitors to the national park would be supported through policies GSP1 and DS1. Planning permission was granted for the provision of a Changing Places facility at Chatsworth House in 2022 (NP/DDD/1122/1441) with the principle accepted as positively furthering the second statutory purpose.

### Design and Appearance

44. The proposal comprises an innovative design for the freestanding facility which would not reflect the built vernacular of the national park in most locations. The proposals as described above present a structure in the form and appearance of a vintage goods wagon of the former Midland Railway. The scale of the building reflects the need for additional internal space for the changing places room but would still be subservient in scale to the station building café and visitor centre (restored former goods shed) between which it would be sited. Whilst not authentic rolling stock, and without bogies (railway wheel assemblies) the building would reflect the heritage of the site and strengthen the historic association of the wider site with the railways network and former use.
45. The materials and external finishes as proposed would be broadly faithful to the rolling stock it reflects, but would be atypical of conventional masonry-built buildings in the vicinity. Nevertheless, this is considered to be an imaginative and sensitive approach to the provision of a new building within the former railway station yard context. The location of the facility immediately between to the former railway station office and the Goods Shed provides an appropriate and mutually supportive context for the specific design proposed.
46. As well as being an innovative design solution appropriate to its particular setting and historic context, the proposed building would be screened to a considerable degree in views from the Monsal Trail area by both the Goods Shed and station office building and by the retained former façade of the railway building linking the station building to the Goods Shed which separates the car park from the trail and former platform areas which are used partly as outdoor eating area to the café. The site of the building would be within a service compound area separated from the car park and not used for public parking.
47. Consequently, the building would have very low landscape prominence and be viewed only in immediate vistas from nearby on the trail (through the windowed façade) and from limited parts of the car park environs. Tree cover to the north of the car park and the steep valley terrain beyond the station yard area would serve to screen the building in the wider landscape.

48. Consequent to its unique setting within the station yard, its screened setting and subservient scale, the innovative non-conventional design concept as historic rolling stock is considered to be appropriate to the site. It is considered to satisfy policies GSP3, L3, DMC3, and would therefore be satisfied in relation to design and conservation matters as a consequence of the proposals.

### Heritage Considerations

49. The site falls within the Millers Dale Conservation Area. The building would be positioned approximately 45m north-west of the Grade II listed north and south viaducts carrying the trail over the River Wye. The screened position of the proposed changing place building is considered not to affect the setting of the viaducts.
50. Policy requires that proposed development which falls within or affects the setting of a Conservation Area must preserve or enhance the heritage significance site. The current site is a utilitarian service compound standing between the Monsal Trail (former platforms), the station office (café), Goods Shed visitor centre and the National Park owned car park. The specific compound within which the building would stand is characterised by a concrete hardstanding, sewage package plant building and general storage space.
51. The siting of the proposed building within the semi-enclosed space would have no harmful impact on the historic character or integrity of the wider yard site, and as such be considered to at least preserve the site's heritage significance. The innovative design concept, whilst generally screened from the trail, could be found to also present modest enhancement value.
52. the National Park Authority Archaeologist has confirmed there are no archaeological concerns arising from the proposals.

### Conclusion

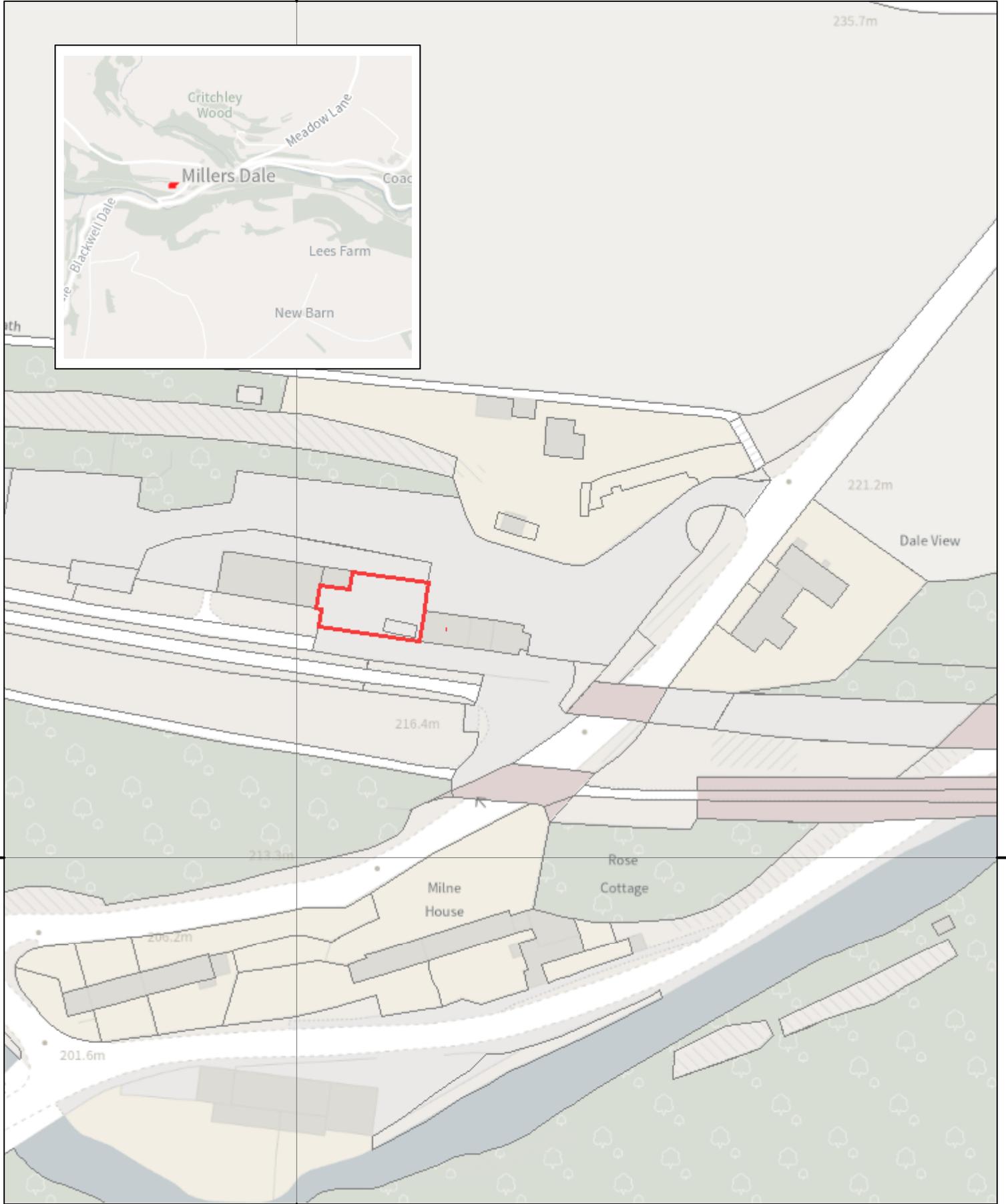
53. In conclusion, the proposals would provide an important public facility that would directly allow for people with more profound physical and learning challenges to more easily experience and enjoy the special qualities of National Park, and thereby furthering the second statutory purpose. The building would complement the wider visitor attraction and accessible multi-user trail facility at Millers Dale. The innovative design of the changing facility would have a low overall landscape prominence and would conserve the character and appearance of the site and setting, including its heritage significance. No conflict between the first and second statutory purposes are considered to arise, and the Sandford Principle would no therefore be material to the determination of the application.
54. The proposals are therefore considered to be in accordance with the policies of the development plan and the NPPF and are recommended for approval.
55. There are no further material considerations that would indicate that planning permission should be refused.

### Human Rights

56. Any human rights issues have been considered and addressed in the preparation of this report.
57. List of Background Papers (not previously published) Nil
58. Planning Officer – Graham Bradford

413800

235.7m



413800

0 0.04 0.08 km



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### Miller's Dale Station

Item no. 12  
 Application no. NP/HPK/0823/0972  
 Committee date: 3rd November 2023

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 Scale: 1:1,065 at A4 pagesize  
 Map centre grid ref: 413,843 373,254



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**13. FULL APPLICATION - CONVERSION OF EXISTING ATTACHED DOMESTIC GARAGE TO UTILITY AND DINING ROOM AT BEGGARS REST, TOWN LANE, BRADWELL. (NP/DDD/ 0623/0699/GB)**

**APPLICANT: MRS Z KNOX ADCOCK**

**Summary**

1. The proposals comprise minor external alterations to the detached bungalow to allow for the conversion of the attached garage to additional living space.
2. The works would result in the loss of the existing garage space as an off-street parking space. There are no significant design issues arising from the proposals.
3. The Bradwell Neighbourhood Plan resists the loss of any off-street parking within the plan area and consequently the Parish Council has raised objection to the application.
4. Officers consider the loss of the off-street parking space to be a theoretical one as the garage has not been used for vehicle storage for many years, and is arguably of a width not suitable for modern vehicles.
5. The application is therefore recommended for conditional approval.

**Site and Surroundings**

6. The application site is a small detached bungalow known as Beggars Rest which stands in a tight curtilage to the southern part of the open space towards the north of the village centre defined by Main Road, Gore Lane and Town Lane. The dwelling is the only building to stand within the triangular island defined by these roads delineating the recreation ground which is otherwise publicly accessible. The application dwelling stands approximately 45m north west from the junction between Main Road and Town Lane
7. The building is considered to date from the early to mid-20<sup>th</sup> Century, is single storey with rendered external walls and brown concrete tiled roof. It is simple in form with an attached flat roofed, single-width garage to the north-west elevation. The building fronts Town Lane, but is not prominent with low limestone walling and hedging to the street boundary.
8. The building is modest in scale with two bedrooms and a footprint to the dwelling (excluding the existing garage) of 9.5m x 7m with a small front porch. The attached flat roofed garage has a footprint of 9m x 3m. The shallow driveway between the garage and pavement fronts to Town Lane and offers a single off street parking space.
9. The building stands within Bradwell Conservation Area.
10. The dwelling stands opposite an open field which falls down to the west of Town Lane. Mixed character and density housing continues then to the north along the west of Town Lane. To the east over the recreation ground is Bradwell Fire Station. Otherwise the application site stands as freestanding building with no immediate residential neighbours, although standing well-within the settlement.

**Proposal**

11. The proposal comprises the conversion of the attached flat roofed garage to create a separate dining room with utility room to the rear (east).

12. To accommodate the conversion the flat roof of the garage would require raising by approximately 550mm. The front up-and-over garage door would be replaced by a single window within a smaller opening to match the windows to the main house.
13. It is likely that the proposals to convert the garage to additional internal living space would otherwise constitute permitted development if the increase in roof height was not required.

#### 14 **RECOMMENDATION:**

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

1. **Standard time limit**
2. **Carry out in accordance with specified approved plans**
3. **door opening to match existing in terms of finish and recess from the external walls**
4. **External driveway parking space to be maintained as an external parking space to Beggars Rest at all times.**

#### **Key Issues**

- 15 The impact of the development on the appearance of the built environment and Bradwell Conservation Area.
- 16 The implications of the proposals on off-street parking and compliance with the Bradwell Neighbourhood Plan.

#### **History**

17. No pertinent planning history.

#### **Consultations**

##### Derbyshire County Council Highways

18. No Objection on highway safety grounds. The consultation response noted 'the proposed conversion results in the loss of the existing single garage. The existing driveway appears to be adequate for the parking of a single vehicle. Whilst typically 2no off-street parking bays should be provided to serve a two-bedroom dwelling, on the basis that the driveway will be retained and the availability of unrestricted on-street parking on Town Lane, it is not considered that the slight under provision of off-street parking would warrant a highways safety objection. Accordingly, subject to a minimum of 1no. parking space being retained within the site, the Highway Authority has no objections to the proposal.'

##### Bradwell Parish Council

19. Object to the proposals. It states, 'Bradwell Parish Council have a policy T2 from the neighbourhood plan: **Policy T2: The removal of any current car parking facilities, both public and private, will be strongly opposed.**
20. Derbyshire Dales District Council – No response received.

#### **Representations**

21. No representations received.

## **Main Policies**

22. Relevant Core Strategy policies: GSP1, GSP3, L3, T7
23. Relevant Development Management policies: DS1, DM1, DMC3, DMC4, DMC5, DMC8., DMH7, DMT8
24. Bradwell Neighbourhood Plan: T2
25. National Planning Policy Framework

The National Planning Policy Framework (NPPF) was revised in September 2023. 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.

26. Paragraph 176 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
27. Para 177 explains that when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
  - (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

## **Core Strategy**

28. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
29. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

30. Policy L3 seeks to conserve and enhance archaeological, architectural, artistic and historic assets.
31. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design.
32. T7 relates to minimising the adverse impact of motor vehicles. It notes that residential parking will be the minimum required for operational purposes, taking into account environmental constraints and future requirements.

#### Development Management Policies

33. DM1 sets out a presumption in favour of sustainable development in the context of National Park Purposes.
34. The Development Management Policies DPD requires a high standard of design (DMC3) including consideration of access, utility services and vehicle parking
35. DMC5 requires any heritage asset's significance to be identified and conserved or enhanced through development
36. DMC5 requires proposals to have regard to the significance of any designated or non-designated heritage asset it may affect, proportionate to the level of significance and why the proposals are desirable or necessary
37. DMC8 relates to Conservation Areas and requires development proposals to preserve or enhance the particular qualities of the particular heritage asset.
38. DMT8 addresses residential off-street parking. It states that off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere. Full details of the appropriate range of parking provision for residential developments can be found within the Parking Standards at Appendix 9. It goes on to state that off-street car parking space provided as part of a development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.

### **Assessment**

#### Principle

39. The proposal for the improvement to a dwellinghouse is acceptable in principle under policies DS1 and DMH7.

#### Design and Appearance and Effect on Bradwell Conservation Area

40. The proposal comprises relatively limited physical alteration to the external dimensions or appearance of the building and no material change to its overall massing. The proposals would not increase the existing footprint of the bungalow. Whilst not a traditional design component across the National Park, the existing flat-roofed garage is not untypical for the heritage of the application site, and overall has a very low visual prominence in the street scene, consequent to a slightly lower level of the bungalow to the pavement and boundary hedges. The raising of the existing flat roof to the garage by 550mm to allow for habitable space to be created within the converted garage is considered to result in a negligible change to the building's prominence or overall massing.

41. Officers have considered whether the provision of necessary ceiling height below a pitched roof structure would be a reasonable and viable alternative option to that proposed. However, given that the garage extends along the gable of the bungalow and extends beyond the full width of the bungalow the provision of a pitched roof would require a relatively convoluted link and massing, and an overall increase to the scale of this non-traditional building.
42. In respect to design issues the proposals are considered to have a neutral or very minor adverse effect to a non-material degree on the character of the property. Changes to the street scene would be minimal and tightly localised. Consequently, any harmful effect on the special qualities of Bradwell Conservation Area would also be neutral. As such it is considered that the works would serve to preserve the character of the Conservation Area, if not enhance it, and in doing so satisfy policy DMH8.
43. It is considered in visual and design terms, and in respect to the heritage significance of the vicinity that the proposals would satisfy policies GSP3 and DMC3, and would in relation to Conservation Area considerations preserve the Conservation Area in accordance with DMC8.

#### Parking and Highways Considerations

44. The National Park Core Strategy (T7) and Development Management Policies DPD (DMT8) recognise the need for adequate residential off-street parking in development proposals that meet the minimum required unless there is evidence that on-street parking would not exacerbate local traffic circulation problems. Existing off-street parking should be maintained unless it can be demonstrated that on-street parking does not negatively impact on the visual and other amenity of the local community.
45. The Bradwell Neighbourhood Plan is a component of the adopted development plan and as such carries weight in planning determinations within its area. Policy T2 of the adopted Bradwell Neighbourhood Plan states that the removal of any current car parking facilities, both public and private, will be strongly opposed.
46. Supporting text to the policy sets out the community concern about parking within Bradwell. It notes that there is strong concern in the village that there is congestion caused by excessive on-street parking, which inhibits the free flow of traffic and impedes access for emergency services. It notes that the community considers that the congestion problem warrants stringent controls on parking provision for all new development and the imposition of higher standards of provision than are generally required by the Highway Authority.
47. Supporting text also notes that it is important that there is retention of existing public and private parking arrangements.
48. The proposed conversion of the garage to habitable space would result in the removal of the ability of the existing garage to provide an off-street parking space. With the removal of that space, the property would have capacity for a single off-street parking space on the existing driveway.
49. In consultation with the application agent, officers have considered whether there would be capacity within the site to expand the driveway to afford an additional off-street parking space to off-set the loss of the garage space. It is considered that this would not be reasonably possible as a consequence of the depth of space between the highway access to Town Lane, and the forward projecting porch bungalow, and as such the need for a widened access, removal of boundary wall and loss of otherwise limited garden space and still result in limited manoeuvring space. Officers consider this would also be detrimental to the extent of existing screening of the dwelling from Town Lane.

50. In considering the implications of the loss of the single off-street parking space within the garage, it is necessary to have regard to the material change this may have on on-street parking within Bradwell. The applicant has provided a statement which confirms that the current garage has not been used as an off-street parking space for many years, both by the applicant and prior to that by the previous occupants. As a consequence of the age of the building the garage opening is considered to be narrow at 2.1m, with internal garage width at 2.75m, (although this meets parking design standards set out at Appendix 9 of the DMPDPD). The garage has therefore been used for domestic storage space rather than off-street parking for an extended period of time. Officers consider the statement of use of the garage to be genuine. It is therefore the case that the conversion of the garage is not considered by officers to result in the loss of an off-street parking space in practical terms. A theoretical loss would arise however.
51. The bungalow is two bed roomed and parking standards would generally require 2 off-street parking spaces to be provided. However, Derbyshire Highway Authority response has stated that whilst typically 2no off-street parking bays should be provided to serve a two-bedroom (and three bedroom) dwelling, on the basis that the driveway will be retained and the availability of unrestricted on-street parking on Town Lane, it is not considered that the slight under provision of off-street parking would warrant a highways safety objection. It is also of note that the dwelling can be considered to be at the lower end of the parking standard requirement for 2- and 3-bedroom properties.
52. Town Lane is not a main thoroughfare through Bradwell. Existing parking on Town Lane is unrestricted and parking thereon by a potential additional vehicle would not be likely to lead to a material change to congestion or restriction on flow through the village, or impede access by emergency vehicles which are at the heart of the Neighbourhood Plan's response to parking provision. Other dwellings to the west of Town Lane are both dispersed and generally provided with ample off-street parking.
53. Having regard to the development plan context overall, to which the Neighbourhood Plan may be seen to afford less flexibility than that set out with T7 and DMT, it is considered that the long-term use of the garage for purposes other than parking is a material consideration in the determination of this application. Officers consider that the proposed works would not in effect remove an active parking space and consequently that the proposals would have a neutral impact on on-street parking.
54. The Parish Council has been contacted to explain that officers were inclined towards an approval of the proposals given the evidence stated above, and to invite withdrawal of the objection. The Parish Council has responded and expressed its maintenance of the original objection.

## **Conclusion**

55. In conclusion, the proposals would have neutral impact upon the building and street scene, and consequently the heritage significance of the Conservation Area would be preserved, complying with principal policies DMC3 and DMC8.
56. The loss of a theoretical off-street parking space through conversion of the garage can be found to be broadly incompatible with the development plan. However, in the absence of Highway Authority concern, and having regards to the character and parking capacity of Town Lane, and that the garage has not been used for parking over an extended period it is considered that these material considerations justify a positive determination of the proposals in this instance.
57. Given the particular circumstance of the application, a decision to approve the proposals would not be considered to set precedent within the Bradwell Neighbourhood Plan area.
58. Officers therefore recommend approval of the proposals subject to conditions.

**Human Rights**

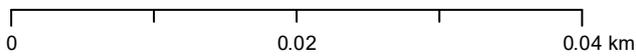
59. Any human rights issues have been considered and addressed in the preparation of this report.
60. List of Background Papers (not previously published) Nil
61. Planning Officer – Graham Bradford

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### Beggars Rest, Bradwell

Item no. 13  
 Application no. NP/DDD/0623/0699  
 Committee date: 3rd November 2023

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 Scale: 1:532 at A4 pagesize  
 Map centre grid ref: 417,235 381,483



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## **14. FULL APPLICATION: DEVELOPMENT OF ONE DWELLING, DISUSED QUARRY CHUNAL, CHARLESWORTH (NP/HPK/0723/0810, JRS)**

**APPLICANT: MR PHILIP BENNETT**

### **Summary**

1. The application is for a new dwelling within a former quarry in open countryside within the Natural Zone, on the edge of open moorland, but adjacent to the A624. The proposed dwelling is a contemporary design and of a modest scale. However, the proposal is considered to be contrary to the policies of the Development Plan in terms of its location. The application is therefore recommended for refusal.

### **Site and Surroundings**

2. The application site is a relatively small former quarry located immediately to the east of the A624 Chunal Lane, just south of Chunal and approximately 2.75km south of the centre of Glossop and 4.5km north of Hayfield. The former quarry is on the edge of Chunal Moor, which extends eastwards to the Kinder Scout plateau. It is within the area designated as Natural Zone, together with the adjacent moorland.
3. The site has a narrow entrance on the A624, and then widens out to the shallow basin of the former quarry, with a gritstone rock face to the rear (east). There are trees on the eastern and southern edges of the site. At present there is a timber storage building a small shed and a touring caravan on site. There is also an array of eight solar panels placed against the southern slope at the rear of the site. These buildings, the caravan and the solar panels do not have planning permission, although photographs suggest that the building has been on site for some years.
4. It is understood that the site was used for small scale quarrying works until around 1980 and its stone was used as roofing stone for the area. It covers a total area of 0.56 hectares with the site area being approximately 450 sq. meters. The site is surrounded by a perimeter fence, with a drystone wall along the A624 frontage.
5. There are three statutory designated sites within 1km of the site boundary.
  - South Pennine Moors Special Area of Conservation, immediately adjacent to the site.
  - Peak District Moors (South Pennine Moors Phase 1) Special Protection Area for birds, immediately adjacent to the site.
  - The Dark Peak SSSI, immediately adjacent to the site.

### **Proposal**

6. The proposal is to erect a single dwelling on the site.
7. The application is accompanied by a Design and Access Statement, and a preliminary ecological assessment. Since submission the applicants have also provided a highway assessment to address the initial response of the Highway Authority and a heritage assessment to address the response from the Authority's Senior Archaeologist.
8. The Design and Access Statement says the following about the proposed dwelling (selected extracts; the whole statement can be seen on the website):

*"We want our dwelling to be a "Lifetime Home". A home that is energy independent and construction style suitable for our retirement years. Over more than ten years we have researched and made extensive investigations as to the style of dwelling and building systems that would be suitable in this unique site. Our proposal is for a single-story eco-dwelling of exceptional design, and sympathetic to the surroundings. We would*

*incorporate the latest developments in solar technology and other energy producing /saving systems. The truly innovative solar smart flower, the state of the art “Sunamp” Super-compact thermal batteries, storing heat and releasing it on demand. (Details of both at the end of this document) Together with ground source heat pumps, water bore hole, extensive Rainwater Harvesting and a “Packaged Treatment Sewage Plant” meaning no services would need to be brought into the site so preserving the natural feel of the area. These advancements in technology now allow for a home completely off-grid and extremely sustainable. This would be a self-build/custom build home.*

*The green roof proposed for the dwelling will add much needed habitat to the exposed bedrock ground, where even the hardest weeds struggle to exist. The large frontage of the quarry land would be tidied, but basically untouched and native silver birch and blackthorn, hawthorn and other native plants encouraged to grow and self-seed.*

*We aim to build a highly insulated “off grid” home with the emphasis on sustainability.*

*On this site a single-story building with a gently arched green roof which mirrors the hillside across the valley and is sympathetic to the surroundings is the answer. A roof design not dissimilar to that on the on PDNPA planning home page. Our preferred construction method is timber SIP. A very sustainable system that would be manufactured to size off-site and fitted together on-site, so greatly reducing build time and site disruption. (<https://www.sips.uk.com/contentfiles/downloads/Download-37.pdf>) Finished in attractive thermally modified timber cladding (<https://www.vastern.co.uk/cladding/brimstone-british-tmt/>) to hint at the agricultural buildings of the area, highly insulated with sustainable high performance materials where possible. A floating floor built on low pillars will minimise groundworks and disruption on the site. Approximate size. 16m x 10m. 4m high. Open plan Living, Dining. Kitchen at front. 2 Bedrooms, Workrooms, Bathroom & Utility room.”*

## **RECOMMENDATION:**

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

- 1. The application proposes the erection of a new dwelling on a site within the Natural Zone, in a small former quarry. There is a strong presumption against development in this location unless there are exceptional circumstances which justify approval. The quarry has become naturalised since operations ceased over 40 years ago and it does not require a development to provide enhancement or remove a non-conforming or inappropriate use. It is therefore considered that for these reasons the proposal is contrary to accord with Core Strategy policies GSP1, GSP2, DS 1, HC1 and L1, and DMP policies DMC1 and DMC2. .**

## **Key Issues**

- Whether the development is acceptable in principle.
- Whether the proposal would achieve an enhancement of the site.
- Impact on ecology and biodiversity
- Highway considerations.

## **History**

1951: Ministerial consent granted to continue working an existing quarry.

1960: Planning permission to work quarry to 1970.

1971: NP/CHA/171/3 - Temporary planning permission (to 31 December 1980) for continuation of quarrying. Condition requiring disposal of overburden and waste in previously excavated area.

1980s: Investigation of unauthorised storage on site, correspondence with site owner regarding old vehicle bodies.

1999: Photographs show some low-key storage of building materials, but no buildings.

2011: Photographs show a building in place.

The planning application says that after it became redundant as a quarry it became part of the estate which owned much of the moorland above Glossop mainly used for grouse shooting. The last user ran a log and firewood business, which was the subject of an enforcement enquiry and subsequently moved elsewhere. That owner installed the large wooden gates at the entrance to protect the site from fly-tipping.

## **Consultations**

### 9. Highway Authority:

#### Response to revised plans:

*You will be aware of the Highway Authority's previous consultation response raised a number of issues in connection with the visibility splays and in the intervening period a number of discussions have taken place to try and resolve the highway issues, which has culminated in the recently submitted revised drawing (RHC-23-208-01), so from a highways aspect the application is now considered acceptable and it is recommended that the following Conditions/Notes are appended to any consent granted:*

- 1. No development, including preparatory works, shall commence until the new vehicular to the public highway (A624) has been constructed. The junction shall be laid out in accordance with the approved plan(s) and visibility sightlines of 69m (south) and 141m (north) measured 1m into the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 600mm above the nearside carriageway channel level.*
- 2. The proposed parking shall be provided in accordance with the application drawing for a vehicle to be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the development.*
- 3. There shall be no gates or other barriers within 5m of the access/driveway.*
- 4. The proposed access/driveway shall be no steeper than 1:12."*

### 10. Parish Council:

*"Charlesworth Parish Council noted with disappointment that the National Park has made no effort to consult with residents or other potentially affected parties, nor has a site notice been posted. (Officer comment: A site notice was posted on site and there are no immediate neighbours to consult)*

*This site is a former stone quarry. It is not in active use as a quarry. There is a semi-derelict hut and caravan, a WC block, an array of solar panels and deposits of builders' rubble.*

*The Parish Council agreed to object to this proposal on these grounds:*

- 1. Development of a single dwelling on open moorland within the National Park, without justification in terms of housing need or exceptional design merit, is inappropriate*
- 2. Parish Council believe the creation of additional dwellings, in remote areas, irrespective of who might live in them, conflicts with Core Strategy Policy HC1 and DMP Policy DMH10.*

3. *The proposed style of the dwelling is entirely out of keeping with this part of the National Park*
4. *The use of former quarries for residential purposes would set a dangerous precedent*
5. *Access onto the A624, a fast road and steep hill, with a bad reputation for accidents, is dangerous. The access point to the application site from the north is on the approach to a sharp bend, and from the south, immediately after the sharp bend. Visibility in leaving the site is very limited.*

11. Borough Council: No response.

12. Natural England (extract of key points): No Objection, subject to appropriate mitigation being secured.

*“We consider that without appropriate mitigation the application could:*

- have an adverse effect on the integrity of South Pennine Moors, Special Area of Conservation and the Peak District Moors (South Pennine Moors, Phase 1), Special Protection Area.*
- damage or destroy the interest features for which the Dark Peak, Site of Special Scientific Interest has been notified.*

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

- An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site.*
- To ensure that the construction phase of development, should permission be granted, occurs outside of the bird breeding season, typically March through to September.*

*We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.*

*Further advice on mitigation*

*A Construction Management Plan (CEMP) should be compiled and agreed with the competent authority prior to development works occurring, should permission be granted. Within the CEMP, measures detailing how construction activities will be limited in time, to take place outside of the bird breeding season, should be included. In addition, measures to reduce potential noise levels should also be set out and agreed to reduce the risk of disturbance to SPA birds outside of the breeding season.*

*Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.*

*Biodiversity Enhancements*

*Natural England welcomes the proposed biodiversity enhancements as set out within the applicant’s submitted design and access statement. The implementation of a green roof on the proposed development is valued. We would encourage the applicant to use a native planting mix, closely aligned to the species found within the adjoining land, to be implemented and become established on the roof structure. In addition, we acknowledge the planting of native species within the development site. Similarly to the above, we would encourage the applicant to use a native planting mix, closely aligned to the Page 3 of 3 species found within the adjoining land such as dwarf shrub heathland.*

13. PDNPA Archaeology: Object due to lack of information:

*“The proposed development site is a historic quarry recorded in the Derbyshire Historic Environment record. The origins, date, development and significance of the quarry is currently unknown. No heritage statement has been submitted in support of this application to help the Authority to understand these issues. So, at present I cannot advise on the significance of the site and whether it should be considered a non-designated heritage asset. It is not known if any historic quarried faces survive, any spoil heaps or waste products, or traces of equipment, buildings or and features relating to the quarries use and development, or whether later use of the site has destroyed earlier evidence.*

*The application is also missing details of the development beyond the proposed house. The details provided about the house suggest that the footprint of the structure could be quite light, requiring little by way of intrusive groundwork. However, a ground source heat pump is mentioned as well as a on site package treatment plant and solar flower, but the location of these and any connecting service runs is not covered. Without such information I cannot advise on possible impacts.*

*Para. 203 of the NPPF requires planning authorities to take into account the effect (direct and indirect) of an application on the significance of non-designated heritage assets to reached a balanced planning judgement. However, the current application does not provide sufficient information to allow this to take place or to meet the requirements on supporting information of para.194.*

*Therefore, in the first instance I object to this application on due to lack of information.*

*An appropriate heritage statement that describes the significance of the site and formally consults the Historic Environment Record needs to be produced in accordance with national and PDNPA guidance and submitted in support of the application. This needs to be prepared by someone with appropriate knowledge and expertise. And, further details of the aspects of the proposed development detailed above is required to allow the assessment of impact.”*

In response to this the applicant has submitted further information in the form of a heritage assessment that they have produced themselves. This sets out the quarrying history of the site and concludes that the site is of low significance.

## **Representations**

14. We have received 6 representations, all supporting the application. The representations can be seen in full on the Authority’s website.

15. The representations can be summarised as follows:

- This application is an excellent use of waste land. I walk past the disused quarry as I live locally the eco home would be well hidden from the road. I have a recycling company so anything green is a win for me.
- This application would make excellent use of the land. It will not only enhance the area with a nicely designed eco-property, but also help maintain and beautify the local area as the applicants clearly seem keen to care for the land, encourage native plants and control invasive weeds.
- This application appears to be just what is needed for old unused sites like this one, there are so many in our local area, sadly many used for fly tipping.
- This will be a fantastic transformation to the quarry. It's so good to see many disused quarries in the area given a new lease of life and what a fitting use of the site to become someone's sustainable home.

## **Main Policies**

16. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, L2, L3, HC1, CC1, T3, T7.
17. Relevant Development Management policies: DMC1, DMC2, DMC3, DMC11, DMC12, DMT3.

## **National Planning Policy Framework**

18. The National Planning Policy Framework (NPPF) was published on 27 March 2012. It was last updated in September 2023. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and those in the Development Management DPD adopted in May 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. 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.
19. Paragraph 176 states that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads."
20. Paragraph 120 of the NPPF states that "*Planning policies and decisions should:*
  - (a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
  - (b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
  - (c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
  - (....(d) and (e) omitted, not relevant).
21. Paragraph 78 says that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this. Paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

22. The National Planning Policy Framework encourages innovative modern design, in paragraph 80, which states:

*“80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- (d) the development would involve the subdivision of an existing residential building; or*
- (e) the design is of exceptional quality, in that it:*
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”*

23. Paragraph 134 of the Framework says that in determining applications significant weight should be given to:

*“(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or*

*(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”.*

24. With regard to Habitats and Diversity, paragraph 180 of the NPPF is relevant to this application:

*180. “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.*

## Peak District National Park Core Strategy

25. Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
26. Policy GSP2: *Enhancing the National Park* states that:
- Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
  - Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
  - When development is permitted, a design will be sought that respects the character of the area.
  - Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
  - Development in settlements necessary for the treatment, removal or relocation of nonconforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.
27. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
28. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
29. Policy DS1 sets out the Development Strategy for the National Park.
30. Policy HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local need.
31. Policy L1 *Landscape character and valued characteristics* states that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

32. Policy L2 states that development must conserve and enhance any sites or features of geodiversity importance, and any sites, features or species of biodiversity importance and where appropriate their settings. For international and national sites the relevant legislation and protection will apply in addition to the requirements of policy. As set out in Core Strategy policy L2, the granting of planning permission is restricted for development likely to significantly affect a European (International) site, requiring that an appropriate assessment is first carried out of the implications of the development for the site's conservation objectives. Primary legislation restricts the cases in which exceptional circumstances may justify development, particularly development having a significant effect on the ecological objectives or integrity of a Special Protection Area (classified under the Birds Directive) or Special Area of Conservation (designated pursuant to the Habitats Directive).
33. Policy L3 *Cultural heritage assets of archaeological, architectural, artistic or historic significance* states that:
- A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;
- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy
34. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.

#### Development Management Policies

35. The most relevant development management policies are DMC1, DMC2, DMC3, DMC11, DMC12, DMT3

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

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

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

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

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

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

- a. The exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and the development is essential:
  - i. for the management of the Natural Zone; or
  - ii. for the conservation and/or enhancement of the National Park's valued characteristics.
- b. Development that would serve only to make land management or access easier will not be regarded as essential.
- c. Where development is permitted it must be in accordance with policy DMC3 and where necessary and appropriate:
  - i. permitted development rights will be excluded; and
  - ii. permission will initially be restricted to a period of (usually) 2 years to enable the impact of the development to be assessed, and further permission will not be granted if the impact of the development has proved to be unacceptable in practice; and
  - iii. permission will initially be restricted to a personal consent solely for the benefit of the appropriate person.

38. Policy DMC3A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
39. Policy DMC3B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
40. DMH6 allows for the re-development of previously development land for housing if it conserves and enhances the valued character of the built environment or landscape on, or adjacent to the site. Paragraph 6.97 of the supporting text to DMH6 says that outside of designated settlements and away from other forms of built development, applications for housing will be assessed against policies DS1 and GSP2.
41. Policies DMC11 and DMC12 require applications to include sufficient information to enable an assessment of impact upon designated sites and protected species. Development must conserve and enhance protected sites and species unless there are exceptional circumstances
42. Policy DMT3 emphasises the importance of safe access to developments.
43. Design Guide

At paragraph 2.15 the Design Guide acknowledges that it is not easy to introduce modern architecture successfully into an area of traditional styles, and advises on use of local materials and good quality workmanship. In paragraph 2.18 it goes on to say that *'it is preferable to find a design solution which reflects or reinterprets the local tradition and is also a product of our time....New modern buildings often fail in design terms when their designers are more intent on current architectural fashion than respecting the context they are working within'*.

The Design Guide states that *"...there are still some basic principles that need to be respected if the new is to harmonise successfully with the old. These relate to the three main characteristics of traditional elevations:*

- *A balance of proportions between the overall shape of the walls and the openings they contain.*
- *A high solid to void ratio in which the wall dominates.*
- *A simple arrangement of openings, usually formal (often symmetrical) in the case of houses, and informal in the case of outbuildings"*.

## **Assessment**

### **Principle of proposed development**

44. The application site is located in open countryside where our housing policies would not normally support the erection of new build market housing. It is also within the Natural Zone where there is a strong presumption against any development unless it is required for the management of the Natural Zone; or for the conservation and/or enhancement of the National Park's valued characteristics.
45. The site is a small, former gritstone quarry that sits on the edge of open moorland, immediately to the east of the A624 Glossop to Hayfield road. The quarry ceased

working around 40 years ago and now has no approved planning use. It is understood that the applicants bought it approximately 10 years ago and have since then tidied it up, removed unauthorised tipping, and planted trees and shrubs. It is not known when the timber buildings were placed on site; they were not present in 1999 but the larger one was on site in 2011. The touring caravan and solar panels appear to be more recent.

46. As a former quarry, now partly naturalised, the site is not considered to be previously developed land as defined by the National Planning Policy Framework. This specifically excludes *“land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures”*. In this case the scale of the quarry was such that when it ceased there were no specific restoration requirements, other than to place any waste arising in the former excavations, but given that the use ceased many years ago and there is now no lawful use for quarrying, tipping or any other use, the site is not considered to be “previously developed” as defined in the NPPF or a “brownfield” site.
47. Development Management Policy DMH6 states that re-development of previously developed land for housing is acceptable in principle provided that it conserves and enhances the valued character of the built environment or landscape. The supporting text to policy DMH6 states that applications for housing on previously developed land in the open countryside will also be assessed against policies DS1 and GSP2. Policy DS1 is our development strategy and directs the majority of new housing to Bakewell and the named settlements. For sites in the countryside DS1C allows for the conversion or change of use for housing or other development and alternative uses needed to secure effective conservation and enhancement. GSP2 sets detailed criteria to consider enhancement proposals against, including the need for development to offer *“significant overall benefit to the natural beauty, wildlife and cultural heritage of the area”*.
48. Policy HC1(C)I of the Core Strategy states that exceptionally new housing can be accepted where, in accordance with core policies GSP1 and GSP2, it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.
49. Paragraph 120 of the NPPF states that “Planning policies and decisions should:
  - (a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
  - (b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
  - (c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
  - ....(d) and (e) omitted.
50. The key issue therefore is the principle of new development in the Natural Zone including the impact of the proposal on the wilder, undeveloped qualities of the area. The planning assessment needs to consider whether there are any exceptional reasons that may overcome the strong presumption against development in the Natural Zone (which are set out in policy DMC2). In itself the proposal for a dwelling does not meet these exceptional tests which focus on the management and conservation of the area.
51. The application acknowledges that the site is in the Natural Zone but argues that it does not display the characteristics of the Natural Zone, being a former quarry close to the A624. Whilst this may be the case, the site is clearly within open countryside, on the edge of open moorland, close to designated areas. The former quarry has become

naturalised in appearance since extraction ceased over 40 years ago. Since then the vegetation has become more established, softening the edges of the site and generally hiding it from passing views. Any activities that have caused concern have been unauthorised and, given the fact that the site has no planning permission for alternative uses, that is likely to continue to be the case.

52. In these circumstances the site is not considered to be an intrusive eyesore and there is no non-conforming use which could be removed through planning permission for a dwelling. Consequently, it is considered that a dwelling cannot be justified under policies GSP2, HC1 or DMH6 as it does not fall within the definition of brownfield or previously developed land. Without the imperative of the need for significant landscape enhancement there is no justification for a dwelling on this site and it would be contrary to policies GSP1, GSP2, L1, DS1, HC1 and DMC1 and DMC2.

#### Impact on Landscape

53. As noted above the site sits on the edge of open moorland, but the A624 runs immediately to the west of it. The former quarry floor is not visible from outside the site as the access is relatively narrow and bends slightly. Whilst it can be argued that a single storey dwelling on the site would not have a wider landscape impact, this is not sufficient justification to make an exception to policy and this is an argument that can be made on many remote sites. It also means that any enhancement that can be achieved through development would not offer significant landscape benefit.

#### Impact on biodiversity

54. The site is adjacent to, but outside, the Special Area of Conservation (SAC), Special Protection Area (SPA) and Dark Peak Site of Scientific Special Interest (SSSI). A preliminary ecological assessment has been submitted with the application in accordance with policy DMC11. These designations are the South Pennine Moors Special Area of Conservation, the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area, and the Dark Peak Site of Special Scientific Interest. The assessment concludes that as the proposals are limited to the quarry floor and track which are habitats of generally low ecological value with commonly occurring plant species being recorded. It considers that the proposals are unlikely to have significant effects on the surrounding upland heathland habitat.
55. With regard to the Special Protection Area, it concludes that the quarry is unlikely to support the qualifying bird species (short-eared owl, merlin and golden plover), so impacts on these species are not anticipated to be significant. However, during the construction period of the residential dwelling, significant effects cannot be ruled out on two “non-qualifying species of interest” listed in the site’s citation, which includes curlew and lapwing. Three bird species referred to in the site’s citation were recorded during the survey, these were curlew, red grouse and meadow pipit. Whilst these species are unlikely to nest within the quarry, impacts on these species breeding on the adjacent moorland cannot be ruled out. However, the assessment concludes that as the moorland is also immediately adjacent to the A624 Chunal Lane, it is likely any breeding birds on the moorland have a level of tolerance to the noise of passing traffic.
56. Overall, it is anticipated that the “ephemeral habitat” of the quarry floor upon which the dwelling will be built upon will be lost. Ephemeral habitat according to DEFRA’s Biodiversity Net Gain (BNG) metric calculator is of ‘low distinctiveness’ and needs to be compensated for if losses occur. The report suggests that a landscaping scheme is required. Should the landscape proposals include habitats that are ‘higher value’ that will likely lead to an overall enhancement of the site’s biodiversity value.

57. Natural England have advised that in order to mitigate the potential adverse effects on the designated areas and make the development acceptable, the following mitigation measures are required secured by condition or planning obligation:

- An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site.
- To ensure that the construction phase of development, should permission be granted, occurs outside of the bird breeding season, typically March through to September.

58. It is therefore considered that, subject to conditions, the impact of the proposed development on the designated sites can be addressed through conditions and would not be so significant as to justify refusal of the application on these grounds.

### Design Considerations

59. The proposal is for a single storey timber construction dwelling with a low arched green roof. As such it is of a relatively contemporary design that does not reflect the local building tradition. It is described in more detail in the Proposals section above. Whilst the proposed design does not reflect the local building tradition for dwellings, it is of a scale, materials and contemporary appearance that would be acceptable on this site if the principle of development was acceptable as it would represent a sustainable form of building, with minimal impact on the ground by virtue of being set on low columns. This would help to avoid any impact on the archaeological and ecological interest of the site.

### Sustainable building and climate change

60. Policy CC1 and the NPPF require development to make the most efficient and sustainable use of land, buildings and natural resources, take account of the energy hierarchy and achieve the highest possible standards of carbon reductions and water efficiency. The application provides a Design and Access Statement. The statement sets out how the proposed dwelling would meet the requirements of policy CC1 and our adopted Supplementary Planning Guidance 'Climate Change and Sustainable Building'. The application explains that the scheme is designed to produce a highly sustainable new dwelling, which would include the following measures:

- solar technology and other energy producing /saving systems, including a solar smart flower, a state of the art "Sunamp"
- Super-compact thermal batteries, storing heat and releasing it on demand,
- A SIPS timber construction system
- A green roof
- Water bore hole, rainwater harvesting.
- NB. The ground source heat pump has now been omitted, to avoid disturbing the quarry floor.

The proposal is considered to meet the requirements of policy CC1 in these respects.

### Impact on amenity

61. Given the isolation of the site from other dwellings, the proposal does not give rise to any residential amenity issues. The proposal therefore accords with policies GSP3 and DMC3 in these respects.

## Highway issues

62. The access to the site is via a relatively narrow access point off the A624 where the national speed limit applies and has very poor visibility for vehicles exiting the site. The initial response from the Highway Authority noted “.... *the access is off a 60mph road, gated, has a substandard surface and no visibility plays have been shown*” and requested additional information to demonstrate that the access could be made safe for use by the development.
63. In response to the concerns expressed by the Highway Authority, the applicant commissioned a highway consultant and has provided details of traffic flows along the A624 and visibility splays that can be created from the existing access. The applicant proposes the following measures to achieve the splays:
- Remove the metal farm gate and posts.
  - Make good the substandard surface of the access road up to the highway dropped kerb.
  - Reduce the height of the wall to less than 0.6m for 10m to the north and 2m to the south.
  - Control any plant growth to less than 0.6m on the 1.7m grass verge between the wall and the highway kerb.
64. The Highway Authority has now responded to this revised proposal and raises no objection, subject to conditions.

## Conclusion

65. The application proposes the erection of a new dwelling on a site within the Natural Zone, in a small former quarry. There is a strong presumption against development in this location unless there are exceptional circumstances which justify approval. There are no exceptional circumstances in this case as the development is not essential for the management of the Natural Zone or for the conservation and/or enhancement of the Park’s valued characteristics.
66. The quarry has become naturalised since operations ceased over 40 years ago and it does not require a development to provide enhancement or remove a non-conforming or inappropriate use. Whilst the proposed dwelling would not have a harmful impact on the landscape by virtue of the fact that it would be within the former quarry, this is not in itself sufficient justification to approve the application as it is an argument that can be repeated on many isolated sites. The design of the proposed dwelling is contemporary, and it would create a sustainable and energy efficient dwelling, but similarly this is not a justification for approving the dwelling contrary to these key policies. It is therefore considered that for these reasons the proposal is contrary to accord with Core Strategy policies GSP1, GSP2, DS 1, HC1 and L1, and DMP policies DMC1 and DMC2.

## Human Rights

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

## List of Background Papers (not previously published)

68. Nil
69. Report Author: John Scott, Consultant Planner

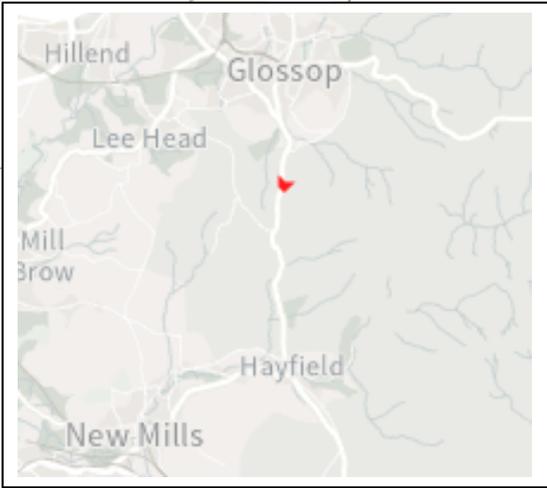
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### Dissued Quarry, Chunal

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 Committee date: 3rd November 2023

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## 15 PLANNING PERFORMANCE UPDATE ( BJT )

### Purpose of Report

1. To update members on current performance of the Authority's development management function.

### Key issues

Whether performance is above nationally prescribed standards

## 2. Recommendation

**That the report be noted.**

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

3. The criteria for assessing the performance of Local Planning Authorities is defined by Section 62A of the Town and Country Planning Act 1990.

### Background

4. Planning statistics are reported quarterly to the Department for Levelling Up, Homes and Communities (DLUHC), and the performance of planning authorities is judged against criteria related to:

- The speed of determining applications for major development;
- The quality of decisions made by the authority on applications for major development;
- The speed of determining applications for non-major development;
- The quality of decisions made by the authority on applications for non-major development.

The speed of determination thresholds for 2023 below which a local planning authority is eligible for designation are:

- a) For applications for major development: less than 60 per cent of an authority's decisions made within the statutory determination period (13 weeks) or such extended period as has been agreed in writing with the applicant;
- b) For applications for non-major development: less than 70 per cent of an authority's decisions made within the statutory determination period (8 weeks) or such extended period as has been agreed in writing with the applicant.

On 17th January 2023 the Secretary of State advised the Chief Executive that the National Park Authority might be liable for designation under section 62A of the Town and Country Planning Act 1990 due to its performance around its determination of applications for non-major developments in the defined assessment period. The determination period considered performance over a 2 year period up to the end of September 2022. At that time this showed an average performance level of 61%.

We will continue to be assessed by DLUHC for data returned and aggregated over a 2 year period.

On the 4<sup>th</sup> October 2023 the current Secretary of State wrote again to the Chief Executive and stated:

***"I have reviewed the actions your authority has taken to improve performance over consecutive quarters from October 2022 to June 2023 and am pleased to note that for the most recent quarter April to June 2023 your performance at***

***85% is above the required threshold. However, I remain concerned that on a rolling two-year basis, performance remains below the 70% threshold at 62%. Due to the improvement over recent quarters I am minded not to designate your authority for poor performance at this time. I recognise that to do so may undermine the work your authority has already commenced and I wish to support your performance improvement.”***

The Head of Planning has now also returned data for the latest quarter (July – September 2023). We reported to DLUHC that we determined 83% of non-major applications within the statutory determination period (8 weeks) or such extended period as has been agreed in writing with the applicant.

For the last quarter we have therefore remained well within the required thresholds. This also means that the Authority has now been performing above the national standard for every quarter since October 2022.

If this trend were to continue into the quarter for January to March 2024, the overall 2 year average would also move back over 70%.

In terms of the culture of the Service it is also pleasing to note that 85% of all decisions over the last quarter were approvals, reflecting the work of officers and agents to engage in positive outcomes, through the negotiation of amended plans.

The team is continuing with our recruitment plan to build our staffing capacity and we will also re-engage with the Planning Advisory Service to review progress to date and implement other improvement initiatives.

Officers have also scheduled a return of our Agents Forum in January 2024 where a key topic will be the return of our pre-application advice service.

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

- 5 **Financial:** None, recruitment plan is costed and agreed following the organisational change
- 6 **Risk Management:** If performance levels dipped below 70% there remains a risk of designation into special measures.
- 7 **Sustainability:**
- 8 **Background papers** – Letters from DLUHC and NPA responses.

**Appendices** - None

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

Brian Taylor, Head of Planning

## 16. PLANNING APPEALS REPORT (A.1536)

### 1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0522/0704 3320562	Proposed erection of triple garage with home office above at Torr Farm, Leadmill, Hathersage	Written Representations	Delegated
NP/DDD/0423/0394 3331185	Dwelling house at Cherry Blossom Farm, Middleton Lane, Stoney Middleton	Written Representations	Delegated

### 2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

### 3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0323/0272 3325030	Extension to garage and roofing over yard at Jasmine Cottage, Main Street, Birchover	Householder	Allowed	Delegated

The Inspector considered that the overall massing of the garage would not be inappropriate, and the roller shutter door would not adversely affect the architectural quality of the building or its value to the Conservation Area as they are regularly seen in residential areas, as well as heritage sensitive locations. The appeal was allowed.

NP/DDD/0822/1079 3317880	Conversion and change of use of existing barn, storage building and yard into residential use at Stanley Lodge, Great Hucklow	Written Representations	Dismissed	Committee
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The Inspector considered that the proposed development would have an unacceptable harmful effect on the character and appearance of the host building, and would conflict with policies GSP1, GSP3 and L3 of the Core Strategy and DMC3, DMC5, DMC10 and DMH8 of the Development Management Policies. The appeal was dismissed.

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NP/DDD/1222/1526 3323801	Second storey front extension over existing living room at Stable Cottage, Foolow	Written Representations	Dismissed	Delegated
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The Inspector considered that the proposal did not fit with the overall form and layout of its surroundings and would harm the intrinsic character of the host dwelling, as well as the wider harm to the character and appearance of the locality and the significance of the Conservation Area. The appeal was dismissed.

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NP/DDD/0922/1164 3324116	Extensions and alterations to existing building at The Old Chapel, Heathcote	Householder	Dismissed	Delegated
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The Inspector considered that the proposal would be a sizeable projection to the main elevation. The scale and mass of the new built form would combine to give the appearance of an overly large addition, and would jar with the simple proportions of the main building. The appeal was dismissed.

4. **RECOMMENDATION:**

**To note the report.**