

# 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.1142/3385

Date: 30 November 2023



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 8 December 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 3 November 2023** *(Pages 5 - 14)*
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Full Application - Conversion of the stone field barn to create a three bedroom property with integrated 1 bedrooms annexe. Construction of stable block to the north of the site at Barn off Broadway Lane, Nr Priestcliffe, Taddington (NP/DDD/0223/0117, ALN)** *(Pages 15 - 28)*  
Site Plan
6. **Full Application - For the installation of 12 solar panels to the existing pitched roof/front elevation, and 6 solar panels to flat room to the rear of The Old Smithy Tearooms, Monyash (NP/DDD/0923/1022, DH)** *(Pages 29 - 38)*  
Site Plan
7. **Full Application - Demolition of existing boundary wall, change of use of agricultural land to form domestic curtilage with associated hard and soft landscaping works and erection of garden shed at Chapel House, Leek Road, Warslow (NP/SM.0723/0757)** *(Pages 39 - 48)*  
Site Plan
8. **Listed Building Consent - Demolition of existing boundary wall, change of use of agricultural land to form domestic curtilage with associated hard and soft landscaping works and erection of garden shed at Chapel House, Leek Road, Warslow (NP/SM.0723/0758, DH)** *(Pages 49 - 58)*  
Site Plan
9. **Full Application - Conversion of traditional,curtilage listed farm buildings to 6 no. dwellings at Greencroft Farm, Middleton by Youlgreave (NP/DDD/1122/1463, JRS)** *(Pages 59 - 76)*  
Site Plan
10. **Listed Building Consent Application - Conversion of traditional curtilage listed farm buildings to 6 no. dwellings at Greencroft Farm, Middleton by Youlgreave (NP/DDD/1122/1464, JRS)** *(Pages 77 - 88)*  
Site Plan
11. **S.73 Application - For removal of Condition 4 on NP/SM/1096/095 at Peak View, Sunnydale Farm, Pethills Lane, Quarnford (NP/SM/0823/0906, PM)** *(Pages 89 - 98)*  
Site Plan

12. **S.73 Application - For removal of Condition 3 on NP/SM/0103/008 at Moorlands Cottage, Sunnydale Farm, Pethills Lane, Quarford (NP/SM/0823/0904/PM) (Pages 99 - 108)**  
Site Plan
13. **Full Application - Proposed erection of detached garage and ancillary living accommodation at Holm Close, Eaton Hill, Baslow (NP/DDD/0923/1051, EF) (Pages 109 - 118)**  
Site Plan
14. **Full Application - Demolition of existing filter house and erection of no.3 new dwellings with associated landscaping and parking at Former Filter House, Long Causeway, Sheffield (NP/S/0923/1021, JRS) (Pages 119 - 136)**  
Site Plan
15. **Brampton Neighbourhood Plan (Pages 137 - 140)**
16. **Planning Appeals Monthly Report (Pages 141 - 144)**

### **Duration of Meeting**

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

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

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

#### **Agendas and reports**

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

#### **Background Papers**

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

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

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

## Written Representations

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

## Recording of Meetings

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

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

## General Information for Members of the Public Attending Meetings

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

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

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

## To: Members of Planning Committee:

Chair: Cllr P Brady  
Vice Chair: Cllr V Priestley

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

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

Prof J Haddock-Fraser                      Cllr C Greaves

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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## MINUTES

Meeting: **Planning Committee**

Date: Friday 3 November 2023 at 10.00 am

Venue: Aldern House

Chair: Cllr P Brady

Present: Cllr V Priestley, Cllr M Beer, Cllr M Buckler, Cllr B Hanley,  
Cllr L Hartshorne, Cllr I Huddleston, Cllr D Murphy, Cllr Mrs K Potter,  
Miss L Slack and Mr K Smith

Apologies for absence: Cllr M Chaplin, Cllr A Hart, Cllr C O'Leary and Cllr K Richardson.

### **133/23 APOLOGIES FOR ABSENCE, ROLL CALL OF MEMBERS PRESENT AND MEMBERS DECLARATIONS OF INTEREST**

Unless otherwise indicated the interest declared is not one which comprises a disclosable pecuniary interest or one that would indicate that the member concerned would not keep a fair and open mind on the issue.

#### **Item 5**

All members had received a letter from Birchover Parish Council.

Cllr Buckler was previously DDDC Councillor and covered the Stanton Moor area.

Cllr Potter declared that she is a member of the Stanton Moor Liaison Group and leaves the room when this matter is discussed.

#### **Item 8**

Cllr Brady is acquainted with the applicant but had not discussed the application.

#### **Item 9**

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

#### **Item 12**

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

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**134/23 MINUTES OF PREVIOUS MEETING HELD ON 6 OCTOBER 2023**

The minutes of the last meeting of the Planning Committee held on the 6<sup>th</sup> October 2023 were approved as a correct record.

**135/23 URGENT BUSINESS**

There was no urgent business.

**136/23 PUBLIC PARTICIPATION**

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

**137/23 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)**

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

The Planning Officer also reported that since the report was published the Planning Officer had received a late representation from Birchover Parish Council who objected to the application due to the increase in HGV activity and the impact of this activity in the area.

The following spoke under the public participation at meetings scheme:

- Ian Mortimore, Stanton Parish Council, Objector
- Howard Griffiths, Member of SADE, Objector
- Julie Kidd, Member of SADE, Objector
- Charlie Watson, Objector
- John Boulby, Objector
- Sue Fogg, Objector
- Laura Mellstron, Derbyshire Dales District Councillor, Objector
- Phil Sharland, Agent – Statement read out on his behalf by Democratic Services

Members expressed their concerns on the protection of the ancient site which should be fully protected by the National Park, and asked that the Authority record its thanks to Garry Purdy, Ken Smith and the late Prof John Herbert, for all their endeavours and actions in protecting this area.

Members asked whether the applicant could return to committee for a further extension of time, this is the case but the Planning Officer reported that the Authority would have to look at each application in line with policy if that was the case.

Members supported the proposal but understood the concerns raised regarding the absence of a restoration plan for Haul Road. The conditions for approval would need to be carried out with full consultation with Members of the committee and there would need to be an action plan to oversee the restoration.

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

**RESOLVED:**

**That the application be APPROVED subject to a Section 106 legal agreement and to grant officers to agree final wording of conditions in full consultation with Members of the Planning Committee 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**

**The meeting adjourned for a short break at 11.30am and reconvened at 11.42am**

**138/23 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)**

Some Members had visited the site the previous day.

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

The following spoke under the public participation at meetings scheme:

- Doran Binder, Applicant

Following the Members site visit there were concerns raised that the applicant was currently unable to follow the terms of the planning condition number 2, as set out in the report, regarding future business plans and specifically the ability to achieve intent of condition 2.

A motion to defer the application so that further discussions could take place between the officers and the applicant regarding condition 2, was proposed, seconded, put to the vote and carried.

**RESOLVED:**

**That the application be DEFERRED to allow for further discussion between the Officers and Applicant regarding Condition 2.**

**Miss Slack left the meeting at 12pm**

**139/23 LISTED BUILDING CONSENT - 5 NO.S WINDOWS TO BE REPLACED, STONEMASONRY AROUND WINDOWS TO BE REPLACED, ALL TO THE FRONT ELEVATION - LILAC COTTAGE, MAIN STREET, TADDINGTON (NP/DDD/0823/0935, RD) - ITEM WITHDRAWN**

This item was withdrawn prior to the commencement of the meeting and discussion of this application deferred.

**140/23 HOUSEHOLD APPLICATION - DEMOLISH EXISTING PORCH TO SIDE ENTRANCE DOOR, REPLACE WITH NEW PORCH, THE OLD PARSONAGE, SCHOOL LANE, TADDINGTON (NP/DDD/0723/0862, LB)**

Some Members had driven passed and observed the site the previous day.

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

The following spoke under the public participation at meetings scheme:

- Simon Bradbury, Agent – Submitted statement read out by Democratic Services.

The applicant Miss Lisa Salisbury and Partner were in attendance as observers.

Members discussed the application and recognised that this was an opportunity to enhance and improve what has currently been in existence for 80 years and that another design would be more appropriate to possibly include a pitched roof finished with slate instead of glass. It was suggested that this item be deferred and to authorise officers to approve if an alternative satisfactory design solution could be agreed with the applicants.

The motion to defer the application to allow for further discussions between the applicant and the officers was proposed, seconded, voted on and carried.

**RESOLVED:**

**To DEFER the application pending further discussions regarding the design between the applicant and planning officers, and that the decision be delegated to the Head of Planning who is authorised to grant permission subject to receipt of satisfactory details relating to the design and materials of the proposed porch.**

**141/23 HOUSEHOLD APPLICATION - ALTERATIONS AND EXTENSIONS TO WYNFIELD, HOLME LANE, BAKEWELL (NP/DDD/0823/0901, LB)**

Some members had visited the site the previous day.

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

The following spoke under the public participation at meetings scheme:

- Jeff Cooper, Applicant

Members raised concerns regarding the size of the proposed gable being disproportionate in size to the scale of the building.

Members raised thoughts on conditions which could be attached to mitigate the bulk of the extension and suggested the introduction of vertical, narrow windows to the second floor of the front facing gable and improved fenestration at the ground floor to harmonise with the rest of the building. Officers were asked to take these points into consideration should the application be approved.

A motion to approve the application subject to conditions addressing members concerns regarding the gable was approved, seconded, voted on and carried.

**RESOLVED:**

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

**142/23 FULL APPLICATION - FOR THE CONVERSION OF AN AGRICULTURAL BUILDING INTO A SINGLE DWELLING, AT HOPE FARM, ALSTONEFIELD (NP/SM/0823/0928, DH)**

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

The following spoke under the public participation at meetings scheme:

- Derek Hambling – Applicant

Members discussed the nature of the building and noted that this was not a traditional building and was not in character with other buildings in the National Park. A new structure to replace this building would achieve significant environment enhancement. The Members were generally minded to refuse this application but acknowledged the possibility of alternatives that fit in with the criteria of the National Park.

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

**RESOLVED:**

**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 dwelling house. 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.**

**A motion to continue the meeting past 1pm was moved, seconded, voted on and carried.**

**143/23 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)**

Some members had visited the site the previous day.

The Planning Officer introduced the report and laid out the reasons for refusal as set out in the report.

The Planning Officer informed Members that since the report had been published additional responses had been received from the Ecologist but no extra weight has been given to these comments.

The following spoke under the public participation at meetings scheme:

- Alex Franklin – Agent

It was generally felt that the installation of a wind turbine was not the right solution in this place due to landscape intrusion.

A motion to refuse this application in line with the Officer recommendation was proposed, seconded, voted on and carried.

**RESOLVED:**

**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.**

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The meeting adjourned for a short break at 1.25pm and reconvened at 1:35pm

**144/23 FULL APPLICATION - DEVELOPMENT OF ONE DWELLING, DISUSED QUARRY CHUNAL, CHARLESWORTH (NP/HPK/0723/0810, JRS)**

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

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:

- Mrs Sharon Bennett, Supporter
- Mr Philip Bennett, Applicant

The Members noted the importance of protection of the Natural Zone that the proposed building would be in. This would be an open market dwelling and ultimately it was considered that this proposal was not an appropriate development for a Natural Zone.

A motion to propose 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 reason:**

**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. .**

**145/23 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**

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

There was a query as to why the design did not include solar panels on the roof and this was due to the building being very small and having a curved roof form. The planning officer highlighted the large area of solar panels that had been integrated into the roof of the goods shed to offset the energy needs of the whole site.

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

**RESOLVED:**

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

- **Standard time limit**
- **Carry out in accordance with specified approved plans**
- **External paintwork to be maintained as dark recessive colours**

**Cllr Potter left the meeting at 2:10pm**

**146/23 FULL APPLICATION - CONVERSION OF EXISTING ATTACHED DOMESTIC GARAGE TO UTILITY AND DINING ROOM AT BEGGARS REST, TOWN LANE, BRADWELL. (NP/DDD/ 0623/0699, GB)**

The report was introduced by the Planning Officer who laid out the reasons for conditional approval.

The Planning Officer explained that although the Bradwell Neighbourhood Plan Policy sort to resist the loss of any off-street parking facilities, the applicant does not use the garage for parking nor did the previous resident. Members noted the existing parking space would be safeguarded by condition and with the availability of roadside parking, this was preferable to the loss of amenity space, roadside walling and hedging if a further space were created in the small front garden.

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

**RESOLVED:**

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

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

**147/23 PLANNING PERFORMANCE UPDATE (BJT)**

The Head of Planning mentioned that a Planning Performance Update would now be a quarterly report to the Planning Committee and responded to commitments in the new authority plan.

New appointments had been made within the Development Management Team which hopefully will continue to drive forward the performance. There had been improved engagement with agents and the intention is to re-instate both the regular Agents Forum and the Pre-Application Service early in 2024.

Congratulations were extended to all involved for their hard work in getting the service back on track.

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

**RESOLVED:**

**To note the report.**

**148/23 PLANNING APPEALS REPORT (A.1536)**

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

**RESOLVED:**

**To note the report.**

**The meeting ended at 2.20pm**

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**5. FULL APPLICATION – CONVERSION OF STONE FIELD BARN TO CREATE A THREE-BEDROOM PROPERTY WITH INTEGRATED ONE-BEDROOM ACCOMMODATION FOR USE AS ANNEXE OR HOLIDAY ACCOMMODATION AT BARN OFF BROADWAY LANE, NR PRIESTCLIFFE, TADDINGTON (NP/DDD/0223/0117)/ALN**

**APPLICANT: MISS ELLIE HENSBY**

**Summary**

1. The application proposed conversion of an historic field barn to a dwelling with integral annexe for occupation as a holiday let or ancillary accommodation.
2. The barn stands in an isolated and prominent countryside location, with the immediate area highly characteristic of the Limestone Village Farmlands landscape character type in which it sits.
3. The conversion would result in significant harm to both the historic agricultural character and significance of the barn and its setting through loss of features and domestication of setting.
4. It would also result in significant domestication of the landscape in this location, harming its rural agricultural character.
5. Other material considerations do not suggest that the application should otherwise be supported.
6. The application is therefore recommended for refusal.

**Site and Surroundings**

7. The application site is a substantial field barn, situated in an isolated location in open countryside. The nearest settlement is Priestcliffe, a small hamlet located approximately 0.7km to the south west. The immediate landscape setting is open pastoral land with medium scaled fields and fossilised strip fields to the south. The site falls within the Limestone Village Farmlands LCT within the adopted Landscape Strategy. The barn sits in the centre of a small rectangular field parcel and there is a smaller enclosed paddock to the south west.
8. The barn is located at the junction of Bulltor Lane and Broadway Lane. It is understood that Bulltor Lane is a non-classified road, but it does not have a bound surface and is deeply rutted. Broadway Lane to the west of the barn is a public footpath.
9. The barn is of substantial size with a simple gable form. It has two storeys. There is a lean-to off shot on the rear (north) side. The barn dates from the 18<sup>th</sup> or early 19<sup>th</sup> century and was a cowhouse with loft over. It is constructed in natural limestone under a blue slate roof. There is a gated access onto Bulltor Lane to the south.

**Proposals**

10. Planning permission is sought to convert the barn to a single, three bedroomed, open market dwelling, with an annexe at the western end to provide either ancillary accommodation or a one bed holiday let (flexible). There would be an open plan living/dining/kitchen space on the ground floor, together with a living room/kitchen and en-suite bedroom for the holiday let. On the first floor would be three bedrooms and a

family bathroom. The conversion would take place within the shell of the building.

11. Existing openings would be utilised. During the course of the application, amended plans have been submitted showing a large new opening for patio doors on the rear elevation omitted.
12. The plans show that an small enclosed area to the west of the barn would be an 'enclosed garden' with a further area to the south west laid to a 'wild meadow/vegetables'. The large paddock to the between the barn and a proposed stable is labelled as 'grass retained'. An 'oil tank or ground source heat pump' would be sited immediately to the west.
13. The existing vehicular access onto Bulltor Lane would be retained and parking and manoeuvring space provided on a gravel surfaced area to the south of the barn.
14. It was initially proposed to erect a new timber stable block approximately 35m to the north of the barn, in the north west corner of the field parcel, but amended plans have since been submitted, removing this element of the scheme from the proposals.

### **RECOMMENDATION:**

#### **15. That the application be REFUSED for the following reasons:**

1. **The proposed conversion would harm the heritage significance of the barn by virtue of domestication of its character and setting, with no material planning considerations outweighing that harm, contrary to policies L3, DMC3, DMC5, and DMC10, and to the heritage provisions of the NPPF.**
2. **The proposed conversion would harm the special landscape character of the locality by virtue of domestication of the barn and its rural agricultural setting, with no material planning considerations outweighing that harm, contrary to policies L1, DMC3, and DMC10, and to the provisions of the NPPF insofar as they relate to landscape protection within National Parks.**

### **Key Issues**

- Principle of Development
- Impact on the significance of the heritage asset.
- Landscape and Setting Impacts.
- Highways
- Ecological considerations
- Climate change mitigation

### **History**

16. 2017 – pre-application enquiry submitted about the possibility of converting the barn to an open market dwelling. Enquirer advised that due to the isolated location of the barn, the impact of a residential use on the setting of the barn would cause harm to the landscape of the National Park and would be unlikely to be looked upon favourably.

### **Consultations**

17. **Highway Authority** – no highway safety objections subject to the provision of on-site parking and turning & manoeuvring area as shown on the submitted plans.
18. **District Council** – no response
19. **Parish Council** – Objects – *‘The barn occupies a prominent and exposed position in a landscape of exceptional value that should be safeguarded because of its intrinsic scenic beauty. It is felt that the current proposals fail to meet/ achieve this objective. In addition, the proposed residential conversion of the barn would spoil its character and setting. Also, in its current form, the application would not achieve conservation or enhancement of the barn given the significant amount of rebuilding required for its conversion and also the introduction of a domestic use, associated developments (stables) and no doubt equestrian facilities in this sensitive location.’*
20. *The proposals would therefore be contrary to core strategy policies. In this case, by virtue of its remote and isolated location in open countryside and by virtue of the harmful impacts associated with the barn conversion, the benefits of granting planning permission for the development proposals would be significantly and demonstrably outweighed by the adverse impacts of doing so. Therefore the proposals are contrary to the principles of sustainable development set out national planning policies.’*
21. **Authority’s Ecologist** – No objections subject to the measures set out in the submitted protected species report being followed, and to additional conditions to mitigate impacts and secure ecological enhancement.
22. **Authority’s Archaeologist** – (in summary – full response available on file). The barn is a non-designated heritage asset of regional significance. The barn is an unusually unaltered late 18th or early 19th century cowhouse with hay loft over that function as a field barn, allowing and remote from the home farmstead to be managed efficiently by avoiding the need for stock or produce to be brought back to the main farmstead. Fieldbarns are a highly characteristic elements of the Peak District landscape and contribute strongly to local distinctiveness.
23. Its historic interest lies in external elevations, its apertures (legibility of historic function) high level of survival of historic layout, fixtures and fittings internally (legibility of historic function) including floorplan, 19th century hay cratches and boskins, open character of hayloft, reused historic timbers in the roof (mortice visible in one of the heritage statement photos), surviving original hayloft ladder. The historic layout of the barn and its historic features have survived the insertion of later upgrades including a concrete floor, some ceramic feed troughs and automatic water spouts.
24. Its landscape setting makes a positive contribution to its significance, particularly the historic dewpond and the relationship of the barn to its fieldscape on the boundary between the ancient enclosure with surviving features of medieval strip farming and post-medieval parliamentary enclosure and changing agricultural practice over time.
25. With regard to impacts, confirms that the scheme would cause some harm to the significance of the heritage asset. The revised scheme works well with external elevations, but does not work well with the internal features. The hayloft areas, currently open within the bays are proposed to accommodate most of the bedrooms and with the loft spaces proposed to be subdivided, and the groundfloor in the east-west range, currently subdivided by walls and boskins is proposed to become an open plan living space, and historic fixtures and fittings lost across the groundfloor.
26. Given the relatively rare survival of the 19th century internal features, fixtures and fittings

and that in most Peak District barns they have largely been replaced by modern fittings and concrete floors, the Authority should be seeking a scheme that accommodates and retains at least some of these significant features. Historic England guidance and advice on Adapting Traditional Farm Buildings is that 'Machinery and internal fittings provide important evidence of a building's former use and some are now very rare.

27. The benefit of securing the future of this non-designated heritage asset is acknowledged, as is the way that the scheme has worked with the external elevations and apertures. But, I firmly believe a scheme that works more successfully to retain the planform on the ground floor (e.g. not creating an open plan living space; not wholly removing any walls but creating openings within them, or leaving stubs in places to retain legibility; retaining some boskin dividers); retaining the and the open character of the loft areas at first floor, and retaining elements of historic fixtures and fittings internally is possible, and would result in a conversion scheme that would more successfully conserve the significance of the heritage asset.
28. With respect to the historic landscape, in its current form and use the site is integrated within its surrounding agricultural landscape, and it owes its existence and position to the way this landscape, enclosure and farming practice has developed. The introduction of a residential and domestic use into this location within this historical landscape, with everything this entails (domestic curtilage and paraphernalia, parking, provision of services, light pollution, movement of vehicles, provision of a bin store, the stables etc.) would introduce elements that are out of place, incongruous and are harmful to this heritage asset, and given its location and position in the landscape this cannot be mitigated.
29. **Authority's Landscape Architect** – The application site is located within the Limestone Village Farmlands LCT in the White Peak LCA. It is not located in s3 land.
30. This is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls.
31. Its key characteristics are:
  - A gently undulating plateau
  - Pastoral farmland enclosed by drystone walls made from limestone
  - A repeating pattern of narrow strip fields originating from medieval open fields
  - Scattered boundary trees and tree groups around buildings
  - Discrete limestone villages and clusters of stone dwellings
  - Relict mine shafts and associated lead mining remains
  - Localised field dewponds
32. Tree cover is largely restricted to small groups of trees and a scattering of trees along boundaries around village margins, often creating quite intimate rural scenes. Elsewhere the landscape is often more open, but even here more distant views are typically framed by surrounding hills, or rising ground.
33. The farmed landscape is characterised by a sub-regular pattern of small to medium sized fields enclosed by drystone walls built out of the local pale coloured limestone. Large areas of narrow fields exist in many places, reflecting piecemeal enclosure of strips in the former open fields from late medieval times onwards. Field pattern tends to be a fairly prominent element in this landscape, creating a strong sense of scale and visual unity.
34. The present settlement pattern is long established within this landscape, with origins before the Norman Conquest, and tends to be strongly nucleated, with most farmsteads

and dwellings concentrated into a central village within each parish, reflecting historic townships.

35. There is a very distinctive and unified settlement character and isolated domestic properties are not a characteristic feature – and insensitive conversion has the potential to result in adverse effects on the special landscape character within the national park.
36. This is a relatively isolated field barn in a relatively open landscape, with some groups / lines of trees in the surrounding landscape.
37. No LVA is included with the application (so it's potential effects on surrounding landscape character and views have not been included in the application). There also is not a landscape plan included (which shows the outside treatment of the landscape within the red line boundary), so there is no mitigation or enhancement proposals included. Given the potential for adverse effects, these are a significant omission and I object to the application on the grounds of a lack of information.
38. The D&AS states 'the proposal will try not to incorporate a domestic garden' – this is too vague a statement and seems unenforceable? Where are washing lines etc to be located? The proposals show car parking within the gravel farmyard area, but for how many cars and how visible would they be? These domestic elements have the potential to create significant visual 'clutter' and their location needs to be defined, as does any potential mitigation (such as tree planting, drystone walls etc) to screen them.
39. The D&AS also states 'A wildflower and bat friendly planting scheme can be incorporated as recommended by the ecology consultants.' This needs to be defined and included within the submission.
40. There is no mitigation or enhancement defined within the application so I do not believe it complies with Policy L1 conserve and enhance valued landscape character, as identified in the Landscape Character Assessment and other valued characteristics.

### **Representations**

41. Thirty eight letters of support have been received raising the following points (in summary – the full letters can be read on the application file):
  42. Restoring and converting the barn will conserve a building of heritage significance.
  43. Re-purposing old barns reduces the need for new build housing development.
  44. There is a housing shortage in the area.
  45. Proposals will help a local person stay in the area.
  46. The building is redundant for agricultural purposes and will fall into disrepair if not developed.
  47. Policy HC1 supports the conversion of such buildings.
  48. There are precedents on other barns in the National Park.
  49. The proposals will be of benefit to the local community.
  50. Proposals are sympathetic to the character of the barn.

### **Main Policies**

51. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, L1, L2, L3
52. Relevant Local Plan policies: DMC3, DMC5, DMC10, DMC12, DMR4, DMT3, DMT8,

### National Planning Policy Framework

53. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'
54. Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight.

### Core Strategy

55. Policy DS1 sets out the Development Strategy for the National Park. Agricultural development is acceptable in principle in the open countryside outside of the natural zone.
56. Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal.
57. Policy HC1. C I and II states that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
58. Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.
59. L2 states, amongst other things that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
60. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
61. 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

62. 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.

63. Development Management policy DMC5 states that applications affecting a heritage asset should clearly demonstrate its significance including how any identified features will be preserved and where possible enhanced and why the proposed works are desirable or necessary. Development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed by public benefit.
64. Policy DMC10 states that the conversion of a heritage asset will be permitted provided that it can accommodate the new use without changes that would adversely affect its character (such changes include significant enlargement, or other alteration to form and mass, inappropriate new window spacings or doorways, major rebuilding); and the building is capable of conversion without compromising the significance and character of the building; and any new use conserve or enhancement the asset; and the new use of the building would not be visually intrusive in its landscape or have adverse impact on tranquillity, dark skies or other characteristics.
65. DMC12 states that with regard to protected species development will only be permitted where significant harm can be avoided and the conservation status of the species is maintained and the need for and the benefits of the development clearly outweigh any adverse effect.
66. Policy DMR4 allows for facilities for the keeping and riding of horses provided that the development does not detract from the landscape or valued characteristics of the area, is located adjacent to existing building or groups of building, is not likely to cause road safety problem and does not constitute a nuisance to neighbours.
67. Development Management 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.
68. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

## **Assessment**

### **Principle of Development**

69. The relevant housing policy is Core Strategy policy HC1. This policy continues the Authority's long standing policy position that housing will not be permitted solely to meet open market demand. This approach is consistent with the National Park Circular and the NPPF.
70. Core Strategy policy HC1 sets out the exceptional circumstances in which new housing will be permitted in the National Park. The approach of allowing affordable housing and workers housing where there is an established need, and, of allowing market housing where it is required to achieve significant conservation and enhancement in accordance with policies GSP1 and GSP2 is considered to be a sustainable approach for providing housing within the National Park without undermining the landscape and valued characteristics.
71. The building is not listed. It is therefore necessary to establish whether the building

constitutes a non-designated heritage asset. A heritage statement has been provided during the course of the application. This confirms that the building has archaeological, architectural and historic interest sufficient that it is considered to be a non-designated heritage asset. We agree with that assessment. The internal fixtures and fittings, together with the barn's setting contribute to its significance.

72. A structural survey has been submitted which confirms that the general condition of the structural fabric is reasonable and conversion can be carried out without any demolition and re-build. There are some obvious signs that the building has been repaired in recent years, e.g. the roof, the majority of which has been recovered with clay tiles. The roof supports have also been found to be in a generally sound condition.
73. Despite this sound general condition the longer term conservation of the building remains an important consideration. As such the conversion of the property to an open market dwelling is acceptable in principle and in accordance with HC1, subject to considerations of matters such as impacts on heritage significance, landscape impacts and ecological considerations.
74. Policy RT2 addresses holiday accommodation, supporting this in principle through conversion of buildings of historic and vernacular merit. The sometime-use of the proposed annexe for this purpose would therefore accord with adopted policy in principle.
75. For clarity, this application is not for an affordable house to meet an identified local need or for a farm workers dwelling, it is for an open market dwelling. A lot of weight has been given by third parties who have supported the application to the applicant's local connections, however it must be stressed that the application does not propose a dwelling that would have a local occupancy restriction. The Authority would have no control over future occupiers and whether or not they would have any local connection. In any case, with an internal floor area well in excess of the maximum permissible floorspace set out in policy for even for a 5 person affordable dwelling, the property would be very unlikely to remain affordable to those on low to moderate incomes anyway.

#### Design and Impact of alterations on Heritage Significance

76. The submitted Heritage Assessment recognises the value of the barn as an early 19<sup>th</sup> century field barn. It states that its age, location and isolation are contributors to its heritage significance alongside its functional vernacular architecture and its internal fixtures.
77. The simple character and traditional utilitarian livestock shelter functionality remains intact with a strong prominence in the immediate landscape setting, separated in visual context from any other building. The building, whilst subject to some limited modern interventions and repairs (e.g. a new roof covering in blue slate) remains of a simple, substantial, solid and undiluted upland field barn character.
78. Externally the proposals are largely sympathetic to the character of the barn. The submitted plans showed a large new patio doorway on the north elevation but this has now been omitted. The proposal as amended now wholly uses existing openings. Doors would be largely fully glazed but simple frame designs for all openings would reflect the functional character of the barn. The application form states that windows and doors would be either timber or upvc. Upvc would be wholly inappropriate in this setting and traditional timber frames would be required. If the application were acceptable in all other respects a condition would be required to ensure the use of timber and to agree the final finish. A flue pipe would extend up the north facing wall

and above the roof at the eaves. It would be preferable if the pipe could be routed internally until it reaches roof level to reduce its impact on the character of the barn.

79. Internally, as described in the Heritage Assessment and by the Authority's Archaeologist, there are original 19<sup>th</sup> century fixtures. This is relatively rare, as in most barns they have been replaced by modern fittings and concrete floors. At ground floor level the historic timber stall dividers, hayracks and ceramic troughs, surviving hayloft ladder, all remain and are very attractive features. At first floor level the hayloft is open within each of the three bays. The proposals would see the removal of all of the historic features at ground floor level, in order to create open plan living accommodation. At first floor the open hayloft would be subdivided to create bedrooms/en-suite/bathroom spaces.
80. Officers concur with the Authority's archaeologist that a scheme that better conserves the internal character of the building is required, and is perfectly feasible. For example, the living accommodation could be reversed with the bedroom accommodation (which requires more subdivision) sited on the ground floor, and the more open plan living accommodation within the open lofts space above. This would better preserve the historic plan form of the building. And as advised by Historic England, with some ingenuity, at least some of the historic fixtures and fitting could be retained. As submitted however, the scheme would harm the character and significance of the barn in these respects and is contrary to policies HC1, DMC5 and DMC10.

#### Landscape and Setting Impacts and proposed stables

81. The barn stands in an isolated and prominent plateau location. The immediate area is highly characteristic of the Limestone Village Farmlands landscape character type in which it sits. The protection of historic field barns is set out as a priority within the landscape strategy for this area.
82. The site is considerably removed from other settlement and has a tranquil, pastoral character. The adjacent Bulltor Lane, whilst being an adopted highway, appears to be little used by vehicular traffic. It is unsurfaced and has a rural character as a quiet green lane. The barn and its immediate setting are very prominent from both Bull Tor Lane and the public footpath adjacent to the site to the west. The barn and its fieldscape setting is an important historic element of the immediate landscape.
83. The Authority's Landscape Architect advises that the scheme has the potential to result in adverse landscape impacts and objects to the lack of an LVA being provided. They do however go on to make an assessment of the impacts of the development in so far as they are able, based on the information provided. They identify the barn as isolated within open landscape, and that the potential from harm arises from domestication of setting – querying whether the applicants intent to 'not integrate a domestic garden' appears vague and unenforceable.
84. We agree, and having visited and walked the site are of the view that a full assessment of impact is possible without reliance on an LVA document in this instance. This is because the building is already present in the landscape, officers are familiar with the elements of domestication that would arise from the development, and because key views of the building are evident and accessible on the ground.
85. In looking at the building in its current form and use as part of that assessment, the site is integrated within its surrounding agricultural landscape, and it owes its existence and position to the way this landscape, enclosure and farming practice has developed. The introduction of a residential and domestic use into this location within this historic landscape, with everything this entails (domestic curtilage and paraphernalia, parking,

provision of services, light pollution, movement of vehicles, provision of a bin store, etc.) would introduce elements that are out of place, incongruous and are harmful to the setting of this heritage asset.

86. Occupation of the barn would result in internal lighting being apparent in hours of darkness within an extensively open location away from other light sources. Internal lighting is likely to be visible in hours of darkness through windows in an otherwise dark landscape. This is not likely to be reasonably or effectively controlled by condition. External lighting would also cause harm.
87. The parking and garden areas, with their associated cars, domestic landscaping, and domestic furniture etc would be screened partially by the drystone boundary walls, but they would still be clearly seen in views over the walls from the adjacent rights of way. Such visibility should be considered against the existing lawful use of the barn as an agricultural building and curtilage, within which it would be expected tractors, trailer or other farm machinery and storage of wrapped bails etc. which would also be prominent. However these features are a more accepted part of an agricultural landscape and do not have the same impacts on the overall character of the landscape or the barn itself – as the domestic paraphernalia described above.
88. As noted by the Landscape Architect, landscaping mitigation proposals do not form part of the application. Nonetheless, it is difficult to see how such proposals could address the landscape and setting harm identified above. Notwithstanding that any scheme for planting would take a number of years to establish, the enclosure of the barn with surrounding planting to screen it in the wider landscape would in itself be inappropriate; it would effectively remove the contribution the barn makes to the character of the landscape in this location. Further, given the relatively open character of the land and extent and grouping of planting that would be required to provide effective screening, the planting itself would likely appear out of place in this landscape, causing harm to its open character.
89. In conclusion the proposed scheme would cause harm to the landscape setting of the barn contrary to policies L1, L3, DMR3 and DMC10.

#### Ecological Considerations

90. The initially submitted survey and report indicated that further bat surveys were required. These have since been carried out, and found no evidence of bat roosting. Further assessment of great crested newt habitat also found that this would be unaffected. Mitigation and enhancement by way of bird nesting opportunities is proposed. Subject to conditions to ensure appropriate working methods and to secure the mitigation measures, the proposals therefore do not give rise to objection on ecological grounds, according with adopted policy.

#### Highway impacts

91. In the context of the current use of the site, the proposed use would not result in such intensification of use to give to highway safety or amenity concerns; whilst served by a single width track, the likelihood of conflict with other traffic is low. The track is of sufficient width and visibility that the use would not pose a safety risk to other users of the right of way. Further, the highway authority raise no objections to the proposals. The development is therefore concluded to be acceptable in relation to associated highway impacts.

#### Climate Change Mitigation

92. The submitted sustainability statement discusses the inherent sustainability of re-using an existing building, and states that ‘a range’ of renewable heating and hot water solutions will be incorporated. This is not sufficiently precise to ensure compliance with policy CC1. However, had the development have been acceptable in other regards then a condition to secure climate change mitigation measures could have been imposed to achieve this.

### **Conclusion**

93. The principle of converting the building to an open market dwelling and annexe/holiday let accords with policy in principle.
94. However, the scheme would result in significant harm to the historic significance and agricultural character of the barn and its setting within the landscape.
95. On that basis, in making a balanced judgement on the proposals as required by policy DMC5, we conclude that the benefits arising from the conversion, being the long term retention of the building, are limited given the harm that would arise to its character, and they fail to outweigh the identified harm that would arise from the development.
96. There are no other policy or material considerations that would indicate that planning permission should be granted, and the application is therefore recommended for refusal.

### **Human Rights**

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

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

98. Nil

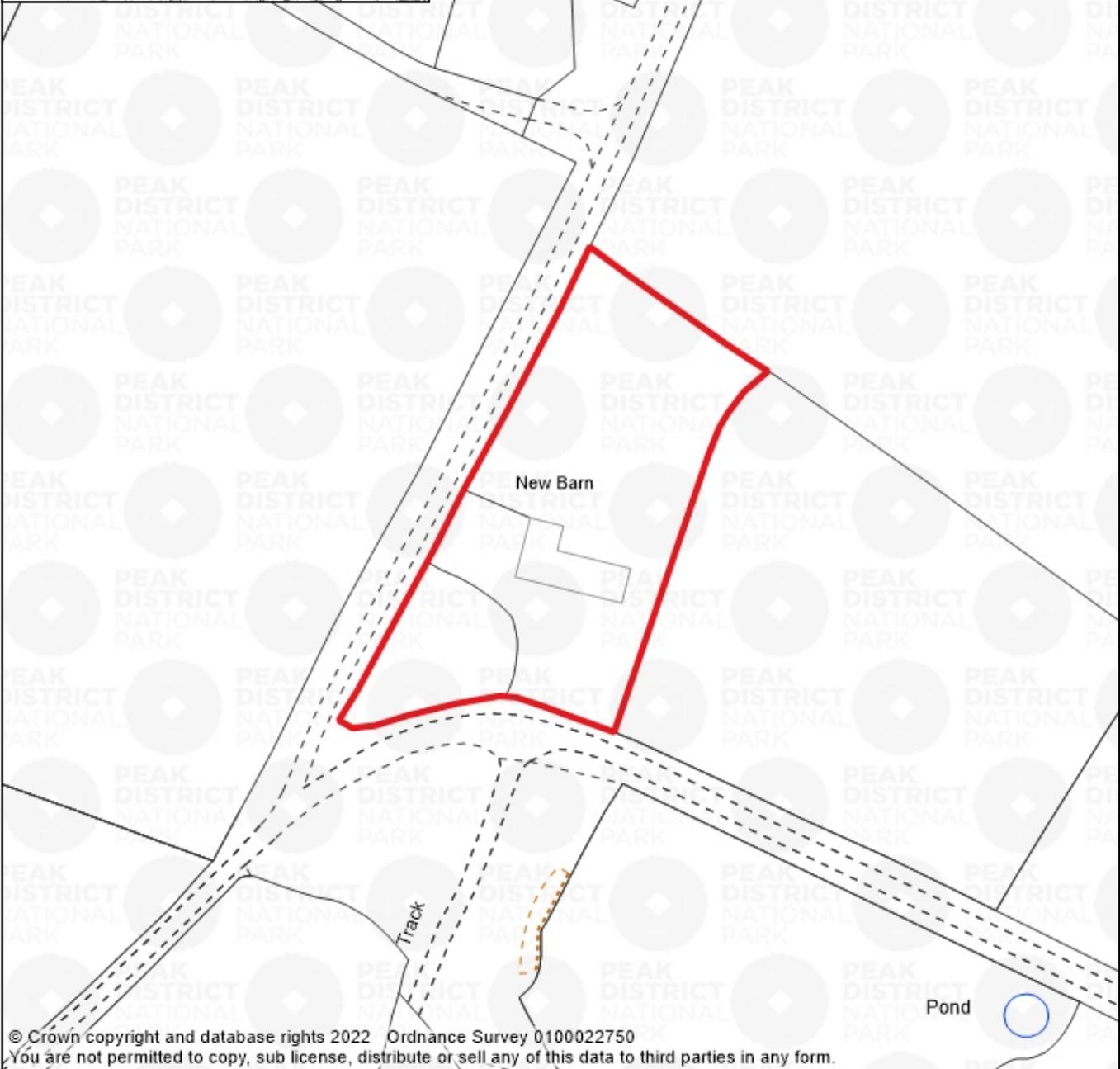
### **Report Author and Job Title**

99. Mark Nuttall – Principal Planner - South

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Committee Date:	08/12/2023	<b>Title:</b> Barn off Broadway Lane, Nr Priestcliffe, Taddington	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 5		
Application No:	NP/DDD/0223/0117		
Grid Reference:	414567, 372534		

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**6. FULL APPLICATION - FOR THE INSTALLATION OF 12 SOLAR PANELS TO THE EXISTING PITCHED ROOF/FRONT ELEVATION, AND 6 SOLAR PANELS TO FLAT ROOM TO THE REAR OF THE OLD SMITHY TEAROOMS, MONYASH (NP/DDD/0923/1022, DH)**

**APPLICANT: MR DAVID DRISCOLL**

**Summary**

1. The application is for the installation of solar panels to The Old Smithy Tearooms in the centre of the village of Monyash.
2. The site is a well established business within the named settlement, which has a prominent position within the core of the village and the designated conservation area.
3. The solar panels proposed to the south-facing roofslope would have a detrimental impact on the character and appearance of the Monyash Conservation Area, undermining its special historic and architectural interest and harming its significance.
4. The application is recommended for refusal.

**Site and Surroundings**

5. The Old Smithy Tea Rooms is located in the centre of Monyash on the north side of Church Street approximately 16m east of Chapel Street.
6. The site is within the Monyash Conservation Area. The building stands opposite the Square, where the Village Cross, which is listed Grade II, stands, and is to the immediate west of The Bulls Head, also listed Grade II.
7. The Tearooms occupy a small single storey building which was originally the village smithy and has a prominent location in the centre of the village and the designated conservation area, as such, the building is considered a non-designated heritage asset.
8. The building is constructed from limestone with a pitched roof clad in Staffordshire blue clay tiles. A rear extension which was approved in 2003 is under a flat roof with a parapet wall to the north and west sides. The only curtilage is a very small yard area in a recess between the old and newer parts of the building.
9. The nearest neighbouring residential properties are Shepley House to the north-west, and Hawthorne House and Croft Cottage on the opposite side of Chapel Street.

**Proposal**

10. The proposal is for the installation of 12 solar panels to the front, south-facing, roofslope of the original building, and a further 6 panels on the flat roof of the rear extension.

**RECOMMENDATION:**

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

- **The proposed solar panels to the principal elevation roofslope would have detrimental impact on the character of the Monyash Conservation Area and fail**

**to preserve the setting of the listed Village Cross, the adjacent listed public house, and the building itself as a non-designated heritage asset by introducing an alien material on the most prominent roof slope of the building. On balance, the public benefits do not outweigh the harm and the proposal therefore fails comply with Core strategy policies GSP1, GSP3 and L3, and Local Plan Development Management DMC5, DMC7 and DMC8, the National Park Authority’s SPD’s, Design Guidance and the guidance contained in the NPPF.**

### **Key Issues**

12. The key issues are:

- Whether the proposals would have a detrimental effect on the character and appearance of the site and its setting; and
- Whether the proposals would have an adverse impact on the setting of nearby listed buildings; and
- Whether the proposals would harm the amenities of nearby neighbouring properties.

### **History**

13. 1992 – A change of use from a shop to a tea rooms was granted temporarily under NP/WED/0192/0002
14. 1997 – An application, NP/DDD/0997/0439, to retain the use as a tea rooms and café, was granted. Condition 1 removed permitted development rights for any extensions or external alterations
15. 2003 – An extension to the café was granted by NP/DDD/0703/0393
16. 2004 – A Section 73 to remove the opening times restriction was granted subject to conditions under NP/DDD/0304/0266

### **Consultations**

17. Derbyshire County Council (Highway Authority): No objections.
18. Derbyshire Dales District Council – No response to date.
19. Monyash Parish Council – Supports to the proposal, but ask if the applicant could consider solar tiles rather than panels to the front roofslope.  
*Officer comment: This is one of the options that has been discussed with the applicant*
20. PDNPA Conservation Officer: The proposed solar panels on the front (south) elevation pitched roof of The Old Smithy Tea Rooms will result in harm to the significance of the Conservation Area. I do not support approval of the proposed south elevation solar panels. Those on the rear flat roof are unlikely to result in harm to the significance of the Monyash Conservation Area

### **Representations**

21. During the publicity period the Authority has received one formal representation regarding the proposal, which is an objection, citing the following reasons: *The solar panels, “while potentially appropriate elsewhere,” would be out of keeping with the historic central and aesthetically coherent area of the village.*

### **Main Policies**

22. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, CC2, DS1, L1, L3, HC4, HC5 & RT1
23. Relevant Local Plan policies: DM1, DMC3, DMC5, DMC7 & DMC8
24. National Planning Policy Framework

### **Wider Policy Context**

25. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
  - Conserve and enhance the natural beauty, wildlife and cultural heritage
  - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
  - 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**

26. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2021. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
27. 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.'*
28. Part 14 of the NPPF is of particular relevance to this application. It states that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. When determining planning applications, local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and should approve applications for renewable energy if the impacts are (or can be made) acceptable.
29. The NPPF states that local planning authorities should plan positively for the provision and use of shared spaces, community facilities and other local services, enabling the retention and development of these services and community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and

places of worship) and ensuring that established facilities and services are able to develop and modernise, and are retained for the benefit of the community.

30. The NPPF also says that when considering the impact of a proposed development on the significance of a designated heritage asset ... (from its alteration or destruction, or from development within its setting), a clear and convincing justification is required. As noted, the site is directly adjacent to the Bulls Head public house and opposite the Village Cross, both of which are listed Grade II.

#### Peak District National Park Core Strategy

31. GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage
32. GSP3 - *Development Management Principles*. GSP3 states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
33. CC1 – *Climate change mitigation and adaptation*. CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
34. CC2 - *Low carbon and renewable energy development*. CC2 states that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting the landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.
35. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
36. 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.
37. L3 – *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. L3 states that development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings; other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset. It goes on to say that proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets.
38. HC4 – *Provision and retention of community services and facilities*. HC4(A) states that the provision or improvement of community facilities and services shall be encouraged within settlements.

39. HC5 – *Shops, professional services and related activities*. HC5(C) relates to premises for the sale and consumption of food and drink in villages, and says that they will be permitted provided that there is no harm to living conditions or to the role or character of the area.
40. RT1 – *Recreation, environmental education and interpretation*. RT1 is supportive of facilities which encourage understanding and enjoyment of the National Park, and are appropriate to the valued characteristics.

#### Local Plan Development Management Policies

41. DM1 – *The presumption of sustainable development in the context of National Park purposes*. These being (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and (ii) to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
42. 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. Particular attention will be paid to siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, and the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area.
43. DMC5 – *Assessing the impact of development on designated and non-designated heritage assets and their settings*. DMC5 states that applications affecting a heritage asset must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced; and why the proposed development and related works are desirable or necessary.
44. DMC7 – *Listed Buildings*. DMC7 deals specifically with works to listed buildings and development affecting their setting. It states that applications should be dealt with in accordance with DMC5, and reflects the provisions of L3.
45. DMC8 – *Conservation Areas*. Policy DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas.

#### Supplementary Planning Document for Climate Change and Sustainable Building

46. Figure 15 of the SPD provides specific guidance on the best placement of solar panels to avoid adverse harm to the core heritage interests of traditional village centres, e.g. by advocating subsidiary roof slopes or ground mounted options to retain readability and public enjoyment of the traditional character and materials that are evident in the many Conservation Areas of the National Park.

#### **Assessment**

##### Principle of the development

47. Development for the benefit of community facilities is considered acceptable in principle under policy HC4.

48. Core Strategy Policy DS1 states that renewable energy infrastructure is acceptable in principle provided that they can be accommodated without adverse visual impact and do not raise any amenity issues.
49. Development Management Policy CC2 states that, in principle, applications for low carbon and renewable energy development in the National Park are supported by the Authority, provided that they can be accommodated without adversely affecting the landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.

### Visual Impacts

50. The application proposes 12 solar panels to the south facing roofslope and 6 to the flat roofed extension to the rear of the pitched roof original building. The proposed solar panels are black, non-reflective units, which would not be so visually intrusive as others in the vicinity, however, these are on domestic properties and as such did not require express planning permission.
51. The PDNPA has a Supplementary Planning Document on Climate Change and Sustainable Building. This document provides guidance on renewable energy installations and ways of minimising visual impact on the landscape character and valued characteristics of the National Park.
52. Policy CC2 is clear that, in principle, applications for low carbon and renewable energy development are supported by the Authority, *“provided that they can be accommodated without adversely affecting the landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area”*.
53. There is also supplementary guidance in the Authority’s SPD on extensions and alterations specific to this type of development at paragraph 2.12. It states that, *“adding photo-voltaic or solar thermal panels to a roof fundamentally alters its character and appearance. The shiny, manufactured appearance of the panels look alien in the context of traditional building materials. It is sometimes preferable to locate panels on the ground. This can be both less obtrusive and avoids problems of drilling through roof coverings for fixings for the frames. If panels need to be sited on a roof, placing them on inner slopes where they can’t be seen is the ideal. Otherwise place them to the rear in an unobtrusive location, if orientation allows.”*
54. In terms of the wider visual impact the development, it is acknowledged that since the site is within the centre of a named settlement, there would not be any impact on the wider landscape. However, the *‘valued characteristics’* of the National Park includes the conservation areas and both designated and non-designated heritage assets.
55. The panels on the flat roofed extension to the rear of the original Smithy building, which has a parapet wall to the north and west sides, would not be readily visible. It is therefore considered that this aspect of the proposal does not conflict with policies regarding preserving the existing character and appearance of the site, the conservation area and the views into and out of the area. Nor do these panels detract from the appearance, character or significance of the listed public house the Tea Rooms stand adjacent to. As such, the proposals to install solar panels to the rear roof would not have an adverse visual impact and do not raise any amenity issues.
56. Therefore, the 6 solar panels on the flat roofed rear extension are considered to be in line with guidance and with policies GSP3, L1, L3, CC1, CC2, DMC3, DMC5, DMC7, and DMC8.

57. The 12 solar panels proposed to the south facing front roofslope of the original building, which was the old village smithy, and which is considered to be a non-designated heritage asset, are more contentious.
58. As noted, the site stands in the centre of the village and the designated conservation area. Paragraph 11.12 of the Monyash Conservation Area Appraisal clearly states that, *“Unsympathetically located modern fixtures on prominent elevations and roofs, such as satellite dishes, roof-lights, solar panels and wind turbines, can quickly accumulate and have a detrimental impact on the character of the Conservation Area.”*
59. Due to the prominent location, and since the building is single storey, the traditional blue clay tile roof is highly visible, therefore, it is an important part of the special historic and architectural interest of the settlement, making a positive contribution to the character and appearance of the Monyash Conservation Area and to its significance.
60. When assessing the impact of development on designated and non-designated heritage assets and their settings, whether the proposals have a public benefit can be used to outweigh concerns.
61. In this instance, the tea rooms do provide a community facility therefore development which would contribute to the provision of sustainable energy to the property, and allow them to continue operating does provide a public benefit. However, the building is not only located in a prominent position in the centre of the conservation area, it also stands on the northern side of The Square, where the Village Cross, which is listed Grade II stands, and is directly adjacent to The Bulls Head public house, which is also listed Grade II. In addition, as noted, the building itself is considered a non-designated heritage asset by virtue of it being one of the oldest buildings in the village centre, and by the social history derived from its function as the village smithy. Moreover the building has retained much of its original form and traditional materials adding to the character of the Conservation Area as a whole.
62. It is considered that the solar panels proposed to the south-facing roofslope would have a detrimental impact on the character and appearance of the Monyash Conservation Area, undermining its special historic and architectural interest and harming its significance. It is therefore concluded that, on balance, the proposals as submitted, are not acceptable, as they are contrary to policies L3, DMC5 and DMC7.
63. During the course of the application, various options have been considered rather than the 12 solar panels on the south-facing roofslope. In this instance there is no option to locate the solar panels on the ground due to the extremely limited curtilage of the Tea Rooms. Amended plans were requested, omitting the array on the principal elevation roofslope, and increasing the number of solar panels on the rear flat roof, however, no amended plans have been provided.
64. Therefore, it is concluded that the proposal, as submitted, is not in line with guidance in the Authority’s Supplementary Planning Documents on ‘Extensions and Alterations’ and ‘Climate Change and Sustainable Building’ Furthermore, it is contrary to Core Strategy policies GSP3, L3 and CC2, and Development Management policies DMC3, DMC5, DMC7 and DMC8.

### Amenity Impacts

65. Due to the nature and location of the proposed development, the proposed scheme would have no adverse impact or significantly harm the residential amenity of nearby residential dwellings.

66. In terms of amenity issues the proposal is in line with the Authority's policies and national planning policy.

### Sustainability

67. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions. The provision of solar panels for renewable energy generation is inherently sustainable and therefore complies with the requirements of CC1.

### Conclusion

68. The panels to the roofslope of the principal elevation of the building would have a significant negative impact on the character and appearance of the Monyash Conservation Area, undermining its special historic and architectural interest and harming its significance.

69. The proposed development would also have a detrimental impact on the setting of the immediately adjacent Grade II listed public house, and the Grade II listed Village Cross in the green opposite the building.

70. It is considered the proposal would also have a detrimental impact on the building itself as a non-designated heritage asset.

71. On balance, the harm is not outweighed by the public benefit to the community facility. It is therefore concluded that the proposal is contrary to the relevant policies and guidance, and is recommended for refusal.

### Human Rights

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

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

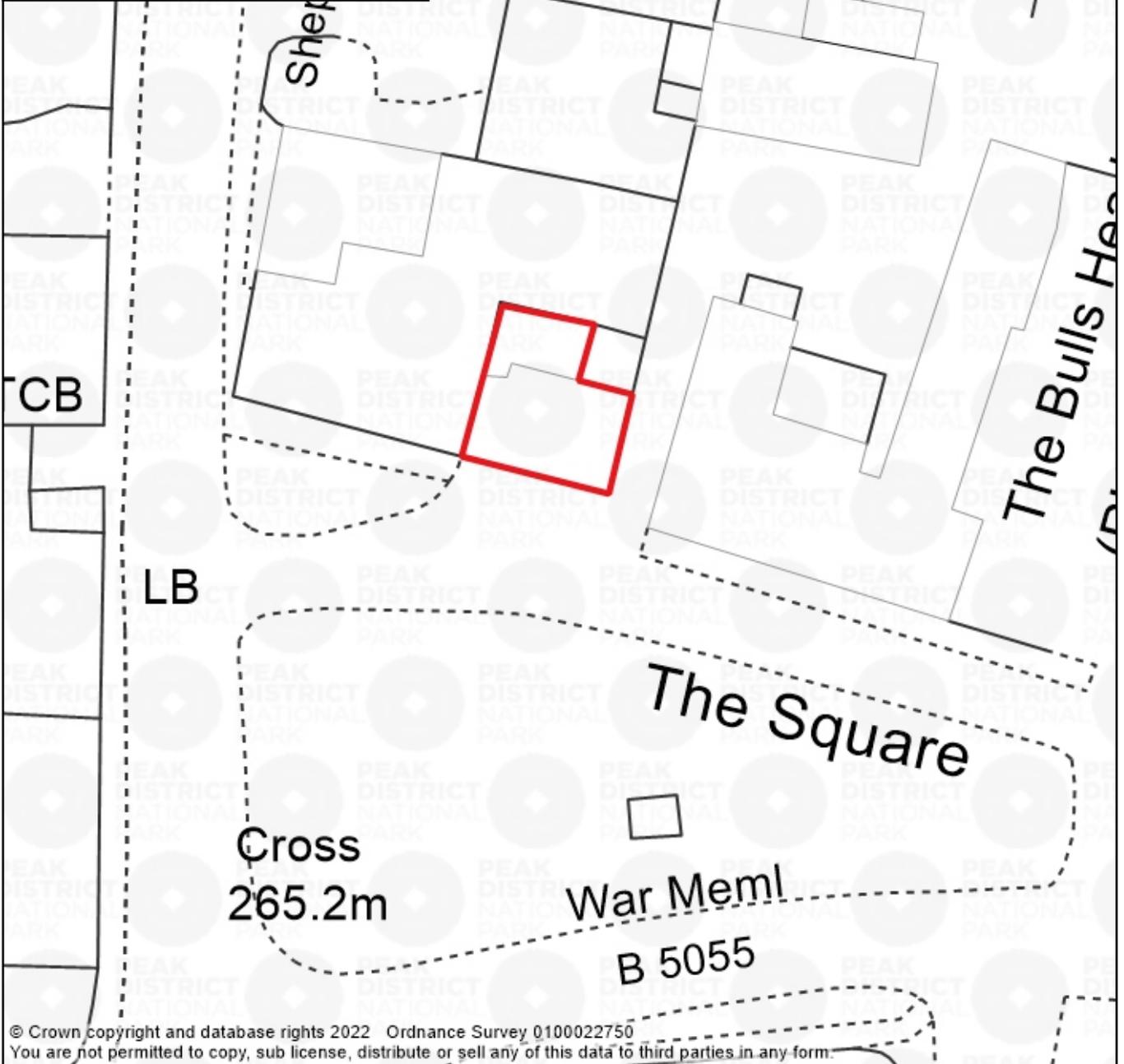
Nil

### Report Author and Job Title

Denise Hunt – Planner – South Area



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Committee Date:	08/12/2023	<b>Title:</b> The Old Smithy Tea Rooms, The Square, Monyash	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 6		
Application No:	NP/DDD/0923/1022		
Grid Reference:	415003, 366574		

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**7. FULL APPLICATION - FOR THE DEMOLITION OF EXISTING BOUNDARY WALL, CHANGE OF USE OF AGRICULTURAL LAND TO FORM DOMESTIC CURTILAGE WITH ASSOCIATED HARD AND SOFT LANDSCAPING WORKS AND ERECTION OF GARDEN SHED, AT CHAPEL HOUSE, WARSLOW (NP/SM/0723/0757, DH)**

**APPLICANT: MR DAVID CRITCHLOW**

**Summary**

1. The application is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall, the siting of a garden shed, and associated hard and soft landscaping works.
2. The dwelling is a former Methodist Chapel which is listed Grade II. The site lies within the designated conservation area. When the conversion to a dwelling was granted an area to the west was allowed as domestic curtilage.
3. The provision of a domestic curtilage to the east of the dwelling would have a detrimental effect on the setting and significance of the listed building as it would unacceptably alter its character and appearance.
4. The application is recommended for refusal.

**Site and Surroundings**

5. Chapel House is the former Methodist Chapel which stands on the north side of Leek Road, to the north-west edge of Warslow.
6. The former Chapel, its forecourt wall, railings, gate and piers are listed Grade II. There are no other listed buildings in the vicinity. The site lies within a designated conservation area.
7. The approved conversion scheme was considered acceptable as the accommodation was retained within the existing shell of the building utilising existing openings and without new extensions. The domestic curtilage of the approved scheme was restricted to a walled curtilage to the west side which includes the vehicular access, parking provision and areas of raised garden.
8. The nearest neighbouring properties are The Cottage to the east at a distance of approximately 17m from the east wall of the building, and 1 Sunnylea Cottages, 29m to the north-west. To the north and south are open fields.

**Proposal**

9. The proposal is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall and associated hard and soft landscaping works.
10. Amended plans were received 17 October which omitted the patio and relocated the proposed shed to the west side, i.e. within the existing domestic curtilage.

**RECOMMENDATION:**

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

- **The change of use and enclosure of the agricultural land to the east of the listed building would have a detrimental effect on the appearance, character and significance of the designated heritage asset, its setting, and the designated conservation area within which it sits. Consequently, the proposal is contrary to Core Strategy policies GSP1, GSP2, GSP3, DS1, CC1, L1 and L3, Development Management policies DMC3, DMC5, DMC7, DMC8 and DMH8, and national policies.**

### **Key Issues**

12. The key issues are:

- Whether the proposed extension to the domestic curtilage would have a detrimental effect on the site and its wider setting.
- Whether the hard landscaping and shed is of a suitable design, scale, form and massing, which will not have an adverse effect on the character and appearance of the dwelling, its setting, or the wider area.
- Whether the proposal raises any amenity issues upon the dwelling itself, any neighbouring properties, or the wider area.

### **History**

13. 1997 - The conversion of the chapel to a dwelling was granted subject to conditions by NP/SM/0896/066
14. 2012 – An enforcement case, reference 12/0134, regarding the breach of conditions 4, 8, 10 and 11 on NP/SM/0896/066 was opened and the issues of the unauthorised flue, satellite dish and window finish remain outstanding.

### **Consultations**

15. Staffordshire County Council (Highway Authority) – No highway objections.
16. Staffordshire Moorlands District Council – No response to date.
17. Warslow and Elkstones Parish Council – Support the application.
18. PDNPA Conservation Officer – The former Methodist Chapel as a listed building of special architectural and historic interest, and is of high significance. The enclosed forecourt is a significant historic enclosure, and is listed. The drystone boundary wall to the east of the Chapel is specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. The proposal would have a negative impact on the historic character and setting of the listed former chapel, and on the character of this part of the Warslow Conservation Area, resulting in harm to both designated heritage assets.
19. PDNPA Archaeologist – Due to the fact that the building originated as a Methodist Chapel consideration needs to be given to the possibility of burials and internments around the chapel building. The current roadside wall is on a historic alignment (the diagonal alignment) the historic diagonal alignment should be retained.

### **Representations**

20. During the publicity period, the Authority has not received any representations regarding the proposed development.

## **Main Policies**

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1, L1 & L3
22. Relevant Local Plan policies: DMC3, DMC5, DMC7, DMC8, DMC10 & DMH8
23. National Planning Policy Framework

## **Wider Policy Context**

24. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
  - 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**

25. 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.
26. 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.'*
27. Chapter 6 of the NPPF is of particular relevance as it relates to conserving and enhancing the historic environment. In relation to proposals which affect heritage assets, paragraph 195 states that local planning authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

28. 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

29. 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.
30. 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.
31. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
32. 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.
33. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. Policy L3 requires development to conserve and enhance the cultural heritage of the National Park.

#### Local Plan Development Management Policies

34. 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.
35. DMC5 – *Assessing the impact of development on designated and non-designated heritage assets and their settings*. DMC5 relates to assessing the impact of development on designated and non-designated heritage assets and their settings. The policy requires applications for development affecting a heritage asset to demonstrate its significance and how any features will be conserved or enhanced and why the proposed development is desirable or necessary. DMC5 (E) states that if applicants fail to provide adequate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused. DMC5 (F) development will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there a clear and convincing justification is provided.
36. DMC7 – *Listed buildings*. DMC7 deals specifically with development affecting a listed building and/or its setting. It states that applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development is desirable or necessary. It goes on to say that development will not be permitted if it would adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or result in the loss of or irreversible change to original features or other features of importance or interest.

37. DMC8 – *Conservation Areas*. Policy DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas.
38. DMC10 - *Conversion of a heritage asset*. DMC10 (A) (iii) says that when dealing with conversions of heritage assets any changes brought about by the new use and any associated infrastructure need to conserve or enhance the heritage asset, its setting (in accordance with DMC5), any valued landscape character, and any built environment. DMC10 (C) says that particular attention will be paid to the impact of domestication and urbanisation including (iii) the provision of adequate amenity space, (vi) the introduction of domestic curtilage, (v) the alterations of agricultural land and field walls.
39. DMH8 – *New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses*. DMH8 relates to new outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses. It states that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character.

## **Assessment**

### Principle of the development

40. Core Strategy policy DS1 states that, in principle, extensions and alterations to dwellings, including new outbuildings, in the National Park are supported by the Authority, provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues upon the dwelling itself or any neighbouring properties.

### Visual Impacts

41. As noted, the conversion scheme which was granted included the provision of a domestic curtilage to the west side of the former Chapel. This walled area is commensurate with the size of the dwelling and includes parking provision and areas of raised garden.
42. The proposal is to provide additional domestic curtilage to the east side of the building, which is currently agricultural land. The introduction of domestic curtilage to both sides of the building would further erode the original character of the Chapel. Its setting has already been eroded to the west side, however, the historic setting remains largely intact, with the surrounding agricultural landscape coming up to the walls of the building to both north and east. The proposal would undermine the historic, agricultural setting as only the rear (north) elevation to the building would remain adjacent to the surrounding agricultural landscape.
43. The proposed domestic curtilage would be accessed via the paved forecourt to the Chapel which is a significant historic enclosure, and is listed. It is acknowledged that the west side of the enclosure has been removed as part of the approved conversion scheme to allow access to the parking area from within the site. However, removing the wall to the east side too, would further erode the character and have an adverse impact on the significance.
44. The diagonal boundary, to the rear of the roadside wall at the east side of the Chapel, is a drystone wall which is badly damaged and has been supplemented with fencing. It is proposed to remove both the fencing and dilapidated wall. However, the wall is

specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. Therefore, its removal rather than re-building would have a detrimental effect on the setting of the listed building and on the character and appearance of the designated conservation area. Furthermore, its removal would mean that the land behind it would be more visible from public vantage points within the conservation area.

45. The amended plans have removed the overly domestic features, namely the patio and the shed. Therefore, the proposed scheme would be less visually intrusive, especially in light of the fact that the area has until recently had cattle pens sited within it. The enclosed area would be bounded by drystone walls, continuing along the existing building line. However, it would alter the visual relationship of the building with the open land, and therefore have a wider impact on the landscape.
46. The proposal to create an enclosed curtilage to the east side of the Chapel fails to preserve the original character of the building and its setting. It would have an adverse impact on both the building and the Warslow Conservation Area, harming the significance of both.
47. The erection of the small timber shed within the north-west corner of the existing domestic curtilage to the west side would be well away from the building and seen in conjunction with the existing domestic curtilage and that of the neighbouring property. The scale is modest and subservient to the dwelling which the building would serve. The design is typical of a domestic ancillary building and the proposed construction materials are tongue and groove timber, a transient material which is typical of ancillary buildings within domestic curtilages. As such, it is considered that the proposed shed is in line with policies.
48. Overall, the proposals would have an adverse impact on the site, its setting, and the wider setting. Therefore, the proposals would be contrary to policies GSP1, GSP2, GSP3, L3, DMC3, DMC5, DMC7, DMC8 and DMC10.

#### Amenity Impacts

49. The intervening distance between the site and the nearest neighbouring properties is such that there would be no neighbourliness concerns.

#### Sustainability

50. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
51. All development must address this policy and validation requirements require a statement be provided for every application, the statement and the measures should be commensurate to the scale of the development. No Sustainability Statement was provided with the application.

#### Conclusion

52. The building is a designated heritage asset, and sited within the designated conservation area. The change of use and enclosure of the agricultural land to the east of the listed building would have a detrimental effect on the heritage asset and its setting. The proposals do not provide any public benefit, being for private use.

53. Consequently, it is concluded that the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMC7, DMC8 and DMC10 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

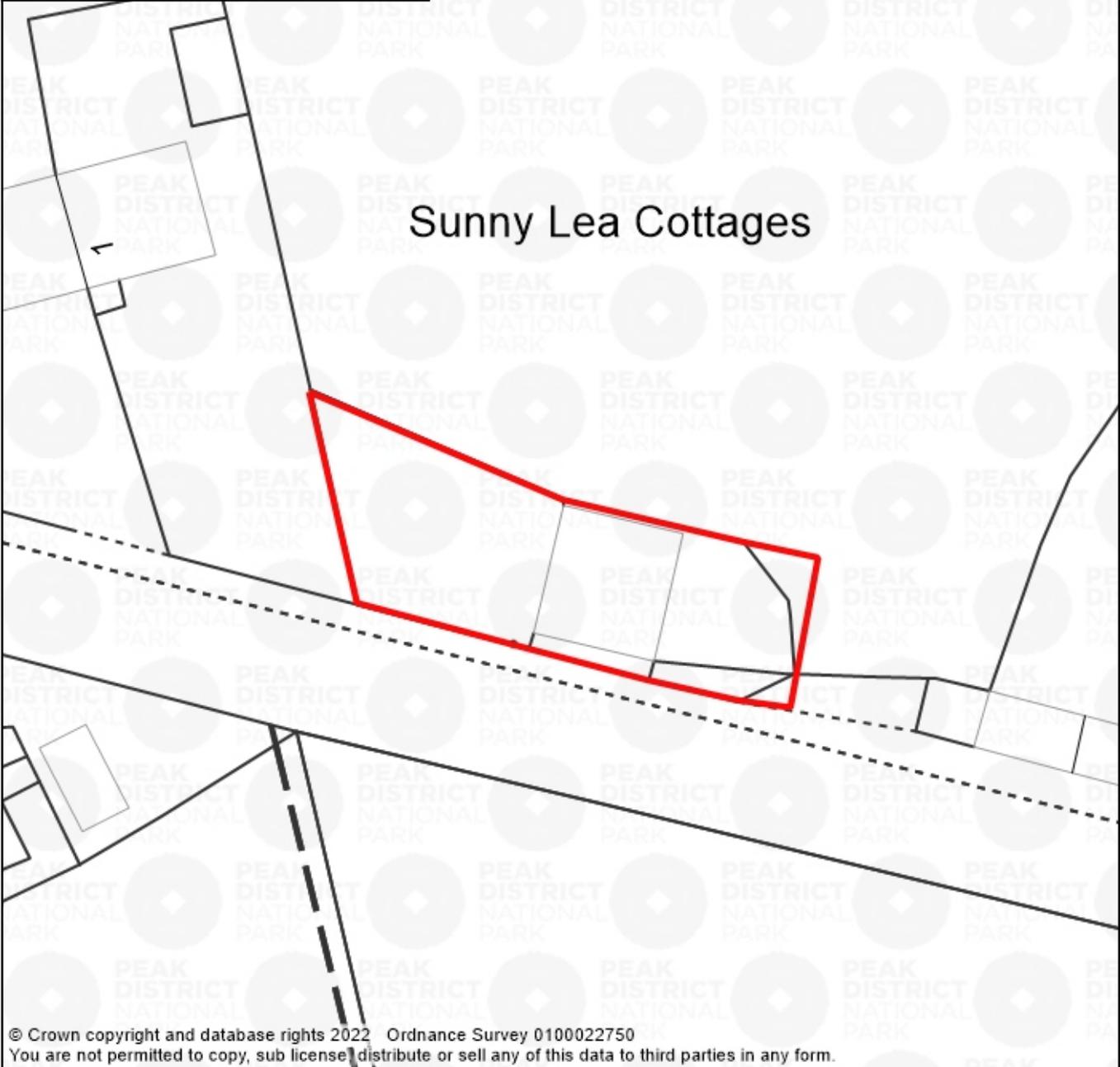
**Report Author and Job Title**

Denise Hunt – Planner – South Area

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## Sunny Lea Cottages

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Committee Date:	08/12/2023	<b>Title:</b> Chapel House, Leek Road, Warslow	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 7 & 8		
Application No:	NP/SM/0723/0757 & NP/SM/0723/0758		
Grid Reference:	408343, 358856		

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**8. LISTED BUILDING CONSENT APPLICATION - FOR THE DEMOLITION OF EXISTING BOUNDARY WALL, CHANGE OF USE OF AGRICULTURAL LAND TO FORM DOMESTIC CURTILAGE WITH ASSOCIATED HARD AND SOFT LANDSCAPING WORKS AND ERECTION OF GARDEN SHED, AT CHAPEL HOUSE, WARSLOW (NP/SM/0723/0758, DH)**

**APPLICANT: MR DAVID CRITCHLOW**

**Summary**

1. The application is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall, the siting of a garden shed, and associated hard and soft landscaping works.
2. The dwelling is a former Methodist Chapel which is listed Grade II. The site lies within the designated conservation area. When the conversion to a dwelling was granted an area to the west was allowed as domestic curtilage.
3. The provision of a domestic curtilage to the east of the dwelling would have a detrimental effect on the setting and significance of the listed building as it would unacceptably alter its character and appearance.
4. The application is recommended for refusal.

**Site and Surroundings**

5. Chapel House is the former Methodist Chapel which stands on the north side of Leek Road, to the north-west edge of Warslow.
6. The Chapel, its forecourt wall, railings, gate and piers were listed Grade II on the 15<sup>th</sup> of March 1985. There are no other listed buildings in the vicinity. The site lies within a designated conservation area.
7. The site comprises the two-storey dwelling with a walled curtilage to the west side which includes the vehicular access, parking provision and areas of raised garden.
8. The nearest neighbouring properties are The Cottage to the east at a distance of approximately 17m from the east wall of the building, and 1 Sunnylea Cottages, 29m to the north-west. To the north and south are open fields.

**Proposal**

9. The proposal is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall, the siting of a garden shed, and associated hard and soft landscaping works.
10. Amended plans were received 17 October which omitted the patio and relocated the proposed shed to the west side, i.e. within the existing domestic curtilage.

**RECOMMENDATION:**

11. That the application be **REFUSED** for the following reason:
  - **The change of use and enclosure of the agricultural land to the east of the listed building would harm the character, appearance and significance of the Grade**

**It listed property, its setting, and the character and appearance of the designated conservation area within which it lies. In the absence of any public benefits which could outweigh the harm that has been identified, it is considered that approval of the proposal would be contrary to Core Strategy policy L3, Development Management Plan policies DMC5, DMC7 and DMC8, and the National Planning Policy Framework.**

### **Key Issues**

- 12 The key issues are the impact of the proposed works on the special historic and architectural interest of the listed building and its setting.

### **History**

- 13 1997 - The conversion of the chapel to a dwelling was granted subject to conditions by NP/SM/0896/066
- 14 2012 – An enforcement case, reference 12/0134, regarding the breach of conditions 4, 8, 10 and 11 on NP/SM/0896/066 was opened and the issues of the unauthorised flue, satellite dish and window finish remain outstanding.

### **Consultations**

- 15 Staffordshire County Council (Highway Authority) – No highway objections.
- 16 Staffordshire Moorlands District Council – No response to date.
- 17 Warslow and Elkstones Parish Council – Support the application.
- 18 PDNPA Conservation Officer – Object – The former Methodist Chapel as a listed building of special architectural and historic interest, and is of high significance. The enclosed forecourt is a significant historic enclosure, and is listed. The drystone boundary wall to the east of the Chapel is specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. The proposal would have a negative impact on the historic character and setting of the listed former chapel, and on the character of this part of the Warslow Conservation Area, resulting in harm to both designated heritage assets.
- 19 PDNPA Archaeologist – Due to the fact that the building originated as a Methodist Chapel consideration needs to be given to the possibility of burials and internments around the chapel building. The current roadside wall is on a historic alignment (the diagonal alignment) the historic diagonal alignment should be retained.

### **Representations**

- 20 During the publicity period, the Authority has not received any representations regarding the proposed development.

### **Main Policies**

- 21 Relevant Core Strategy policies: L3
- 22 Relevant Local Plan policies: DMC5, DMC7 & DMC8
- 23 National Planning Policy Framework

## **Wider Policy Context**

- 24 National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- 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**

- 25 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.
- 26 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.'*
- 27 Chapter 6 of the NPPF is of particular relevance as it relates to conserving and enhancing the historic environment.
- 28 Paragraph 195 states that local planning authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 29 Paragraph 196 says that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 30 Paragraph 197 states that in determining applications, LPAs should take account of: (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 31 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 32 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. Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- 33 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

- 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 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.
- 37 L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. Policy L3 relates to cultural assets of archaeological, architectural, artistic or historic significance. It states that development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings; other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset. It goes on to say that proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets.

#### Local Plan Development Management Policies

- 38 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.
- 39 DMC5 – *Assessing the impact of development on designated and non-designated heritage assets and their settings*. DMC5 relates to assessing the impact of development on designated and non-designated heritage assets and their settings. The policy

requires applications for development affecting a heritage asset to demonstrate its significance and how any features will be conserved or enhanced and why the proposed development is desirable or necessary. DMC5 (E) states that if applicants fail to provide adequate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused. DMC5 (F) development will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there a clear and convincing justification is provided.

- 40 DMC7 – *Listed buildings*. DMC7 deals specifically with development affecting a listed building and/or its setting. It states that applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development is desirable or necessary. It goes on to say that development will not be permitted if it would adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or result in the loss of or irreversible change to original features or other features of importance or interest.
- 41 DMC8 – *Conservation Areas*. Policy DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas. It says that the following should be taken into account: (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment; (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes; (iii) scale, height, form and massing of the development and existing buildings to which it relates; (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and (v) the nature and quality of materials.

## **Assessment**

### **Principle of the development**

- 42 The National Park Authority has a statutory purpose under the Environment Act 1995 to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.
- 43 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be had to the desirability of preserving the setting of listed buildings.
- 44 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 73 places a general duty upon decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 45 If it can be demonstrated that proposed works to listed buildings are desirable or necessary, and would not harm the significance of the listed building and its setting or detract from the valued characteristics and the scenic beauty of the wider landscape, in principle they would be acceptable.

## Heritage Impacts

- 46 As noted, the conversion scheme which was granted included the provision of a domestic curtilage to the west side of the former Chapel. The area to the west is accessed via the paved forecourt. Therefore, the character, appearance and significance of the former Chapel have already been eroded to some extent at the west side, but this was in order to give the building a viable use and ensure its longevity, in line with policy DMC10 which relates to conversion of a heritage asset.
- 47 The proposal is to provide additional domestic curtilage to the east side of the building, which is currently agricultural land. The introduction of domestic curtilage to both sides of the building would further erode the original character of the Chapel. Although its setting has already been eroded to the west side, the historic setting remains largely intact, with the surrounding agricultural landscape coming up to the walls of the building to both north and east. The proposal would undermine the historic, agricultural setting as only the rear (north) elevation to the building would remain adjacent to the surrounding agricultural landscape.
- 48 The proposed domestic curtilage would be accessed via the paved forecourt to the Chapel which is a significant historic enclosure, and is listed. It is acknowledged that the west side of the enclosure has been removed as part of the approved conversion scheme to allow access to the parking area from within the site. However, removing the wall to the east side too, would further erode the character and have an adverse impact on the significance.
- 49 The drystone boundary wall to the east of the Chapel which runs on a diagonal line just behind the roadside boundary wall is specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. The wall is in a very poor state of repair and the proposal is to remove this boundary to open up the area to the east side of the building. This would result in the total loss of a historic feature, and would have a detrimental effect on the setting of the listed building and on the character and appearance of the designated conservation area, harming the significance of both.
- 50 The amended plans have removed the overly domestic features, namely the patio and the shed. The shed is still shown on the proposals but as amended the location would be to the west side in the north-west corner of the existing domestic curtilage. In this position, although planning permission is required, no historic fabric is impacted and Listed Building Consent is not required.
- 51 Nonetheless, the erection of boundary walls would alter the visual relationship of the Chapel with the wider landscape. The proposed scheme fails to preserve the character and appearance of the building and its setting, and also harms the character and appearance of the Warslow Conservation Area. The harm to the significance is not outweighed by any public benefit as the property, as converted, was allowed amenity space to the west.
- 52 As such, it is concluded that the proposals are contrary to L3, DMC5, DMC7 and DMC8.

## Conclusion

- 53 The change of use and enclosure of the agricultural land to the east of the listed building would have a detrimental effect on the heritage asset and its setting. The proposals do not provide any public benefit, being for private use.
- 54 It is concluded that the proposals would cause harm to the character, appearance and significance of the original building, its setting, and the designated conservation area.

55 Consequently, it is considered that the proposals are contrary to Core Strategy policy L3, Development Management policies DMC5, DMC7 and DMC8, 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

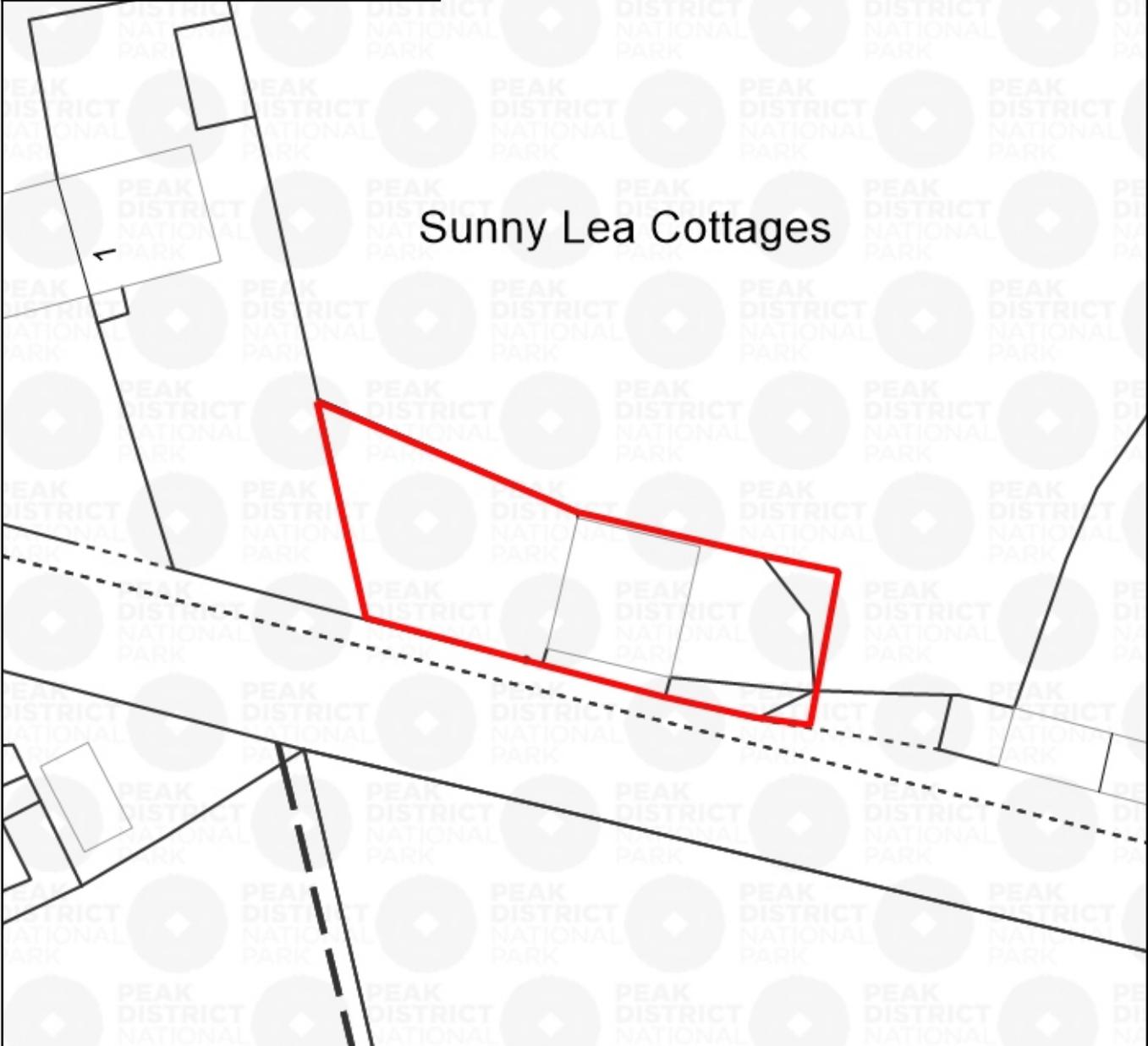
**Report Author and Job Title**

Denise Hunt – Planner – South Area

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## Sunny Lea Cottages

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Committee Date:	08/12/2023	<b>Title:</b> Chapel House, Leek Road, Warslow	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 7 & 8		
Application No:	NP/SM/0723/0757 & NP/SM/0723/0758		
Grid Reference:	408343, 358856		

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

**APPLICANT: MR GUY BRAMMAR**

**Summary**

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

**Site and Surroundings**

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

**Proposal**

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

farmhouse but excludes any works to the farmhouse itself. The refurbishment of the farmhouse is the subject of a separate application for listed building consent, but it would remain as a dwelling.

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

#### **RECOMMENDATION:**

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

- 1 Statutory 3 year commencement.**
- 2 Compliance with amended plans and specifications, including omission of detached garage block, with use of buildings to be as described in the application, subject to the following:**
- 3 Submit details of insulation to the roofs**
- 4 No repairs to the walls or roofs to take place until details of the method and extent of the repairs are submitted to the authority, along with a justification for the works**
- 5 Submit details of rainwater goods, and external flues and vents.**
- 6 Agree precise details of rooflights.**
- 7 Submit and agree detailed scheme for site layout, landscaping, and management, including any soft landscaping, hard surfacing and boundary treatment.**
- 8 Submit details of air source heat pumps**
- 9 Historic Building Recording: No development shall take place until a Written Scheme of Investigation for a programme of Level 2 historic building recording has been submitted to and approved by the local planning authority in writing. The development shall not be occupied until the site investigation and post investigation assessment has been completed in**

accordance with the programme set out in the WSI.

**10 Archaeological watching brief**

- 1. No development shall take place until a Written Scheme of Investigation for a programme of archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and**
    - The programme and methodology of site investigation and recording;
    - The programme and provision to be made for post investigation analysis and reporting;
    - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
    - Provision to be made for archive deposition of the analysis and records of the site investigation;
    - Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".
  - 2. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).**
  - 3. Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.**
- 11 Development to be carried out within existing buildings, with no rebuilding other than where specifically agreed with Authority.**
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no improvement or other alteration to the external appearance of the dwellings shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, solar or photovoltaic panels, gates, fences, walls or other means of boundary enclosure (other than those specifically approved by this application) shall be erected on the site without an application for planning permission having first been made to and approved in writing by the National Park Authority.**
- 13 Submit details of any external lighting, scheme to be in accordance with approved details.**
- 14 Any service lines associated with development should be placed underground.**
- 15 Highway and parking conditions.**
- 16 Bat and nesting boxes be provided as part of the scheme to provide opportunities for bats and birds to roost/nest on site.**

## **Key Issues**

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

## **History**

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

## **Consultations**

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

15. Highway Authority: Initial response as follows:

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

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

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

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

16. District Council: No response.
17. Natural England: No comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
18. PDNPA Conservation Officer: Initial response as follows, with full comments available on the website: *“Overall, the principal of conversion is supported, and there would be a public benefit in securing the optimum viable use of the buildings. There is much to be commended in the current application, particularly in the use of hopper windows and boarded doors to maintain the character of the buildings. However, as it stands, the scheme proposes an excessive amount of structural remodelling, large numbers of large rooflights and an excessive subdivision (and domestication) of formally open yard spaces. This would reduce the contribution that the curtilage listed buildings make to the significance of the listed building, as well as the significance to the farm buildings as non-designated heritage assets.*

Comments on revised plans:

*I think the proposals are an improvement, and I welcome the treatment of the cart shed and the removal of most of the roof-lights from the principle elevations, this would certainly reduce the level of harm caused to the significance of the buildings and their impact on the listed farmhouse.*

*However, the application still proposes the replacement of floor structures, the subdivision and domestication of the farmyard, and other adverse visual impacts (listed in my original comments) that would harm the agricultural character of the buildings contrary to policy DMC10. It is unclear from the latest drawings whether all the roof trusses would be retained, or whether they are still to be moved. It is also unclear what ‘repair/replace where required’ in relation to the roofs and wall really means. Details have been provided for PIR roof insulation, which would not be acceptable in a traditionally constructed building, as it presents a risk of moisture build-up and rot in the roofs.*

*Overall the proposals would cause less than substantial harm to the significance of the outbuildings as non-designated heritage assets, and would cause less than substantial harm to the listed farmhouse insofar as the farmstead contributes towards its significance. Less than substantial is of course a broad category of harm, within that range I would consider the harm to be towards the middle and lower end of the scale respectively.*

*I am happy for the proposals as they are now to go before the planning committee, who can decide if the public benefits arising from the scheme are enough to outweigh the harm to the heritage assets, and whether the conversion can be achieved without adversely affecting the character of the buildings (as per DMC10).*

*If the committee is minded to approve the scheme then I would recommend the following conditions:*

- *Details of insulation to the roofs, on the assumption that breathable insulation would be used*
- *No repairs to the walls or roofs to take place until details of the method and extent of the repairs are submitted to the authority, along with a justification for the works*
- *A sample panel for the new external wall for Unit 4, along with samples of stonework for door/window dressings.*
- *Details of new tile vents or soil vent pipes*

- *Details of new rainwater goods*
- *Details of proposed air source heat pumps*
- *A programme of historic building recording to Historic England level 2 (full wording provided)*

19. PDNPA Archaeology: The original response related to the potential for buried archaeological remains to be located on the site and the potential for such remains to be impacted by the proposed development.

*“The below ground archaeological interest:*

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

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

In response to this the applicant has now withdrawn the proposed garage block, which was the main element that would be ground intrusive and has provided a section of the proposed access road, showing that it would sit on top of the existing ground. The paddock referred to is not part of the current application. On this basis the Authority’s Senior Archaeologist now recommends a condition for an archaeological watching brief.

## **Representations**

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

- *A development of this sort clearly will only benefit second home owners and the “Air BNB” market, it brings no benefit to the local community. We are seeing an increasing number of holiday rental and second homes within the village all of which brings associated mess and disruption to the local community for example “wheelie bins” remaining out well after the weekly collection, increased traffic etc I would hope that the PDNPA ensure that the developers of the properties and / or future owners that there is some kind of recompense to the local community in the form of a Section 106 agreement. In this instance I would suggest that the developers and / or owners pay the entire Parish Council Tax precept for up to 20 years, this annually approximately £2,500 annually, on behalf of the local community, and that this payment is linked to future increases. This would compensate for future disruption and ensure that the village profits from a development of this kind.*

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

### **Main Policies**

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1, L2, L3, and CC1.

Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8, DMC10, DMC11, DMC13, DMT3.

## National Planning Policy Framework

22. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.

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

## Peak District National Park Core Strategy

23. 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.

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.

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.

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.

Policy DS1 sets out the Development Strategy for the National Park.

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.

Policy L1 states that development must conserve and enhance valued landscape character and valued characteristics.

Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

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.*

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

24. The most relevant development management policies are DMC3, DMC5, DMC7, DMC8, DMC10, DMC11, DMT3.

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.

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.

Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will

be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

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

DMC8 requires that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.

Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.

Policy DMC11 Safeguarding, recording and enhancing nature conservation interests. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development and that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, features and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.

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.

Peak District National Park Authority Design Guide:

The Design Guide states that, when considering a conversion, the building in question should be of sufficient historic or architectural merit to warrant its conversion. Factors such as location, size and character of the building and its means of access will all be assessed. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.

Peak District National Park Conversion of Traditional Buildings SPD (2022): The SPD provides detailed guidance on the principles to be considered when proposing the conversion of traditional buildings. This is set out as 6 key principles:

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

## 6. Conserving and enhancing the setting.

### **Assessment**

#### Principle of proposed development

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

#### Affordable Housing:

26. Core Strategy policy HC1C requires that any scheme that is capable of providing more than one dwelling will be required to restrict occupation of additional units to those with a local qualification and housing need unless viability prevents this. Development Management policies set out the maximum floorspace standards for local needs dwellings.

The submitted Planning Statement says that the application is supported by a detailed Viability Assessment undertaken by Milner Commercial. This concludes that, given the costs involved in the conversion of the building compared to likely returns, it is not financially viable to offer any of the dwellings as local needs affordable units: *"Despite Benchmark Land Value being less than Residual Land Value the project cannot support the provision of either on site or off site affordable housing and at the same time return an acceptable level of return to a developer"*.

Officers accept that there are significant costs involved with the refurbishment of the main house as well as the conversion of the curtilage listed farm buildings and that it is unlikely that local needs affordable housing would be capable of cross-subsidising the level of investment required to enhance this site to an appropriate standard. Officers note the concerns raised in some representations regarding the provision of open market housing that could potentially be occupied as holiday accommodation. However, we agree with the findings of the viability assessment that the amount of specialist work needed to be undertaken to a standard commensurate with a designated heritage asset it is likely to mean that requiring a contribution to affordable housing provision would make the scheme unviable. Overall, officers therefore consider that the focus must be on the conservation and enhancement of the heritage assets.

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

27. This section of the report considers whether the proposed development is required to conserve a heritage asset and if it is, whether the development would actually achieve this.

The conversion of the farm buildings to open market dwellings could, in principle, be in

accordance with policies HC1C and DMC10, provided they conserve and enhance the buildings, which are designated heritage assets within the curtilage of the main listed building. The application is supported by a Heritage Statement which says that the remains of the site and buildings have historic and archaeological significance. The Heritage Statement sets out the principles that have guided the design approach to scheme and assesses the impact on the heritage assets (these are also summarised in the Planning Statement). It concludes:

*“The proposed conversion of the outbuildings and renovation of the farmhouse will provide a viable use for the buildings thus preventing them from becoming at risk. Furthermore, the proposed re-development provides the opportunity to enhance the historical significance parts of the property by the removal of modern structures and the repair of historic fabric damaged in recent years”.*

The heritage assessment has been considered by the Authority’s Senior Archaeologist and Conservation Officer (see detailed comments above). Development plan policy DMC5 requires an assessment of significance to be with an application which relates to a heritage asset and reflects paragraph 189 of the National Planning Policy Framework.

The assessment of the impact of the scheme on the heritage assets sets out each part of the proposed development and concludes that the impacts range from minor impact to moderate beneficial impact. The Authority’s Conservation Officer had some concerns about aspects of the proposed scheme and has been involved, with the Planning Officer, in detailed discussions with the applicant and his agent to address these. As a result, amended plans have been received which largely overcome the concerns, although some more minor amendments are required and conditions will need to be imposed to achieve a satisfactory scheme.

There are still some elements about which the Authority’s Conservation Officer still has some concerns, such as the treatment of internal roof structures and the installation of rooflights on the front elevation of the single storey building facing the yard. These two rooflights have been retained because the applicant says they are required as an emergency fire exit and their removal would mean that the roof space could not be occupied; the scheme includes this as a low height first floor. The applicant is unwilling to omit this as it would affect the viability of the scheme. Overall, however, the conversion of the buildings will conserve their character and their setting. It will also give an opportunity for some aspects of the original buildings to be restored, particularly on the front elevation of units 1-4, the single storey buildings facing into the farmyard, which were until recently covered by a modern structure and where original openings had been removed. The amended scheme will provide for the restoration of these openings.

In other parts of the scheme, the proposal makes use of existing openings where possible and removes later additions. With regard to the more recent cart shed (unit 5), this is an open-fronted, more recent limestone building. The original scheme proposed raising this by 600mm and infilling the open gable with stone and large glazed openings. Amended plans have now been submitted which infill with timber and glass and do not raise the roof. This is considered to be a more sympathetic approach. The applicant had been asked to consider using this building for garaging or storage but he considers that its conversion is necessary for the viability of the scheme and also wishes to avoid introducing cars into this part of the site.

One concern that was raised by officers was the relatively recent and large excavation to the rear of units 1-4 and the insertion of a second floor in this relatively low range of buildings. The applicant explained that this excavation was the result of works to establish where the foundations of the buildings were. The revised plans show this ground being reinstated, other than a small area to give access to the rear of the

building, via steps. The mezzanine level in the building has been retained, but with the number of rooflights on the front elevation reduced. Subject to conditions to control the detailing and size of the rooflights this is now acceptable.

The Authority's Conservation Officer now considers that overall the proposals would cause less than substantial harm to the significance of the outbuildings as non-designated heritage assets, and would cause less than substantial harm to the listed farmhouse insofar as the farmstead contributes towards its significance. Less than substantial is of course a broad category of harm, with the harm being towards the middle and lower end of the scale respectively. It is therefore necessary to consider whether the public benefits arising from the scheme are enough to outweigh the harm to the heritage assets, and whether the conversion can be achieved without adversely affecting the character of the buildings (as per DMC10). Having taken all the above considerations into account, it is considered that the scheme now achieves enough benefit to outweigh the harm which would inevitably arise from the conversion from agricultural use to dwellings.

The original application proposed a new garage block, adjacent to Rake Lane. This would have been a relatively large building, providing parking and storage away from the main building group. However, this has now been withdrawn from the application as it required a further archaeological assessment, which the applicant did not want to do until he had greater certainty about the scheme as a whole receiving planning permission. There is adequate parking within the site without the garage and, overall, the scheme is improved by its omission.

The layout of the site is an important consideration as the setting of the barns must be protected from unnecessary suburbanisation. The scheme was initially unclear on this, with some plans showing subdivision whilst others did not. Amended plans have now been received which clarify this. The Planning Statement explains that the central yard area will be kept free of walling and car parking and will be used as a communal amenity space. Units 1-4 will have gardens within the wider walled area shown on the historic 1890 plan. These dividing walls will be constructed of natural limestone and can be made slightly lower than the main boundary wall to give the line of the 1890s enclosure greater emphasis. The applicant has been advised that the scheme must retain the open character of the main farmyard areas; this can be controlled by a condition and approving a plan which shows this.

The site plan shows a double garage to the rear of unit 1; this is the subject of a separate application and is considered to be unacceptable. The applicant is currently considering an alternative siting.

### Impact on Archaeology

28. The initial response from the Authority's Archaeologist is set out above. He considered that parts of Greencroft Farm have high archaeological interest and potential for belowground remains. The submitted heritage statement concludes that the site has moderate potential for archaeological remains of Roman and Medieval date to survive, particularly in the paddock area; this area is largely unaffected by the proposal, other than possibly the access road which would pass through the eastern edge of it. Our Archaeologist considers that any such remains would be considered to be heritage assets of archaeological interest, and likely to be of at least regional significance and advises that prior to the determination of any application and pre-determination evaluation will be required. As noted above, the applicant has now withdrawn the proposed garage block, which was the main element that would be ground intrusive and has provided a section of the proposed access road, showing that it would sit on top of the existing ground. The paddock referred to is not part of the current application. On this basis the Authority's Senior Archaeologist now has no objection subject to a

watching brief.

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

29. The proposed conversions would retain the farm building group, which is important in the centre of this small village and the designated Conservation Area. For the reasons set out above, it is considered that the scheme would not have a significant landscape impact and would retain the character of the farm group and its setting in the Conservation Area, as required by policies L1 and L3 of the Core Strategy and policy DMC8 of the Development Management plan.

#### Design, sustainable building and climate change

30. Policy CC1 and the NPPF require development to make the most efficient and sustainable use of land, buildings and natural resources, take account of the energy hierarchy and achieve the highest possible standards of carbon reductions and water efficiency. The application does not set out how the scheme would meet the requirements of policy CC1 and our adopted Supplementary Planning Guidance 'Climate Change and Sustainable Building, but this has been discussed with the applicant. The heritage and physical constraints on the site make it difficult to include energy options such as solar panels and ground source heat pumps, so the focus is on making best use of existing buildings, using local and recycled materials, and making the dwellings as thermally efficient as possible. However, the units will be provided with air source heat pumps. Whilst these will be modern units sat next to the buildings, they are sited in the most discreet locations available and can be removed as and when new technology allows their replacement.

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

#### Impact on amenity

31. The site is in the small village of Middleton-by-Youlgrave. There are other properties around the site, with the closest being the relatively modern development of flats to the north (The Pinfold), which overlook the paddock immediately to the north of the farm buildings. These are at a higher level and are sufficiently far away from the proposed conversions that there would be no impact on the privacy and amenity of any neighbouring dwellings. The omission of the proposed garage building adjacent to Rake Lane reduces the possibility of any adverse impact on the outlook or amenity of the dwellings to the north. The proposal therefore accords with policies GSP3 and DMC3 in these respects.

#### Trees and protected species

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

It is recommended that bat and nesting boxes be provided as part of the scheme to provide opportunities for bats and birds to roost/nest on site.

### Highway issues

33. There are currently three accesses into the site, one off Rake Lane and two off Weadow Lane. Each of these has been an agricultural access, with the southernmost one off Weadow Lane also serving the farmhouse. The proposal would result in the majority of the dwellings being served by an improved access off Rake Lane, and the two accesses off Weadow Lane being used by one dwelling each. The Highway Authority has recommended improvements to all three accesses, but these works would have an adverse impact on the character of the boundary walls, which are important in the setting of the listed buildings and the conservation Area. Consequently, officers have agreed with applicant that the southern access off Weadow Lane should be retained as it is, given that this would see a reduction in usage and is on a lightly trafficked section of road. The northern access, to the rear of the roadside barn (building 6) would be repositioned slightly so that it moves away from the rear of the building, to improve visibility, but this is not thought to be an original access. The access to the site from Rake Lane would be improved and repositioned slightly as this would be the main access to the site.

Parking would be provided within the site, in designated parking spaces, now that the garage block has been omitted.

As requested by the Highway Authority when the application was first submitted, the applicant carried out an assessment of traffic movements from the proposed development. Subject to the alterations set out above, the proposal is now considered to achieve an appropriate balance between conservation of the heritage assets and highway safety. As the proposals raise no significant highways issues, the proposed access arrangements are acceptable and conform with NPPF paragraph 111 and Development Management policies DMT3 and DMT8.

### Conclusion

34. This application proposes the conversion of the existing range of traditional farm buildings to six open market dwellings. It is considered that the scheme conserves and enhances the designated heritage assets and their setting in the Conservation Area, giving the redundant buildings a beneficial use. Subject to adoption of the amended plans and conditions, it is considered that the proposed development complies with the the Authority's adopted policies and with the NPPF.

Having taken into account all material considerations and the issues raised in representations, we conclude that the proposed development is acceptable for the reasons set out above. The application is therefore recommended for approval.

### Human Rights

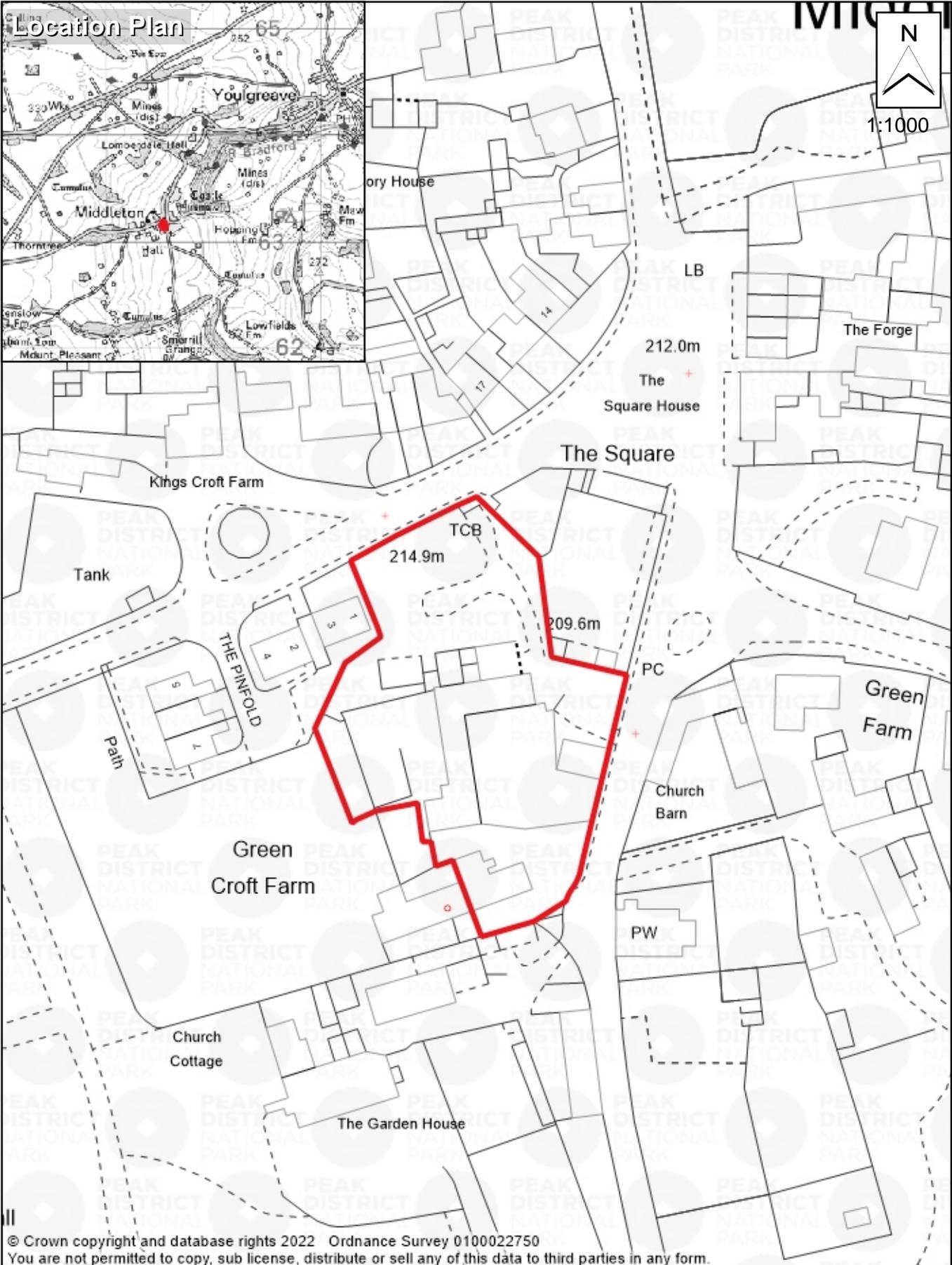
35. Any human rights issues have been considered and addressed in the preparation of this report.

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

36. Nil

Report Author: John Scott, Consultant Planner.

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Committee Date:	08/12/2023	<b>Title:</b> Greencroft Farm, Middleton by Youlgrave	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 15 & 16		
Application No:	NP/DDD/1122/1464 & NP/DDD/1122/1463		
Grid Reference:	419537, 363147		

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

**APPLICANT: MR GUY BRAMMAR**

**Summary**

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

**Site and Surroundings**

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

**Proposal**

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

application for listed building consent, but it would remain as a dwelling.

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

**RECOMMENDATION:**

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

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

## **12 Archaeological Watching Brief:**

- 1. No development shall take place until a Written Scheme of Investigation for a programme of archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and**
  - **The programme and methodology of site investigation and recording;**
  - **The programme and provision to be made for post investigation analysis and reporting;**
  - **Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
  - **Provision to be made for archive deposition of the analysis and records of the site investigation;**
  - **Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".**
- 2. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).**
- 3. Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.**

- 13 Development to be carried out within existing buildings, with no rebuilding other than where specifically agreed with Authority.**

### **Key Issues**

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

### **History**

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

### **Consultations**

12. Parish Council: *“Middleton and Smerrill Parish Council supports this application which appears to meet architectural standards commensurate with its central village surroundings. It notes that the development is for private dwellings and this wholly meets the village aspirations to remain a rural community welcoming families and not second or holiday homes. It considers it vital that small peak district communities are protected from occasional use dwellers who stifle community life and welcomes new residents who keep the village alive. Our only concern is for the single access from the Rakes for 5 dwellings and trusts that DCC Highways will require an entrance splay that will retain the essential parking on the opposite side of the carriageway for the existing houses. It notes*

*that the centre of the village will become busier but not impacted as parking for the new dwellings is off road. Should planners be minded to approve the garages then there is a desire for the block by the road to be at a lower level to minimise it's visual impact”.*

13. Highway Authority: response relates to the planning application

14. District Council: No response.

15. PDNPA Conservation Officer: Initial response as follows, with full comments available on the website: *“Overall, the principal of conversion is supported, and there would be a public benefit in securing the optimum viable use of the buildings. There is much to be commended in the current application, particularly in the use of hopper windows and boarded doors to maintain the character of the buildings. However, as it stands, the scheme proposes an excessive amount of structural remodelling, large numbers of large rooflights and an excessive subdivision (and domestication) of formally open yard spaces. This would reduce the contribution that the curtilage listed buildings make to the significance of the listed building, as well as the significance to the farm buildings as non-designated heritage assets.*

Comments on revised plans:

*I think the proposals are an improvement, and I welcome the treatment of the cart shed and the removal of most of the roof-lights from the principle elevations, this would certainly reduce the level of harm caused to the significance of the buildings and their impact on the listed farmhouse.*

*However, the application still proposes the replacement of floor structures, the subdivision and domestication of the farmyard, and other adverse visual impacts (listed in my original comments) that would harm the agricultural character of the buildings contrary to policy DMC10. It is unclear from the latest drawings whether all the roof trusses would be retained, or whether they are still to be moved. It is also unclear what ‘repair/replace where required’ in relation to the roofs and wall really means. Details have been provided for PIR roof insulation, which would not be acceptable in a traditionally constructed building, as it presents a risk of moisture build-up and rot in the roofs.*

*Overall the proposals would cause less than substantial harm to the significance of the outbuildings as non-designated heritage assets, and would cause less than substantial harm to the listed farmhouse insofar as the farmstead contributes towards its significance. Less than substantial is of course a broad category of harm, within that range I would consider the harm to be towards the middle and lower end of the scale respectively.*

*I am happy for the proposals as they are now to go before the planning committee, who can decide if the public benefits arising from the scheme are enough to outweigh the harm to the heritage assets, and whether the conversion can be achieved without adversely affecting the character of the buildings (as per DMC10).*

*If the committee is minded to approve the scheme then I would recommend the following conditions:*

- *Details of insulation to the roofs, on the assumption that breathable insulation would be used*
- *No repairs to the walls or roofs to take place until details of the method and extent of the repairs are submitted to the authority, along with a justification for the works*
- *A sample panel for the new external wall for Unit 4, along with samples of stonework for door/window dressings.*
- *Details of new tile vents or soil vent pipes*

- Details of new rainwater goods
- Details of proposed air source heat pumps
- A programme of historic building recording to Historic England level 2 (full wording provided)

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

*“The below ground archaeological interest:*

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

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

In response to this the applicant has now withdrawn the proposed garage block, which was the main element that would be ground intrusive and has provided a section of the proposed access road, showing that it would sit on top of the existing ground. The paddock referred to is not part of the current application. On this basis the Authority’s Senior Archaeologist now recommends a condition for an archaeological watching brief (see recommendation above).

## **Representations**

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

## **Main Policies**

18. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L3.

19. Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8, DMC10.

### National Planning Policy Framework

20. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
21. Paragraph 176 states that *“great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

### Peak District National Park Core Strategy

22. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
23. Policy GSP2: *Enhancing the National Park* states that:
- Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
  - Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
  - When development is permitted, a design will be sought that respects the character of the area.
  - Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
  - Development in settlements necessary for the treatment, removal or relocation of nonconforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.
24. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

25. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
26. Policy L3 'Cultural heritage assets of archaeological, architectural, artistic or historic significance' states that:
- A. 'Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;*
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;*
- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.*

#### Development Management Policies

27. The most relevant development management policies are DMC3, DMC5, DMC7, DMC8, DMC10.
28. Policy DMC3A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
29. Policy DMC3B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
30. Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
31. Policy DMC7 relates to listed buildings. It states that planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate: (i) how their significance will be preserved; and (ii) why the proposed development and related works are desirable or necessary. Applications will not be considered if they do not contain sufficient information to assess impact on significance. Proposals that adversely affect the listed building will not be permitted, particularly if they lead to a loss of original fabric or seek unnecessary alterations to key features. DMC7 also resists the loss of curtilage features which complement the character and appearance of the building. Consistent with the NPPF, the policy allows for properly justified impacts that are less than substantial or that have

a public benefit. Where change to a Listed Building is acceptable, an appropriate record of the building will be required.

32. DMC8 requires that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
33. Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.
34. Peak District National Park Authority Design Guide:  
The Design Guide states that, when considering a conversion, the building in question should be of sufficient historic or architectural merit to warrant its conversion. Factors such as location, size and character of the building and its means of access will all be assessed. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.
35. Peak District National Park Conversion of Traditional Buildings SPD (2022): The SPD provides detailed guidance on the principles to be considered when proposing the conversion of traditional buildings. This is set out as 6 key principles:
  1. Understanding the building and its setting
  2. Working with the existing form and character
  3. Following a conservation approach
  4. Creating responsive new design
  5. Using appropriate materials and detailing
  6. Conserving and enhancing the setting.

## **Assessment**

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

36. As this is an application for listed building consent, this report deals with the listed building issues rather than any wider planning issues. The report considers whether the proposed development would conserve and enhance the designated heritage assets.
37. L3, DMC7 and DMC10 require proposals to conserve and enhance the buildings, which are considered to be listed by virtue of being within the curtilage of main listed building. The application is supported by a Heritage Statement which says that the remains of the site and buildings have historic and archaeological significance. The Heritage Statement sets out the principles that have guided the design approach to scheme and assesses the impact on the heritage assets (these are also summarised in the Planning Statement). It concludes:

*“The proposed conversion of the outbuildings and renovation of the farmhouse will provide a viable use for the buildings thus preventing them from becoming at risk. Furthermore, the proposed re-development provides the opportunity to enhance the historically significance parts of the property by the removal of modern structures and the repair of historic fabric damaged in recent years”.*
38. The heritage assessment has been considered by the Authority’s Senior Archaeologist and Conservation Officer (see detailed comments above). Development plan policy DMC5 requires an assessment of significance to be with an application which relates to a heritage asset and reflects paragraph 189 of the National Planning Policy Framework.

39. The assessment of the impact of the scheme on the heritage assets sets out each part of the proposed development and concludes that the impacts range from minor impact to moderate beneficial impact. The Authority's Conservation Officer had some concerns about aspects of the proposed scheme and has been involved, with the Planning Officer in detailed discussions with the applicant to address these. As a result, amended plans have been received which largely overcome the concerns, although some more minor amendments are required and conditions will need to be imposed to achieve a satisfactory scheme.
40. There are still some elements about which the Authority's Conservation Officer still has some concerns, such as the treatment of internal roof structures and the rooflights on the front elevation of the single storey building facing the yard. These two rooflights have been retained because the applicant says they are required as an emergency fire exit and their removal would mean that the roof space could not be occupied; the scheme includes this as a low height first floor. The applicant is unwilling to omit this as it would affect the viability of the scheme. Overall, however, the conversion of the buildings will conserve their character and their setting. It will also give an opportunity for some aspects of the original buildings to be restored, particularly on the front elevation of units 1-4, the single storey buildings facing into the farmyard, which were until recently covered by a modern structure and where original openings had been removed. The amended scheme will provide for the restoration of these openings.
41. In other parts of the scheme, the proposal makes use of existing openings where possible and removes later additions. With regard to the more recent cart shed (unit 5), this is an open-fronted, more recent limestone building. The original scheme proposed raising this by 600mm and infilling the open gable with stone and large glazed openings. Amended plans have now been submitted which infill with timber and glass and do not raise the roof. This is considered to be a more sympathetic approach. The applicant had been asked to consider using this building for garaging or storage but he considers that its conversion is necessary for the viability of the scheme and also wishes to avoid introducing cars into this part of the site.
42. One concern that was raised by officers was the relatively recent and large excavation to the rear of units 1-4 and the insertion of a second floor in this relatively low range of buildings. The applicant explained that this excavation was the result of works to establish where the foundations of the buildings were. The revised plans show this ground being reinstated, other than a small area to give access to the rear of the building, via steps. The mezzanine level in the building has been retained, but with the number of rooflights on the front elevation reduced. Subject to conditions to control the detailing and size of the rooflights this is now acceptable.
43. The Authority's Conservation Officer now considers that overall the proposals would cause less than substantial harm to the significance of the outbuildings as non-designated heritage assets, and would cause less than substantial harm to the listed farmhouse insofar as the farmstead contributes towards its significance. Less than substantial is of course a broad category of harm, with the harm being towards the middle and lower end of the scale respectively. It is therefore necessary to consider whether the public benefits arising from the scheme are enough to outweigh the harm to the heritage assets, and whether the conversion can be achieved without adversely affecting the character of the buildings (as per DMC10). Having taken all the above considerations into account, it is considered that the scheme now achieves enough benefit to outweigh the harm which would inevitably arise from the conversion from agricultural use to dwellings.
44. The layout of the site is an important consideration as the setting of the barns must be protected from unnecessary suburbanisation. The scheme was initially unclear on this,

with some plans showing subdivision whilst others did not. Amended plans have now been received which clarify this. The Planning Statement explains that the central yard area will be kept free of walling and car parking and will be used as a communal amenity space. Units 1-4 will have gardens within the wider walled area shown on the historic 1890 plan. These dividing walls will be constructed of natural limestone and can be made slightly lower than the main boundary wall to give the line of the 1890s enclosure greater emphasis. The applicant has been advised that the scheme must retain the open character of the main farmyard areas; this can be controlled by a condition and approving a plan which shows this.

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

45. The proposed conversions would retain the farm building group, which is important in the centre of this small village and the designated Conservation Area. Overall, the scheme would not have a significant landscape impact and would retain the character of the farm group and its setting in the Conservation Area, as required by policies L1 and L3 of the Core Strategy and policy DMC8 of the Development Management plan.

#### Conclusion

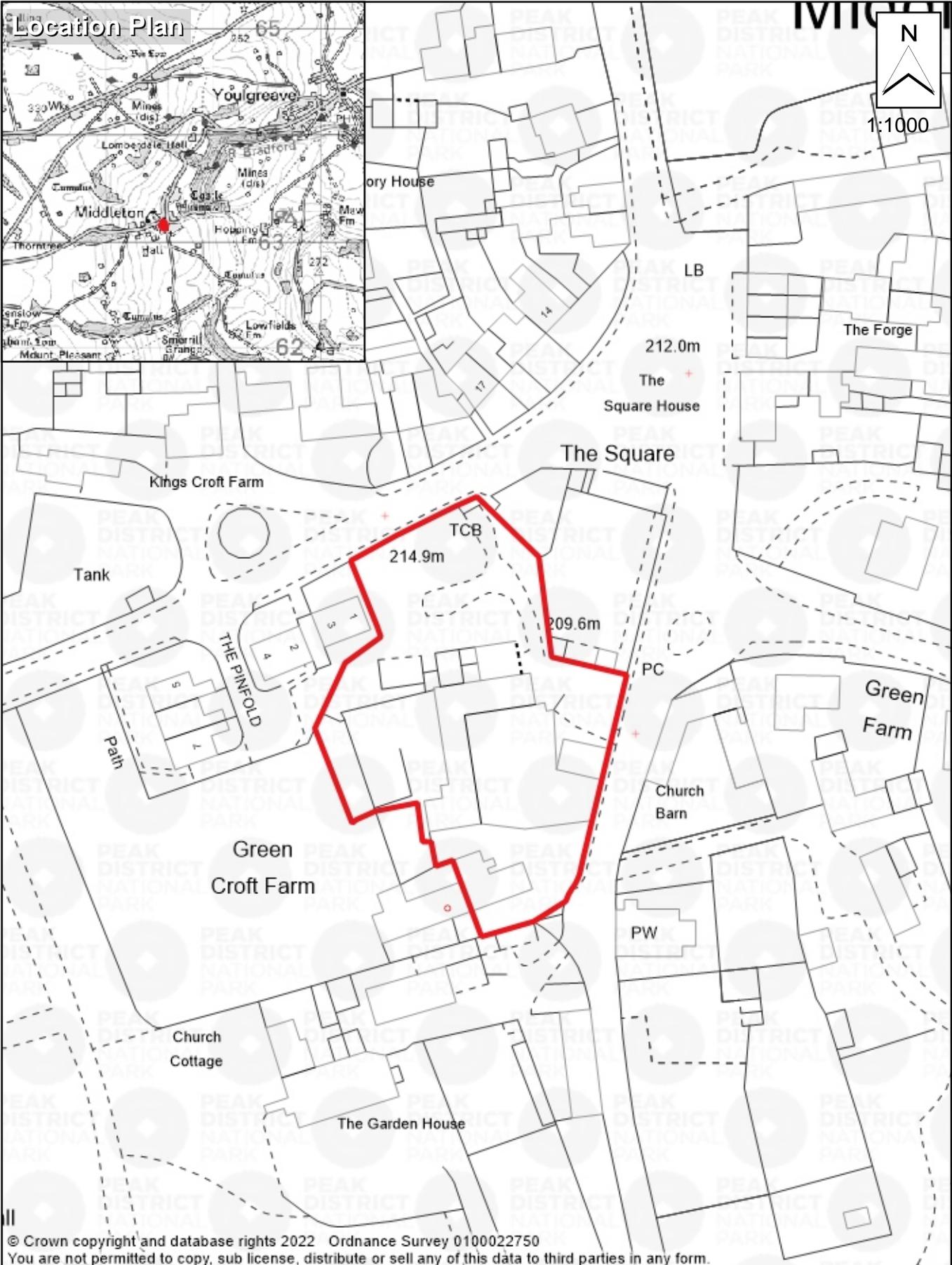
46. This application is for listed building consent in relation to a proposal for the conversion of the existing range of traditional farm buildings to six open market dwellings. It is considered that the scheme conserves and enhances the designated heritage assets and their setting in the Conservation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

#### Human Rights

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

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

49. Nil
50. Report Author: John Scott, Consultant Planner.



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Committee Date:	08/12/2023	<b>Title:</b> Greencroft Farm, Middleton by Youlgrave	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 15 & 16		
Application No:	NP/DDD/1122/1464 & NP/DDD/1122/1463		
Grid Reference:	419537, 363147		

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**11. S.73 APPLICATION FOR REMOVAL OF CONDITION 4 ON NP/SM/1096/095 AT PEAK VIEW, SUNNYDALE FARM, PETHILLS LANE, QUARNFORD (NP/SM/0823/0906/PM)**

**APPLICANT: ESLAND NORTH LIMITED**

**Summary**

1. The application proposes the removal of a personal permission condition restricting operation of a children's home to two specific individuals.
2. The application effectively seeks to regularise the existing situation as the two individuals have had no involvement with the children's home for several years.
3. The removal of the condition would have no impact upon the form or scale of the development.
4. Other remaining conditions on the consent would allow for the Authority to retain control over the form and scale of the development.

**Site and Surroundings**

5. Sunnysdale Farm is located in open countryside approximately 1 kilometre to the east of the A53 Buxton to Leek road.
6. The site constitutes an isolated building group which has been used as a children's home (C2 use) since the 1990s.
7. The building group comprises the original farmhouse (named Peak View); a detached residential annexe to the children's home (named Moorlands Cottage) and two outbuildings providing ancillary office and storage accommodation.
8. The building subject to this application is Peak View.
9. The site is accessed via an unadopted track which runs for approximately 600 metres in length from the public highway (Pethills Lane). A public footpath passes through the site.
10. The site is located within an open upland landscape (Upland Pastures landscape character type.) Land immediately to the south of the building group falls within the Natural Zone, the Leek Moors SSSI and the South Pennine Moors SPA.

**Proposal**

11. Planning permission is sought for the removal of condition 4 to planning permission NP/SM/1096/095 (Change of use to children's residential home/outdoor activity unit).
12. Condition 4 of NP/SM/1096/095 stipulates that "*The use hereby permitted shall be carried out only by Mr R W Sharp and Mr C Imrie and shall be discontinued on the date when Mr R W Sharp and Mr C Imrie ceases to occupy the premises*".

**RECOMMENDATION:**

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

1. **The premises shall be used as a children's home/residential school/outdoor activity unit and for no other purpose (including any other purpose in Class C2).**
2. **The premises (Sunnysdale Farm comprising Peak View and the annexe Moorlands Cottage) shall not be used for the accommodation of more than six children at any time.**

## **Key Issues**

13. Section 73 of the Town and Country Planning Act 1990, as amended (the 1990 Act), provides that any application may be made for planning permission without complying with conditions applied to a previous permission. This facilitates conditions to be struck out, or for their modification or relaxation. Equally, s.73 of the 1990 Act allows the Authority to decide whether to grant permission for the current application subject to different conditions imposed on the original permission, remove the conditions imposed on the original permission altogether, or refuse to alter the conditions.
14. The key issues for consideration are therefore the acceptability of the removal of condition 4 of planning permission reference NP/SM/1096/095 having regard to the possible impact upon the surrounding area of the removal of condition 4 including potential impact upon the character, appearance and landscape setting of the building group, residential amenity of neighbouring occupiers, highway safety, ecology, and climate change mitigation.

## **Relevant Planning History**

15. 2022 - NP/SM/0722/0946 – Lawful Development Certificate for Existing Use as C2 - Residential institutions – Lawful Development Certificate refused.
16. 1996 – NP/SM/1096/095 - Change of use to children’s residential home/outdoor activity unit) – Planning permission granted.

## **Consultations**

17. Parish Council – Objects on following grounds:
  - *Planning history of the site - Conditions were agreed when the planning application was agreed. Concerns that this will expand the business further.*
  - *Crime fears – Police are often called to disturbances which is a concern for the local residents.*
  - *Highway issues – Vehicles parking on neighbours land. An increase in business would likely increase the parking.*
  - *Noise and disturbance resulting from use – which can be in the middle of the night disturbing local residents.*
  - *Loss of privacy.*
18. Highway Authority – No objection
19. District Council – No response to date.
20. PDNPA Archaeology – No objection.
21. PDNPA Public Rights of Way – No response to date.

## **Representations**

22. Objection letters have been received from 4 nearby occupiers.  
The summarised grounds of objection are:
  - Residents regularly abscond onto neighbours’ land and property.
  - Disturbance and distress from police activity as escaped residents are searched for at all times of day and night.

- Inconsiderate parking on access track / neighbours' land impacting upon ability of neighbours to undertake activities including farming and gritting of the nearby A53.
- Anti social behaviour including vandalism to neighbouring property by escaped residents and cars travelling at excessive speed on access track causing a hazard for neighbours.
- The site is not a particularly safe place to accommodate the children with emotional and behavioural problems. The track can be inaccessible in winter and during one period of bad weather the children were moved into hotels until the winter had passed for their own safety.
- The site is not suitable for a children's home with focus on outdoor activities due to the protected nature of nearby land (SSSI etc).
- The site has been unoccupied in recent years so the statement that no residents have escaped in 3 years prior to recent escape is misleading as the children's home was not operational.

### **Main Policies**

23. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, E2, L1, L2, CC1

24. Relevant Development Management policies: DMC3, DMC12

### **National Planning Policy Framework**

25. 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 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.
26. 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.
27. 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.'
28. Section 16 of the revised NPPF sets out guidance for conserving the historic environment.

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

29. DS1 – *Development Strategy* sets out the Development Strategy for the National Park and supports development of small-scale retail and business premises, in Bakewell, in principle, so long as the designs comply with the National Park Core Strategies and Design Management Policies.

30. GSP1 and 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. E2 – *Businesses in the Countryside* – Sets out principles for business development in the countryside outside of the Natural Zone. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations.
33. L1 – *Landscape character and valued characteristics* - says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
34. L2 – *Site of biodiversity of geodiversity importance* - says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.
35. CC1 – *Climate change mitigation and adaption* sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

#### Development Management Policies

36. DMC3 – *Siting, Design, layout and landscaping* states that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
37. DMC12 – *Sites, features or species of wildlife, geological or geomorphological importance* - requires development to conserve protected sites, features and species

#### Assessment

#### Background

38. The applicant's agent advises that the children's home was operated by Mr Sharp and Mr Imrie as sole operators until 2001 (in accordance with condition 4 of planning permission reference NP/SM/1096/095).
39. In 2001, Mr Sharp and Mr Imrie set up a company entitled Inspiring the Next Generation Limited to run the children's home. Mr Sharp and Mr Imrie were appointed as sole directors. Mr Imrie served as a director of the Company until 21 December 2006. Mr Sharp served as a director of the Company until 31 July 2011.
40. In 2013 the company was renamed from Inspiring the Next Generation Limited to Esland North Limited.
41. The applicant's agent observes that technically there has been a breach of condition 4

since 2001 as the property has not been “occupied” by Mr Sharp and Mr Imrie as sole operators since then. The applicant’s agent observes that notwithstanding any technical breach of condition 4, the use of the property continues to be carried out within the broader aim of condition 4 as the same corporate entity (renamed) set up by Mr Sharp and Mr Imrie in 2001 continues to occupy the property and operate the children’s home.

42. However, the officer report for the refusal of the Lawful Development Certificate in 2022 (ref NP/SM/0722/0946) concluded that “*it was more than likely than not that the breach of condition is not yet immune from enforcement action and therefore not lawful*”. The officer report stated that there was no conclusive evidence as to when the breach of condition 4 first commenced and therefore it was not possible to be certain that the 10 year period for immunity from enforcement action had been passed. It is not within the remit of this current planning application to revisit these issues and provide a judgement on whether the operation of the children’s home at the site in breach of condition 4 is immune from enforcement action. However, for the purposes of this planning application it can be acknowledged that the children’s home has operated from the site without the involvement of Mr Sharp or Mr Imrie for several years.

Acceptability of removal of condition 4 of planning permission reference NP/SM/1096/095

43. It is necessary to consider the reason why condition 4 (resulting in a personal planning permission for the operation) was placed onto the original consent. The reason for the condition on the decision notice is “*Permission has been granted as an exception to the Board’s normal policy because of the applicant’s personal circumstances. The Board therefore wishes to retain control over the form and scale of development to protect the character of the locality.*”
44. The officer report to planning committee recommending approval of the 1996 proposal does not explicitly state why the proposal was ‘an exception to the Board’s normal policy’. The officer report does emphasise that the proposed children’s home was not intended to be a children’s home in the traditional sense and would offer short stay placement with an outdoor activity focus. It is therefore likely that weight was given to the specific proposed operating model of the children’s home in concluding that the remote location of the proposal was acceptable for such a use.
45. The reason for condition 4 refers to the authority wanting “to retain control over the form and scale of the development.” It is noted that condition 2 of the consent controls the form of the development and condition 3 of the consent controls the scale of the development and therefore the use of condition 4 to restrict the use to operation by Mr Sharp and Mr Imrie does appear to have been superfluous, although may have been standard practice at the time, the committee report noting that the personal permission would be ‘*in line with similar decisions nearby*’.
46. It can therefore be concluded that removal of condition 4 from planning permission reference NP/SM/1096/095 would not prevent the Authority from controlling the form or scale of the children’s home operation at the site as condition 2 relating to the form of development within the C2 use class (children’s home / outdoor activity unit) and condition 3 relating to the scale of development (no more than 6 children at any time) would remain.
47. The removal of condition 4 essentially regularises the existing situation whereby the site has not been run by Mr Sharpe or Mr Imrie for several years.
48. The applicant’s agent has confirmed that “the main focus of the facility continues to be as an outdoor activity centre” as it was when the children’s home opened in the late 1990s. The home operates by providing short term placements (up to 12 weeks) as it did when operations began. The site has an outdoor activities licence through the

Adventure Activities Licensing Authority (AALA). This enables the home to offer and run activities such as rock climbing, mountain biking, abseiling, kayaking, paddle boarding and bushcraft skills. Each child attends two or three of these activities each week. Whilst it is acknowledged that several of these activities take place off site, the site is connected to the local public footpath network providing access to nearby remote countryside and overall the location of the site in the Staffordshire Moorlands facilitates easy access to opportunities for the aforementioned outdoor activities. It is considered that the current operation falls within the parameters of the 1996 application description of combined children's home / outdoor activity unit.

49. There would be no intensification of operation at the site and no change in the character of operations as a result of this application. Any future increase in number of children at the site would require a further planning application to vary condition 3. Any change in the operating model away from an outdoor pursuits focused operating model would require a further planning application to vary condition 2 which restricts the use at the site to a combined children's home and outdoor activity unit.
50. The objections received from the Parish Council and the neighbouring occupiers have been considered in full. Overall, the comments received either raise concern about an intensification of operations at the site, which is not proposed and which the removal of condition 4 would not facilitate in any case, or highlight recent or historical incidents of anti social behaviour or disturbance to nearby residents. The children's home operation at the site is long standing and the purpose of this application is not to consider the acceptability of a children's home operation at the site, but rather the narrower consideration of the acceptability of the removal of condition 4 from the consent. Moreover, issues relating to the protection and safety of children and the effectiveness of managers and staff are not material planning considerations. An Ofsted Inspection considering such issues carried out in April 2023 rated the home as 'Good' in all categories.
51. As this is a section 73 planning application it effectively issues a stand-alone planning permission. Therefore, the remaining conditions attached to planning permission reference NP/SM/1096/095 must also be reconsidered to establish whether they are still necessary.
52. Condition 1 related to the time period for commencement. As the use has commenced this is no longer necessary. As outlined above, conditions 2 and 3 of NP/SM/1096/095 are necessary on the new planning permission to control the form and scale of the development. Condition 5 related to a landscaping scheme for the car parking area. This was secured and therefore is not necessary on the new consent.

### **Conclusion**

53. The proposed removal of condition 4 of planning permission reference NP/SM/1096/095 would not alter the intensity or character of operations at the site, there would be no impact upon the appearance and landscape setting of the building group, the residential amenity of neighbouring occupiers, highway safety, or ecology or a requirement for climate change mitigation. The proposal accords with policies DS1, GSP1, GSP2, GSP3, E2, L1 and L2, CC1, DMC3 and DMC12

### **Human Rights**

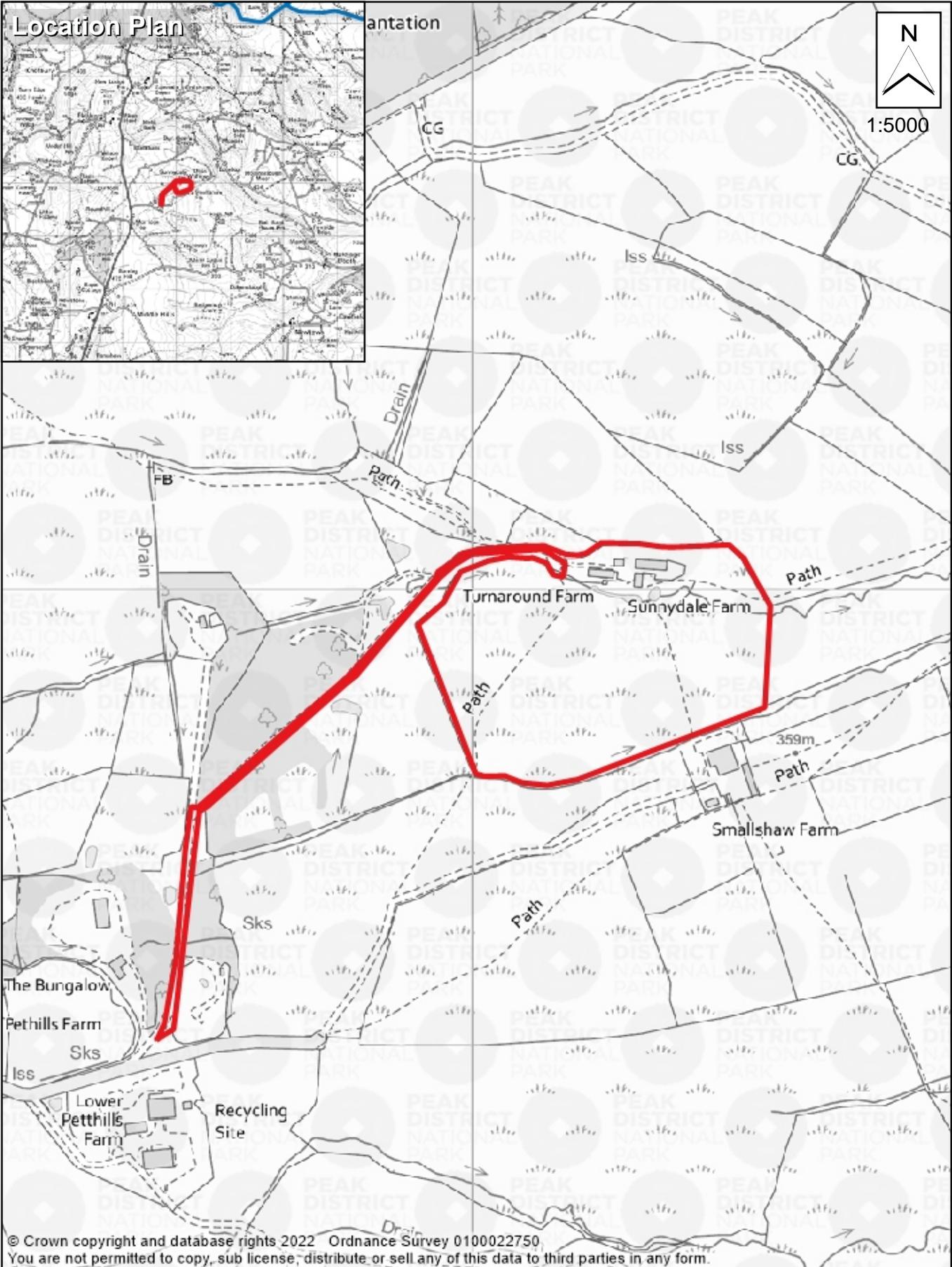
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author: Peter Mansbridge – Planner (South Area).

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Committee Date: 08/12/2023  
 Item Number: Item 11  
 Application No: NP/SM/0823/0906  
 Grid Reference: 404097, 365930

**Title:** Peak View, Sunnydale Farm, Pethills Lane, Quarnford



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**12. S.73 APPLICATION FOR REMOVAL OF CONDITION 3 ON NP/SM/0103/008 AT MOORLANDS COTTAGE, SUNNYDALE FARM, PETHILLS LANE, QUARNFORD (NP/SM/0823/0904/PM)**

**APPLICANT: ESLAND NORTH LIMITED**

**Summary**

1. The application proposes the removal of a personal permission condition restricting operation of a children's home to two specific individuals.
2. The application effectively seeks to regularise the existing situation as the two individuals have had no involvement with the children's home for several years.
3. The removal of the condition would have no impact upon the form or scale of the development.
4. Other remaining conditions on the consent would allow for the Authority to retain control over the form and scale of the development.

**Site and Surroundings**

5. Sunnydale Farm is located in open countryside approximately 1 kilometre to the east of the A53 Buxton to Leek road.
6. The site constitutes an isolated building group which has been used as a children's home (C2 use) since the 1990s.
7. The building group comprises the original farmhouse (named Peak View); a detached residential annexe to the children's home (named Moorlands Cottage) and two outbuildings providing ancillary office and storage accommodation.
8. The building subject to this application is Moorlands Cottage.
9. The site is accessed via an unadopted track which runs for approximately 600 metres in length from the public highway (Pethills Lane). A public footpath passes through the site.
10. The site is located within an open upland landscape (Upland Pastures landscape character type). Land immediately to the south of the building group falls within the Natural Zone, the Leek Moors SSSI and the South Pennine Moors SPA.

**Proposal**

11. Planning permission is sought for the removal of condition 3 to planning permission NP/SM/0103/008 (Erection of residential accommodation and replacement of office building).
12. Condition 3 of NP/SM/0103/008 stipulates that "*The use hereby permitted shall be carried out only by Mr R W Sharp and Mr C Imrie and shall be discontinued on the date when Mr R W Sharp and Mr C Imrie ceases to occupy the premises*".

**RECOMMENDATION:**

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

1. **The premises shall be used as a children's home/residential school/outdoor activity unit and for no other purpose (including any other purpose in Class C2).**
2. **The premises (Sunnydale Farm comprising Peak View and the annexe Moorlands Cottage) shall not be used for the accommodation of more than**

**six children at any time.**

**Key Issues**

13. Section 73 of the Town and Country Planning Act 1990, as amended (the 1990 Act), provides that any application may be made for planning permission without complying with conditions applied to a previous permission. This facilitates conditions to be struck out, or for their modification or relaxation. Equally, s.73 of the 1990 Act allows the Authority to decide whether to grant permission for the current application subject to different conditions imposed on the original permission, remove the conditions imposed on the original permission altogether, or refuse to alter the conditions.
14. The key issues for consideration are therefore the acceptability of the removal of condition 3 of planning permission reference NP/SM/0103/008 having regard to the possible impact upon the surrounding area of the removal of condition 3 including potential impact upon the character, appearance and landscape setting of the building group, residential amenity of neighbouring occupiers, highway safety, ecology, and climate change mitigation.

**Relevant Planning History**

15. 2022 - NP/SM/0722/0946 – Lawful Development Certificate for Existing Use as C2 - Residential institutions – Lawful Development Certificate refused.
16. 2003 – NP/SM/0103/008 - Erection of residential accommodation and replacement of office building - Planning permission granted.
17. 1996 – NP/SM/1096/095 - Change of use to children’s residential home/outdoor activity unit) – Planning permission granted.

**Consultations**

18. Parish Council – Objects on following grounds:
  - *Planning history of the site - Conditions were agreed when the planning application was agreed. Concerns that this will expand the business further.*
  - *Crime fears – Police are often called to disturbances which is a concern for the local residents.*
  - *Highway issues – Vehicles parking on neighbours’ land. An increase in business would likely increase the parking.*
  - *Noise and disturbance resulting from use – which can be in the middle of the night disturbing local residents.*
  - *Loss of privacy.*
19. Highway Authority – No objection
20. District Council – No response to date.
21. PDNPA Archaeology – No objection.
22. PDNPA Public Rights of Way – No response to date.

## **Representations**

23. Objection letters have been received from 4 nearby occupiers.

The summarised grounds of objection are:

- Residents regularly abscond onto neighbours' land and property.
- Disturbance and distress from police activity as escaped residents are searched for at all times of day and night.
- Inconsiderate parking on access track / neighbours' land impacting upon ability of neighbours to undertake activities including farming and gritting of the nearby A53.
- Anti social behaviour including vandalism to neighbouring property by escaped residents and cars travelling at excessive speed on access track causing a hazard for neighbours.
- The site is not a particularly safe place to accommodate the children with emotional and behavioural problems. The track can be inaccessible in winter and during one period of bad weather the children were moved into hotels until the winter had passed for their own safety.
- The site is not suitable for a children's home with focus on outdoor activities due to the protected nature of nearby land (SSSI etc).
- The site has been unoccupied in recent years so the statement that no residents have escaped in 3 years prior to recent escape is misleading as the children's home was not operational.

## **Main Policies**

24. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, E2, L1, L2, CC1

25. Relevant Development Management policies: DMC3, DMC12

## **National Planning Policy Framework**

26. 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 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.

27. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

28. Paragraph 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.'

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

### Peak District National Park Core Strategy

30. DS1 – *Development Strategy* sets out the Development Strategy for the National Park and supports development of small-scale retail and business premises, in Bakewell, in principle, so long as the designs comply with the National Park Core Strategies and Design Management Policies.
31. GSP1 and GSP2 – *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
32. GSP3 – *Development Management Principles* requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
33. E2 – *Businesses in the Countryside* – Sets out principles for business development in the countryside outside of the Natural Zone. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations.
34. L1 – *Landscape character and valued characteristics* - says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
35. L2 – *Site of biodiversity or geodiversity importance* - says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.
36. 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

37. DMC3 – *Siting, Design, layout and landscaping* states that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
38. DMC12 – *Sites, features or species of wildlife, geological or geomorphological importance* - requires development to conserve protected sites, features and species

### Assessment

#### Background

39. Planning permission was granted in 2003 for a residential annexe to the existing children's home at the site.
40. The applicant's agent advises that the children's home was operated by Mr Sharp and Mr Imrie as sole operators until 2001 (in accordance with condition 4 of planning permission reference NP/SM/1096/095).

41. In 2001, Mr Sharp and Mr Imrie set up a company entitled Inspiring the Next Generation Limited to run the children's home. Mr Sharp and Mr Imrie were appointed as sole directors. Mr Imrie served as a director of the Company until 21 December 2006. Mr Sharp served as a director of the Company until 31 July 2011.
42. In 2013 the company was renamed from Inspiring the Next Generation Limited to Esland North Limited.
43. The applicant's agent observes that technically there has been a breach of condition 4 of planning permission reference NP/SM/1096/095 since 2001 (and condition 3 of planning permission reference NP/SM/0103/008 since 2003) as the property has not been "occupied" by Mr Sharp and Mr Imrie as sole operators since 2001. The applicant's agent observes that notwithstanding any technical breach of conditions, the use of the property continues to be carried out within the broader aim of the personal permission conditions as the same corporate entity (renamed) set up by Mr Sharp and Mr Imrie in 2001 continues to occupy the property and operate the children's home.
44. However, the officer report for the refusal of the Lawful Development Certificate in 2022 (ref NP/SM/0722/0946) concluded that "*it was more than likely than not that the breach of condition is not yet immune from enforcement action and therefore not lawful*". The officer report stated that there was no conclusive evidence as to when the breach of the personal permission conditions first commenced and therefore it was not possible to be certain that the 10 year period for immunity from enforcement action had been passed. It is not within the remit of this current planning application to revisit these issues and provide a judgement on whether the operation of the children's home at the site in breach of the personal permission conditions is immune from enforcement action. However, for the purposes of this planning application it can be acknowledged that the children's home has operated from the site without the involvement of Mr Sharp or Mr Imrie for several years.

Acceptability of removal of condition 3 of planning permission reference NP/SM/0103/008

45. It is necessary to consider the reason why condition 3 was placed onto the 2003 consent. The reason for the condition on the decision notice is "*Permission has been granted as an exception to the National Park Authority's normal policy because of the applicant's personal circumstances. The Authority therefore wishes to retain control over the form and scale of development to protect the character of the locality.*"
46. For the avoidance of doubt it should be stated that the decision notice from 2003 has a different reason for condition for condition 3. However, it would appear that the reasons for conditions 3 and 4 were transposed. The reason for condition outlined in the paragraph above as the reason for condition 3 would be consistent with the reason for the personal permission condition on planning permission reference NP/SM/1096/095. The applicant's agent agrees with this interpretation of the 2003 decision notice.
47. The officer reports to planning committee recommending approval of the 1996 and 2003 proposals do not explicitly state why the proposal was an exception to normal policy. The officer report for the 1996 proposal does emphasise that the proposed children's home was not intended to be a children's home in the traditional sense and would offer short stay placement with an outdoor activity focus. It is therefore likely that weight was given to the specific proposed operating model of the children's home in concluding that the remote location of the proposal was acceptable for such a use. In 2003 it was necessary for the condition controlling the use of the children's home residential annexe to be consistent with the conditions on the earlier consent for the children's home in the original property. As such the requirement for the use to only be carried out by Mr Sharp and Mr Imrie was replicated onto the 2003 consent for the annexe building.

48. The reason for condition 3 refers to the authority wanting “to retain control over the form and scale of the development.” It is noted that condition 2 of the consent controls the form of the development and condition 4 of the consent controls the scale of the development and therefore the use of condition 3 to restrict the use to operation by Mr Sharp and Mr Imrie does appear to have been superfluous, although was likely included in 2003 to be consistent with the approach taken with the other building within the site in the 1990s.
49. It can therefore be concluded that removal of condition 3 from planning permission reference NP/SM/0103/008 would not prevent the Authority from controlling the form or scale of the children’s home operation at the site as condition 2 relating to the form of development within the C2 use class (children’s home / outdoor activity unit) and condition 4 relating to the scale of development (no more than 6 children at any time) would remain.
50. The removal of condition 3 essentially regularises the existing situation whereby the site has not been run by Mr Sharpe or Mr Imrie for several years.
51. The applicant’s agent has confirmed that “the main focus of the facility continues to be as an outdoor activity centre” as it was when the children’s home opened in the late 1990s. The home operates by providing short term placements (up to 12 weeks) as it did when operations began. The site has an outdoor activities licence through the Adventure Activities Licensing Authority (AALA). This enables the home to offer and run activities such as rock climbing, mountain biking, abseiling, kayaking, paddle boarding and bush craft skills. Each child attends two or three of these activities each week. Whilst it is acknowledged that several of these activities take place off site, the site is connected to the local public footpath network providing access to nearby remote countryside and overall the location of the site in the Staffordshire Moorlands facilitates easy access to opportunities for the aforementioned outdoor activities. It is considered that the current operation falls within the parameters of the 1996 application description of combined children’s home / outdoor activity unit.
52. There would be no intensification of operation at the site and no change in the character of operations as a result of this application. Any future increase in number of children at the site would require a further planning application to vary condition 4. Any change in the operating model away from an outdoor pursuits focused operating model would require a further planning application to vary condition 2 which restricts the use at the site to a combined children’s home and outdoor activity unit.
53. The objections received from the Parish Council and the neighbouring occupiers have been considered in full. Overall, the comments received either raise concern about an intensification of operations at the site, which is not proposed and which the removal of condition 4 would not facilitate in any case, or highlight recent or historical incidents of anti social behaviour or disturbance to nearby residents. The children’s home operation at the site is long standing and the purpose of this application is not to consider the acceptability of a children’s home operation at the site, but rather the narrower consideration of the acceptability of the removal of condition 3 from the consent. Moreover, issues relating to the protection and safety of children and the effectiveness of managers and staff, are not material planning considerations. An Ofsted Inspection considering such issues carried out in April 2023 rated the home as ‘Good’ in all categories.
54. As this is a section 73 planning application it effectively issues a stand-alone planning permission. Therefore, the remaining conditions attached to planning permission reference NP/SM/0103/008 must also be reconsidered to establish whether they are still necessary.

55. Condition 1 related to the time period for commencement. As the use has commenced this is no longer necessary. As outlined above, conditions 2 and 4 of NP/SM/0103/008 are necessary on the new planning permission to control the form and scale of the development. Condition 5, 6 and 7 related to the construction of the residential annexe. The residential annexe is now built and therefore conditions 5, 6 and 7 are not necessary on the new consent.

### **Conclusion**

56. Overall, as the proposed removal of condition 3 of planning permission reference NP/SM/0103/008 would not alter the intensity or character of operations at the site, there would be no impact upon the appearance and landscape setting of the building group, the residential amenity of neighbouring occupiers, highway safety, or ecology or a requirement for climate change mitigation. The proposal accords with policies DS1, GSP1, GSP2, GSP3, E2, L1 and L2, CC1, DMC3 and DMC12.

### **Human Rights**

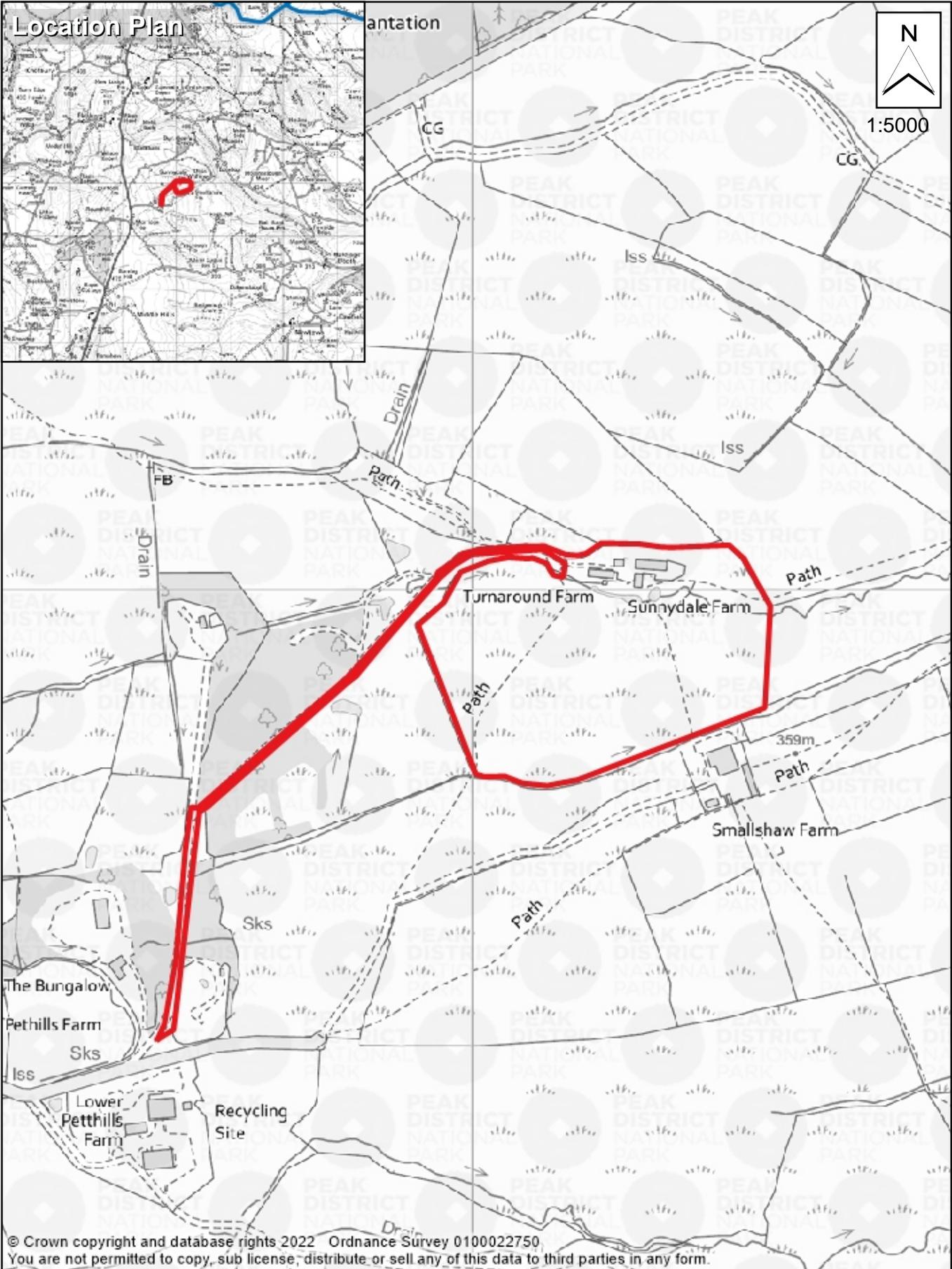
Any human rights issues have been considered and addressed in the preparation of this report.

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

Nil

Report Author: Peter Mansbridge – Planner (South Area).

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Committee Date:	08/12/2023	<b>Title:</b> Moorlands Cottage, Sunnydale Farm, Pethills Lane, Quarnford	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 12		
Application No:	NP/SM/0823/0904		
Grid Reference:	404097, 365930		

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**13. FULL APPLICATION – PROPOSED ERECTION OF DETACHED GARAGE AND ANCILLARY LIVING ACCOMODATION AT HOLM CLOSE, EATON HILL, BASLOW (NP/DDD/0923/1051, EF)**

**APPLICANT: MR AND MRS PALMER**

**Summary**

1. Proposed is a single storey detached stone building housing a single garage space and ancillary living accommodation in the form of a one bed self-contained living unit. It would be located within the domestic curtilage of Holm Close adjacent to the house at the end of the existing driveway.
2. The ancillary living accommodation would house the applicant's parent, who would benefit from care from the applicant and her partner who live at the main property.
3. The garage would be used for secure parking for the house.
4. The scale of the accommodation and garage is appropriate to meet the need and the simple design and use of traditional materials would conserve the valued landscape character of the area, including the main dwelling house.
5. The application is therefore recommended for approval subject to conditions.

**Site and Surroundings**

6. Holm close is a detached two-storey stone-built property located on Eaton Hill, Baslow. The property is constructed from coursed gritstone walling with a Staffordshire Blue tile roofing and timber doors and windows. The main portion of the house is two storeys, with single storey additions off the western gable.
7. The property sits in a large plot behind other dwellings fronting onto Eaton Hill and is further screened from public vantage points by boundary fencing and hedging. To the west is a drive which leads up from Eaton Hill to a large parking area beside the house.
8. The site is located outside of the Baslow and Bubnell Conservation Area.
9. The nearest neighbouring property are Eaton Cottage and Howard Cottage which lie between the site and Eaton Hill.

**Proposal**

10. The erection of a single storey, pitched roof detached building housing a single garage space and ancillary living accommodation in the form of a one bed self-contained living unit. It would be located in the western corner of the plot at the top of the existing drive and parking area. The building would be constructed from natural gritstone with a Staffordshire Blue Clay tile roofing, matching the existing house and would have timber windows and doors. A bank of solar panels are proposed to be fitted to the front facing roof slope.
11. The footprint would measure 10m x 7m with 33.75sqm for the ancillary living accommodation and a single garage space of 22.5sqm.

### **RECOMMENDATION:**

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

1. **Statutory 3-year time period for commencement of development.**
2. **In accordance with specified amended plans.**
3. **Restriction on occupation of the living accommodation to be ancillary to Holm Close, not occupied as holiday accommodation or as an independent dwelling house and with both being maintained within the same planning unit.**
4. **Removal of permitted development rights for alterations and extensions and means of enclosure to the ancillary dwelling hereby approved.**
5. **Rooflight to be heritage type fitted flush in full accordance with details to be submitted to the Authority for approval in writing.**
7. **Details of Solar panels to be submitted to the Authority for approval in writing.**
8. **The walling material shall be natural gritstone, laid, coursed and pointed to match the existing house.**
9. **Maintain garage space and outside parking and manoeuvring space.**

### **Key Issues**

- The principle of the development.
- Whether the proposal conserves and enhances the character, appearance and amenity of the existing building, neighbouring property and the local landscape setting.
- Impact upon the nearby Conservation Area
- Impact on neighbouring amenity

### **Planning History**

12. 1971: NP/BAR/471/26 – Extension to dwelling.
13. 2007: NP/DDD/0907/0901 - Construction of hardwood conservatory.
14. 2019: NP/DDD/0419/0321 – Erection of Greenhouse.

### **Consultations**

15. DCC Highway Authority – No Objections
16. Baslow and Bubnell Parish Council – No comments.

### **Representations**

17. There have been 4 representations received in support of the proposal, 2 with general comment, and 4 representations objecting to the proposal that raise material planning concerns.

18. These are summarised as follows as:

- *Lack of compliance to PDNPA Policy and Design Guidance with reference to Policy DMH5.*
- *Overshadowing*
- *Loss of privacy*
- *Loss of daylight*
- *Overlooking*
- *Loss of amenity*
- *Highways concerns regarding traffic and congestion.*

### **Main Policies**

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1, T7.

20. Relevant Local Plan policies: DMC3, DMH5, DMH8, DMT3 and DMT8

### **National Planning Policy Framework**

21. The National Planning Policy Framework (NPPF) was published on 27 March 2012 (Latest revision 2023) and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'

22. Para 176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.

23. Para 132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favorably than those that cannot.

### **Core Strategy Policy**

24. GSP1 - Securing national park purposes and sustainable development. This policy sets out the broad principles for making decisions about sustainable development in the national park context.

25. 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.
26. GSP3 – Development Management Principles. sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
  - A. *impact on the character and setting of buildings*
  - B. *scale of development appropriate to the character and appearance of the National Park*
  - C. *siting, landscaping and building materials*
  - D. *design in accordance with the National Park Authority Design Guide*
  - E. *form and intensity of proposed use or activity*
27. GSP4 – Planning conditions and legal agreements. This policy sets out contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
28. DS1 – Development strategy. It names settlements following an analysis of their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development.
29. HC1 – New Housing. This policy considers the circumstances in which new housing will be permitted whilst complying with national park purposes.
30. L1 – Landscape character and valued characteristics. This identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
31. T7 – Minimizing the adverse impact of vehicles and managing the demand for car and coach parks. T7 (C) refers to the management of non-residential parking.

### **Development Management Policy**

32. DMC3 – Siting, design, layout and landscaping. This policy states that where development is acceptable in principle, its detailed treatment will be of a high standard that respects, protects and enhances the area's natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage whilst contributing to the distinctive sense of place.
33. DMH5 - Ancillary dwellings in the curtilages of existing dwellings by conversion or new build. This policy sets out guidance for ancillary residential accommodation within the National Park.
34. DMH8 - New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses. This policy states that new outbuildings and extensions will be permitted provided changes to the mass, form, and appearance of the existing building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.

35. DMT3: Access and design criteria & DMT8: Residential off-street parking. Policies DMT3 and DMT8 require safe access and adequate off-street parking.

### **Supplementary Guidance:**

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

36. Any ancillary residential accommodation is expected to:

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

37. And where applicable also:

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

### **Assessment**

#### **Principle**

38. In principle Development Management Policy DMH5 – Ancillary Dwellings in Residential Curtilages (part B) allows for new ancillary residential annex provided that the dwelling is located within an existing building group, and is contained within a single planning unit by condition.

39. The provision of a new garage is established through Policies DS1 of the Core Strategy (2011), and DMH8 of the Development Management Policy (2019) provided that the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment

and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character.

**Criteria for New Build Residential Annex:**

40. Policy DMH5B allows for new build ancillary dwellings subject to the criteria set out in paras (i) (vii) in section B. Applying these;
41. (i) The proposed siting is within the residential curtilage and some 5m away from Holm Close. It would therefore relate well to the property appearing as a double garage in terms of its form and massing.
42. (ii) The proposed annex would be subordinate in scale to the main house. The single bedroom, and overall scale of the accommodation is appropriate in scale to meet the needs of a singular dependent.
43. (iii) The building would have simple rectangular form under a pitched roof and would be built out of natural stone with roofing to match the main dwelling.
44. (iv)&(v) It would be sited in the corner of the garden beside existing hedges and would be well screened from outside the site. Only the roof and single rooflight may be visible outside the immediate confines of the site and therefore have no detrimental impact to the valued landscape character nor would it impact or harm the existing views. Where seen it would appear as a converted double garage appropriate to the setting. It is therefore considered that the proposal would sit in harmony with the existing buildings in and around the site and conserve the significance of the conservation and the wider landscapes.
45. (vi) The building would sit at the end of the existing access driveway some 5m south-west of the existing dwelling. No subdivision of the garden is proposed to accommodate the ancillary occupation and service would be shared. It would share the same vehicular access and there are no concerns about parking given the ample parking and turning space existing at the property.
46. (vii) An appropriate condition would be necessary to secure occupation to be ancillary to the main dwelling and for both to be maintained as a single planning unit in the event of any approval.
47. The position of the proposed ancillary accommodation would meet its functional need as ancillary occupation for dependent relatives and enable a degree of independence for the occupants whilst being close to relatives in the main dwelling to meet their need for care.
48. There is no other suitable outbuilding on site to be explored for conversion to meet the need.
49. The applicant has explored the conversion of the existing property to meet the needs of the dependent. However, the applicant explains the need for privacy and amenity at their own property which a detached garage/ancillary annex would provide both in terms of the functional need for secure car storage and a degree of independence for the dependent.
50. It is therefore concluded that the proposed annex accords with the adopted policy DMH5 and the ancillary residential annexes SPD subject to the above-mentioned conditions.

## **Scale and Design**

51. The proposal would be built from a natural gritstone walling, Staffordshire blue tile roofing, and timber window frames and doors to match the existing property. The scale would approximate to that of a double garage and be entirely appropriate for the use and location. There are therefore no concerns about the scale and design of the building.
52. Overall it is considered the proposal would comply with DM Policy DMC3, DMH8, and Core Strategy Policy GSP3 as well as supplementary guidance from the PDNPA Design Guides.

## **Amenity Impact**

53. The property is located outside the Baslow and Bubnell Conservation Area. In terms of the impact upon the nearby Conservation Area, views are limited and mostly screened from public vantages. Therefore, any visual impact upon the Conservation Area is limited and given the modest scale, traditional materials and design, where it may be glimpsed it would harmonize with its surroundings and conserve both the setting of the Conservation Area and the property itself.
54. Concerns have been raised by neighbouring properties on the basis of:
  - *Overshadowing*
  - *Loss of privacy*
  - *Loss of daylight*
  - *Overlooking*
  - *Loss of amenity*
55. The nearest neighbouring properties are Eaton Cottage to the North-West and Howard Cottage to the South-West. Of these, Eaton Cottage is the closest to the location of the proposed building.
56. The proposed building would measure 4.3m to the ridge which sits at a similar height to the Holm Close's existing extension. Sited just the other side of the intervening hedge, the roof of the building would be visible above the hedge from the neighbouring property Eaton Cottage. Given the single storey height of the building and the intervening beech hedgerow, the impact of the roof form above the hedge is not considered to be harmful to the amenity of the neighbouring property in terms of its scale or appearance.
57. The application has provided a cross sectional diagram which compares the height of the existing hedgerows at 3.3m height and 2.1m heights to show that the building would be largely screened by existing planting at the site, with the roof of the building visible in part from the 1<sup>st</sup> floor secondary window at Eaton Cottage.
58. The proposed would therefore have the proposed height and impact similar to a typical garage, an expected building at a property such as Holm Close which as existing has no secure indoor parking for their vehicles.
59. There would be no windows facing the nearest neighbouring property that would cause a lack of privacy, nor overlooking issues.
60. We therefore conclude that the proposal complies with the requirements of development plan policies DMC3 and DMH7 and national planning policy.
61. However, in the interests of the amenity of the site, neighbouring properties and the character and appearance of the building and its setting, as well as the site remaining a

single unit and at a scale to remain within adopted policy for annexes, we consider permitted development rights for alterations and extensions should be removed from the building if approved.

### **Parking Considerations and Highways Safety**

62. The proposal would create secure storage at the property for one vehicle through the addition of the garage. There would be ample parking and turning remaining on the drive for the main house following any construction of the building.
63. The Highway Authority have had no objections to the application so long as the proposed annex remains in private ownership, and is ancillary to the existing dwelling with no future sub-letting or selling-off. This can be secured through our standard planning condition for residential annexes of this type and hence there are no concerns regarding parking or highway safety in respect of the proposed development.

### **Conclusion**

64. The proposed garage/annex building is modest in scale, of an appropriate high standard of design and use of materials that will conserve the character, appearance and setting of the dwelling, the street scene and the nearby Conservation Area.
65. There are concerns from neighbours regarding the impact of the new building upon their amenity. However, given the scale and design, and siting of the building we conclude that whilst the building may be visible from neighbouring properties, it would cause no harm or adverse impact upon their amenity.
66. We therefore conclude the proposal accords with adopted policies in the Development Plan, Supplementary Planning Guidance and the NPPF and the application is therefore recommended for approval subject to conditions.

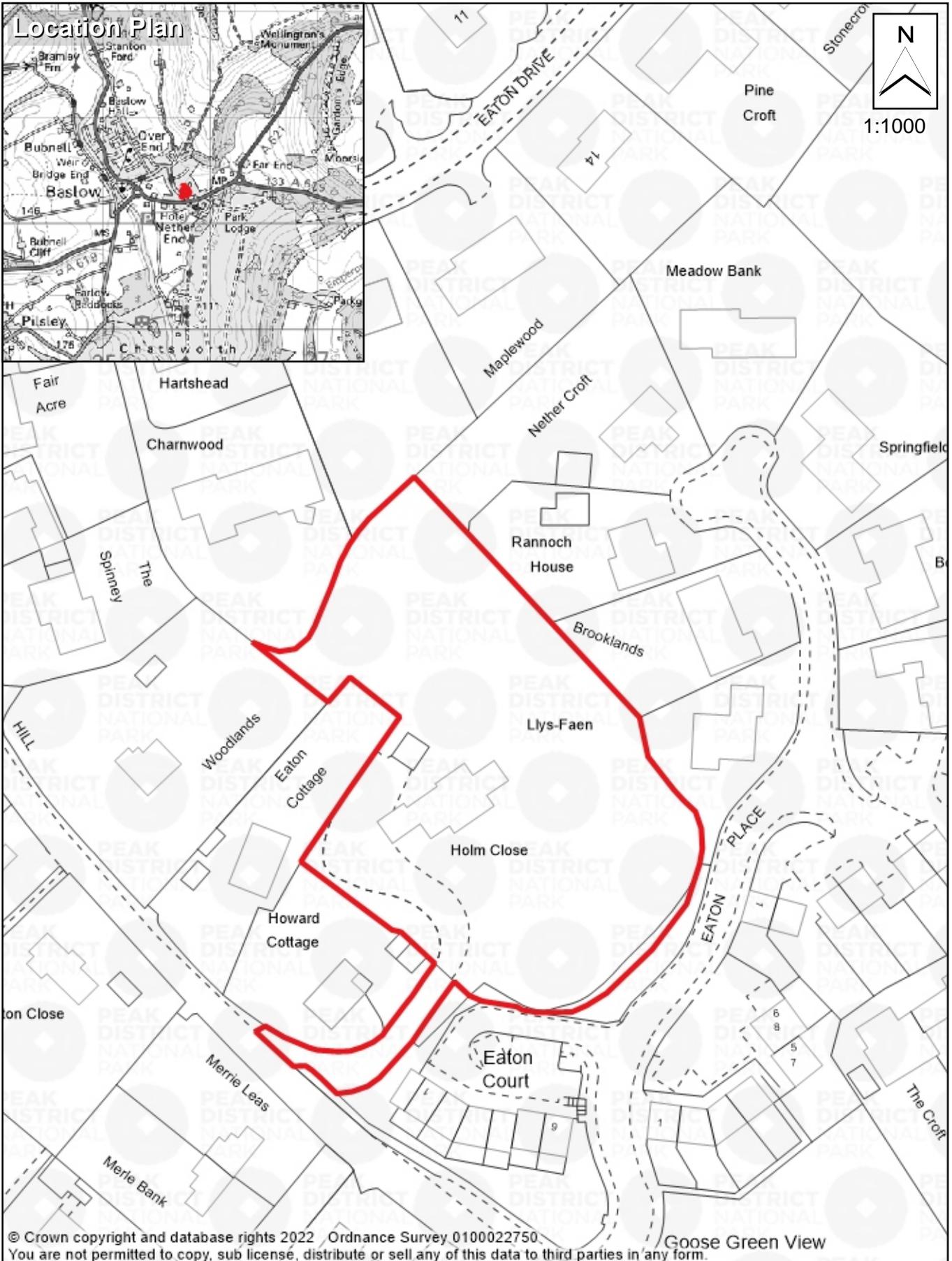
### **Human Rights**

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: Ellie Faulder



Committee Date:	08/12/2023	<b>Title:</b> Holme Close, Eaton Hill, Baslow	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 12		
Application No:	NP/DDD/0923/1051		
Grid Reference:	425758, 372303		

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**14. FULL APPLICATION: DEMOLITION OF EXISTING FILTER HOUSE AND ERECTION OF NO.3 NEW DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING, FORMER FILTER HOUSE, LONG CAUSEWAY, SHEFFIELD (NP/S/0923/1021, JRS)**

**APPLICANT: MR HOLMES**

**Summary**

1. The application is for the demolition of the former water treatment works and the erection of three new dwellings around a central courtyard.
2. The existing building is a post-war brick building which has been heavily vandalised and is in a poor condition. It is not considered to be of sufficient merit to warrant conservation through conversion.
3. The site is considered to be a brownfield site where an appropriate development would be in accordance with national and local policies.
4. The proposed scheme is generally considered to be acceptable in terms of its scale, layout and design, subject to some amendments. The application is therefore recommended for approval.

**Site and Surroundings**

5. The former Redmires Filter House is located west of Sheffield, located approximately half a mile inside the Peak District National Park boundary. The building is sat within mature woodland just north of the Redmires Lower Reservoir, within a site of approximately 1.1 acres. The site is accessed from Redmires Road, via a single lane tarmac road which also serves three houses which were once part of the reservoir operation. This road also serves the Redmires Water Works, an additional treatment plant constructed in 1988 to assist the original filter house with processing water.
6. There is a public footpath that runs to the west of the site boundary and a concession footpath which runs to the south. Yorkshire Water (YW) have a right of vehicular access across the site, to the sub-station that sits just outside the eastern site boundary. The building is not located within a Conservation Area, and none of the buildings are listed.
7. Since the building was sold by YW in 2013, it has fallen into a state of disrepair, with a number of issues noted in the Design and Access Statement:
  - Metal rainwater goods have been stolen causing increased damp and water ingress issues.
  - Graffiti and vandalism to both the exterior and interior of the building (the previously installed metal security hoardings have also been stolen).
  - Evidence of people sleeping rough and anti-social behaviour, such that neighbouring properties have installed CCTV to provide security protection.
  - Fly tipping across the site.
  - Cracking is present across each building elevation, typically spreading across window heads and up towards the copings. The defects to the masonry are likely a combination of shrinkage cracks and failure of lintels due to corrosion.
  - The east corner showed the most extensive cracking with masonry above the crack having shifted as much as 8mm.
8. In terms of the site's history, construction started on the Filter House in 1948, and it was officially opened in 1950. It is large single-storey building which was designed in a post-war utilitarian style and is of solid masonry construction with a light brown brick external leaf. A stone capped parapet conceals the flat, solid concrete roof, which supports a

series of large rooflights. Openings in the elevations are emphasised with stone surrounds; windows are single glazed metal framed and doors are timber panelled construction. The building provided water to south-west Sheffield and operated until its closure in 1997. In 2013, the then-owners, Yorkshire Water (YW), stripped out of the mechanical apparatus, before selling the building to a private owner.

### **Proposal**

9. The proposal is to demolish the existing building and to erect three dwellings on the site.
10. The application is accompanied by a Design and Access Statement, a preliminary ecological assessment, a flood risk assessment, an arboricultural impact assessment and a climate change statement.
11. The Design and Access Statement says the following about the proposed development (selected extracts; the whole statement can be seen on the website):

*Aim: The applicant wishes to replace the existing unsympathetic filter house with three new family homes. The aim is for high-quality architecture that is complimentary to the location and creates an attractive settlement for the new owners.*

*Farmstead: The dwellings are arranged around a central courtyard, reflecting a traditional farmstead typology. The plots are divided between one traditional farmhouse (left in image) and two barns with cart-sheds. The courtyard in the centre of the scheme mirrors traditional farmstead arrangements, providing access to each of the plots and a shared communal space, whilst also allowing a route for access to the Yorkshire Water sub-station at the back of the site.*

*Design: The design aims to reflect the vernacular style of the Peak District to ensure harmony with the context. The aim is to create a pleasing visual relationship between the historic buildings in the area and the new development. As outlined in this document the site strategy proposes a traditional farmstead arrangement with main farmhouse (Plot 01), and ancillary barns (Plot 02/3). As such, the form, materials and detailing of Plots 1 and Plots 2/3 differ to reflect that hierarchy. The buildings are all designed to appear strong, solid and well proportioned. Their forms have a horizontal emphasis which readily harmonises with the landscape. The buildings all have a narrow gable, however the barns appear subservient to the main house with lower eaves compared to the main house. The elevations have been developed to balance the proportions of the overall shape and their openings, ensuring a high solid-to-void relationship with a simple arrangement of openings.*

*Volume: The proposed buildings are considerably smaller than the footprint and volume of the existing building and will reduce the impact of the site on the surrounding area. The calculations are as follows:*

- Existing Volume 3471m<sup>3</sup> Proposed Volume 2687m<sup>3</sup>
- Existing Footprint 667m<sup>2</sup> Proposed Footprint 545m<sup>2</sup>

### **RECOMMENDATION:**

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

1. **Standard 3-year time limit for commencement.**
2. **Adopt amended plans subject to detailed design conditions relating to materials, windows, doors, rainwater goods, etc including prior approval of sample materials and sample stone panel.**

3. **Withdraw permitted development rights for alterations, extensions and ancillary buildings together with boundary walls and fences.**
4. **Carry out landscaping scheme, including replacement tree-planting, woodland enhancement and management, walling and hard surfacing.**
5. **Site drainage conditions recommend by LLFA and the Environment Agency, including provision of a SUDs scheme.**
6. **Implement recommendations from preliminary ecological assessment.**
7. **Retain garages for garaging and storage**
8. **Agree means of waste disposal**

### **Key Issues**

- Whether the development is acceptable in principle.
- Whether the existing building is a non-designated heritage asset that should be conserved through an alternative use
- Whether the proposed redevelopment would achieve an enhancement of the site.
- Design and layout

### **History**

12. 1986 - NP/S/0786/017: Planning permission granted for new water treatment works on a site to the west of the access road.
13. 2019 - Pre-application Enquiry 29779: This related to accommodation for 32 guests in bunk house type accommodation, the running of courses and two workshops for lease. Advised this was unlikely to be acceptable as it was contrary to policies and generally not in a sustainable location also that we have previously advised that the building is not worthy of conversion. A second part to the enquiry was submitted and ideas for the site scaled back to self-catering accommodation for walkers/ cyclists, the scale was not clear but officers envisaged approximately 6 units. Officers advised again that this would be contrary to RT2 but also advised that there have been conversions permitted where some industrial structures have been proven to be worthy of conversion and therefore it may be worth undertaking a heritage appraisal of the building to support any forthcoming application. Advised that Flood risk assessment would be needed as the site access passes through zone 2 and 3.
14. June 2023 - Informal advice given that the redevelopment of the site for three houses in an agricultural farmyard layout was likely to be acceptable in principle as it was considered that this is an undesirable building to retain and convert as it is of no architectural or historic merit (there was no pre-application advice service available at that time, but informal, without prejudice advice was given). The Officer advice was that the site is not really a sustainable location for social housing and there will be a cost to removal of the building and remediating the site. An element of market housing could therefore be accepted and would be supported in principle but only sufficient to achieve the removal of the building/remediation of the site and would need to be supported by a clear viability appraisal. The advice also suggested a tighter layout than what was proposed in submitted sketches.

15. November 2022 - NP/S/0122/0088: An application to convert the building into nine self-contained holiday units was refused for the following reasons (quoted in full given the comments of consultees):

*“1. The proposed change of use to 9 self-catering holiday accommodation units is unacceptable in principle as it includes conversion of a building which is not a traditional building of historic or vernacular merit. The proposal is therefore contrary to Core Strategy policy RT2.*

*2. The design is poor on the whole because it does not achieve a significant enhancement of the site as required by GSP2 and because it would add longevity to a building which is not worthy of conversion, and which detracts from the character and appearance of the area. In that respect the proposal is contrary to Core Strategy policies GSP2, GSP3 and Development Management Policies DMC3 and the SPD 'Design Guide' as it misses an opportunity to enhance the site by removing the building and redeveloping the site in accordance with the policies of the development plan.*

*3. The proposal does not include a tree survey in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. Therefore, there is not sufficient information submitted in the application to be able to properly consider the impact on trees. The proposal is therefore contrary to Development Management Policy DMC13.*

*4. There are watercourses and ponds within close proximity of the site and the impact of the proposal on the ecology of these features has not been considered. For example, there may be the potential for Great Crested Newts and Water Voles to be affected. Therefore, the application is deficient on this matter and therefore contrary to the policies of the development plan Core Strategy Policy L2, Development Management Policies DMC11 and DMC12 and the NPPF insofar as they deal with protected species.*

*5. The proposal includes use of a package treatment plant without justifying why it is not connecting to the mains. The proposal is therefore contrary to the national Planning Practice Guidance in this respect”.*

## **Consultations**

16. Highway Authority: No response to date.
17. City Council (Planning): No response to date.
18. Lead Local Flood Authority: No objection.

*“Sheffield CC LLFA do not object to this application. Recommend that full details of the proposed surface water management for the site are secured by appropriate conditions. Outstanding information at application stage.*

*Outstanding Information:*

- 1. The application does not appear to include any SUDs provisions is contrary to NPPF clause 167 c). The LLFA/LDA consider this site appropriate for SUDs.*
- 2. The application form indicates surface water will be disposed of to an existing watercourse using SUDs however details of the existing or proposed systems have not been provided as part of the application. Applicant to provide details of existing surface water disposal routes.*
- 3. Climate change allowances stated in the Flood Risk Assessment are correct for river flows but incorrect for rainfall intensities and drainage design parameters”.*

19. Natural England: No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes and has no objection.

20. Environment Agency: No objection subject to conditions.

*“The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included.*

*The development shall be carried out in accordance with the submitted flood risk assessment (ref 101166.590346 / September 2023 / Delta SImons) and the following mitigation measures it details: • Finished floor levels shall be set no lower than 150 mm above ground levels These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development”.*

21. PDNPA Policy: Object as follows:

*“The applicant needs to assess the significance of the building for us to determine whether or not it is a non-designated heritage asset. It is my opinion that the building has a level of significance that makes it worthy of retention and is a good example of mid-century utilitarian architecture that is part of the history of this area in relation to the reservoirs. The applicant needs to assess the current building against the criteria in DMP policy DMC5. The local plan policy is clear in DMP 3.83 Demolition is only desirable where the building or structure involved does not make a positive contribution to the area. The existing building on site looks convertible and given its strong connection to the reservoirs and attractive design, makes a positive contribution to the area. As such retention of the building should be explored first. I have sent a consultation request to the Built Environment Team and Archaeology for their comments on this matter.*

*If the existing building is not convertible (I would like to understand why), then the applicant should reference what was there previously in any new development. In light of the lack of PDNPA design guidance for this type of development, the applicant should look to the National Design Guide and follow the 10 principles of good design and Historic England advice.*

*The proposal to knock down and build a faux courtyard of converted agricultural buildings is not appropriate in this location. The site is surrounded by woodland and has a strong attachment to the adjacent reservoirs. Any development should reference this character and the character of the building that is on site.*

*Policy HC1 is relevant. The Local Plan is clear that open market housing proposed under HC1.C must either be to achieve conservation or the enhancement of valued vernacular OR achieve conservation or enhancement in a DS1 settlement. It is my opinion the proposal does neither of these. In addition to this, as the proposal is for more than 1 unit, I would expect to see some affordable housing provided as part of a scheme in accordance with HC1C.*

*Policy DMH6 refers to the redevelopment of previously developed land for housing. However, the proposal neither conserves or enhances the valued character of the built environment or surrounding landscape and is not in or on the edge of an existing DS1 settlement.*

*As submitted, it is my opinion the proposed development would not conserve or enhance the site and is therefore unacceptable. In addition to this, the development does not maximise the provision of affordable housing on site and no viability appraisal has been submitted to justify why this would not be viable”.*

22. PDNPA Building Conservation Officer: Object.

*“I’ve been asked to comment on the application to demolish the filter house at Redmires Reservoir and replace it with housing. I am aware that previously the authority has refused an application for conversion on the basis that the building is of no vernacular merit, although the Cultural Heritage Team was not previously consulted.*

*Overall the building can be described as a non-designated heritage asset due to its moderate aesthetic interest and moderate historic interest gained from its association with the landscape.*

*The landscape around the filter house at Redmires is complicated, including a mix of enclosed improved pasture, open grouse moor, quarries, plantations and, of course, the reservoirs.*

*Over the last 200 years the most significant force shaping the landscape around Redmires has been the need to provide clean drinking water to the people of Sheffield. The Cholera epidemic of 1832 claimed the lives of 402 people in the town highlighting the need for clean drinking water. The first reservoir at Redmires was constructed in 1836, with the second and third built in 1849 and 1854 respectively. The plantation, within which the filter house sits, was likely planted around the same time, appearing on an 1839 Ordnance Survey map.*

*Although it is not of traditional design, the low massing and position within the plantation results in a building that blends in with its landscape. Conversely the construction of a faux farmstead in a plantation would be an odd choice.*

*The design of the building has been described as utilitarian, but it unquestionably has architectural pretensions and is a good early example of post-war modernist architecture. The blocky form of the building gives the appearance of strength and monumentality befitting of a utilities building. The imposing fenestration and ornate datestone clearly display a sense of confidence on the part of the water company.*

*I would recommend that the building is retained, and an alternative use for the building is found. Any conversion should respect the character of the building, this includes the external appearance and the sense of openness within the interior tank and filter rooms.”*

23. PDNPA Archaeology: No archaeological concerns.

24. PDNPA Tree Officer: No objection subject to conditions.

25. Carry out all conditions as per Arboricultural Impact Assessment and Arboricultural Method Statement August 2023 to include mitigation. The removal of the low quality trees T28, T29, T30, T42 and T43 can be mitigated through the planting of a minimum of 5no.Standard replacement trees and through a scheme of long term woodland management

**Representations**

26. We have received no representations.

## **Main Policies**

27. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, L2, L3, DS1, HC1, CC1, T3, T7.
28. Relevant Development Management policies: DMC1, DMC2, DMC3, DMC11, DMC12, DMC13, DMH6 and DMT3.

## **National Planning Policy Framework**

29. 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.
30. 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."
31. 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).
32. 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.
33. 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”*

34. 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”.*

35. 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

36. 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.

37. 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.
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. 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.
40. Policy DS1 sets out the Development Strategy for the National Park.
41. Policy HC1C says:  
*“In accordance with core policies GSP1 and GSP2:*  
*I. it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or*  
*II. it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.*  
*Any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity...”*
42. 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.
43. 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).

44. 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
45. 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.
46. CC5 C says that development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.

#### Development Management Policies

47. The most relevant development management policies are DMC1, DMC2, DMC3, DMC11, DMC12, DMC13, DMT3.
48. 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.
49. 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.
50. Policy DMC5 says that applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset and proposals likely to affect archaeological and potential archaeological interest should be supported by appropriate information.
51. Policy DMC10 says that conversion of a heritage asset will be permitted provided that: it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision, other alterations, and major rebuilding); and the building is capable of conversion; the changes brought about by the new use and any associated infrastructure conserves or enhances significance and landscape character; and the new use will not be visually intrusive in its landscape or have an

adverse impact on tranquillity, dark skies or other valued characteristics.

52. 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.
53. 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.
54. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees and hedgerows which positively contribute which should be protected during the course of the development.
55. Policy DMT3 emphasises the importance of safe access to developments.

56. 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**

57. The application site is located in open countryside where our housing policies would not normally support the erection of new build open-market housing, other than in exceptional circumstances, as set out in policy HC1 of the Core Strategy.
58. HC1C says that development which is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or is required in order to achieve conservation or enhancement in settlements listed in core policy DS1 may be acceptable in principle.
59. DM policy DMH6 does not restrict such development to within settlements, permitting the redevelopment 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.

Whether the existing building is a non-designated heritage asset that should be conserved through an alternative use

60. The planning history is a key material consideration in dealing with the current application. The report on the previous application in 2022 to convert the building into nine units of self-contained accommodation is an important starting point as it has led the applicants and their architect to develop a scheme which is for demolition of the existing building and the erection of new-build dwellings. What the report said on that application in respect of the existing building is important:

*“Our Development Management Policies at para 3.30 provide the definition of a traditional building for the purposes of the development plan. It explains these pre-date 1919 and in the National Park, traditional buildings usually have pitched roofs covered in slate or another natural roofing material, typically stone.*

*The Filter House building is of poor character and appearance and doesn't meet our definition of a traditional building in terms character, design or detail and it also significantly post dates 1919. Therefore, we do not consider the building to be worthy of conversion, as it's not a traditional building of historic or vernacular merit as required by Core Strategy Policy RT2. It is an unattractive functional building which in general detracts from its setting.*

*Whilst we appreciate that a heritage statement has been submitted to explain its origins and significance, we also do not consider that this overcomes the conflict with policy; being that this is not a traditional building and therefore RT2 has no provision for the conversion as proposed.*

*The building is essentially not a traditional building and not worthy of conversion as envisaged by our Design Guide SPD”.*

61. Whilst informal Planning Officer advice is given on a “without prejudice” basis, previous applications are important considerations for applicants, planning officers and the Planning Committee. It should be noted (see above) that both the Authority's Planning Policy Officer and the Building Conservation Officer have advised that the existing building could be considered to be a non-designated heritage asset.
62. Both recognise that the building is not a typical Peak District vernacular building, being a large flat-roofed structure faced with brick and with a concrete roof. However, it does represent a particular phase in the water-gathering history of this part of the National Park and clearly has some value in those terms. It has strong functional and utilitarian character, but with some detailing that is representative of this post-war period. The fact that it is post 1919 does not, in itself, mean that it is of no architectural or historic merit.
63. Water gathering and treatment is an important part of the National Park's history, particularly in the valleys to the north-west and north-east of the National Park. There are other former water treatment works in the National Park but they are largely pre-war and they use materials which are more typical of the National Park, for example the former works at Low Bradfield, Ladybower reservoir and Kinder reservoir. The recently converted works at Glossop, on the other hand, are post-war.
64. Drawing these considerations together, it is accepted that the former treatment works can be considered as non-designated heritage assets representative of the water gathering history of this part of the National Park. This is a starting point for assessing any applications to either convert the building or to demolish then and redevelop the site, but it does not in itself determine the outcome.

65. There is also a need to consider other matters such as enhancement, the physical condition of the building, and the nature of the proposals for new buildings. This is a balanced decision, but one which must take account of the 2022 decision for conversion of the existing building. Consequently, it is considered that the principle of replacing the existing building is acceptable, given the scale, design and condition of the building
66. Given the scale and condition of the existing building, the site is considered to be previously developed land as defined by the National Planning Policy Framework. 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.
67. 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”.
68. Paragraph 120 of the NPPF states, amongst other things, that planning policies and decisions should *“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”*.
69. The key issue therefore is the impact of the proposed development and whether it would achieve significant overall benefit to the valued characteristics of the National Park to justify the erection of three new market dwellings in this location.
70. In these circumstances the existing building is considered to be a structure which is becoming increasingly derelict and vandalised and that this is something which could be addressed through planning permission for redevelopment. Consequently it is considered that new dwellings on the site could be justified under policies GSP2, HC1 or DMH6 as it falls within the definition of brownfield or previously developed land.

#### Whether the proposed redevelopment would achieve an enhancement of the site

71. As noted above, the site sits between Redmires Road and Redmires Lower Reservoir, within a well-wooded area. The former treatment works is not visible from outside the site, other than from the footpath and concession path which runs past the access point at the western end. The existence of a large derelict and increasingly vandalised building is evident from these vantage points.
72. The site is also open to unauthorised access and has been vandalised since it became redundant; it is potentially dangerous to any intruders, whatever their motivation for entering the site. Consequently, whilst the building does not have a detrimental impact on the wider landscape, it is accepted that significant enhancement could be achieved through redevelopment. The building is of a scale where a “do nothing” approach is not considered to be acceptable or consistent with the NPPF.
73. As noted in the proposal section, the overall footprint and volume of buildings would be reduced by the scheme. There is a requirement to retain an access through the site for Yorkshire Water to access the substation at the eastern end, and there are also constraints on the layout because of the location of a pipeline and electricity cables

through the site.

74. The scheme proposes three open market dwellings with no affordable local needs dwellings. The application has not been supported by a financial viability report, but there are clearly some significant costs that will be incurred in removing the existing building and associated infrastructure so it is reasonable to assume that the scheme would not justify a contribution to affordable local needs housing. In the pre-application discussions the Planning Officer acknowledged that this is not an appropriate location for affordable local needs housing.
75. The applicant has provided a more detailed breakdown of the costs for the proposed development and the anticipated sale values of the houses. Whilst this is not a full financial viability assessment, it does provide enough information to support the conclusion that the development is unlikely to support the provision of affordable houses, either on site or through a commuted sum and that this scale of redevelopment is the minimum number required to achieve the necessary enhancement. The figures show an acquisition and build cost of just over £2.4 million, including site acquisition, legal and professional costs, and demolition of the existing building and erection of the new dwellings. The gross development value of the proposed scheme is estimated to be £2.87 million, giving an estimated profit of around £432,000, a profit margin of 17.7%. This is within the accepted margin of 20%.

#### Design Considerations

76. The proposal is for new three dwellings, following a “farm group” design approach, with a farmhouse and two “converted barns”. Whilst the proposed design does not completely copy the local building tradition for farmhouses and barns, it is generally of a scale, massing, layout and design that would be acceptable on this site if the principle of new development is acceptable. The scheme follows informal advice given by the Planning Officer following refusal of the previous application.
77. Since submission of the application revisions to the design have been agreed with the architect and applicant to provide a less suburban development. The key changes are the addition of a single storey lean-to on the barn-like building closet to the entrance to provide a tighter layout and some variation between the two “barn conversions”, a small lean-to on the gable of the farmhouse dwelling, the replacement of the flat-roof on the rear extension on the farmhouse with a more traditional pitched roof, linking the two “barn conversions” with a single roof to avoid the appearance of two identical detached dwellings, plus a number of amendments to door and window openings and the detached garage. These revisions are considered to improve the scheme and would avoid it having the appearance of a suburban cul-de-sac.
78. During the course of this application, possible alternative design approaches have been considered, such as one which seeks to reflect the water infrastructure history of the site or one which is a more contemporary appearance. However, the informal pre-application advice encouraged an approach which reflects a farm grouping and the applicant and his architect has opted to retain this approach.

#### Impact upon biodiversity

79. A Preliminary Ecological Appraisal and Tree Survey have been submitted with the application. Natural England have no objection to the application and the Authority’s Tree Officer has no objection to the removal of five low quality trees subject to the planting of a minimum of five Standard replacement trees and through a scheme of long term woodland management. It is therefore considered that, subject to conditions, the impact of the proposed development on biodiversity and trees can be addressed through

conditions.

### Sustainable building and climate change

80. 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 Climate Change Statement. The statement sets out how the proposed dwellings would meet the requirements of policy CC1 and our adopted Supplementary Planning Guidance 'Climate Change and Sustainable Building'.
81. The Statement explains that the proposals incorporate a "fabric first" approach aiming for a high thermal performance and airtightness. The scheme will meet the latest thermal performance regulations. The statement also says that solar thermal panels would be mounted to the south facing roofs of each unit to use heat water for storage in a cylinder and low energy LED light fittings would be used throughout. Electric car charging facilities will be installed. The statement also sets out other details which would help to make the new buildings sustainable in terms of energy use. The proposal is considered to meet the requirements of policy CC1 in these respects.

### Impact on amenity

82. Given the relative separation of the site from other dwellings, the proposal does not give rise to any residential amenity issues in terms of overlooking, overshadowing or loss of privacy. The site shares its access with the nearby dwellings, but given the previous use of the site as a water treatment works, the replacement of the existing building with three dwellings is not considered to give rise to any concerns about the scale of vehicular use of the access.
83. The fact that the site has been heavily vandalised and has been subject to anti-social behaviour is a consideration, as its removal would be beneficial to the privacy and amenity of the nearby dwellings. The proposal therefore accords with policies GSP3 and DMC3 in these respects.

### Highway issues

84. The access to the site from Redmires Road is via an access which served the water treatment works and the associated houses, which are now in private ownership. The access point is also a public right of way, which then continues beyond the site, following a public footpath and a concession path granted by Yorkshire Water.
85. The Highway Authority has not responded at the time of writing this report, but given the previous use of the site it is unlikely that the replacement of the existing building with three dwellings would raise any highway safety concerns.

### Flood Risk

86. The site itself is located within the Environment Agency's (EA) Flood Zone 1 which means that the likelihood of river flooding is low, although the main site access, away from the development, crosses Flood Zones 2 and 3. A Flood Risk Assessment has been submitted with the application and the Lead Local Flood Authority (LLFA) and the Environment Agency do not object to the application, subject to conditions.

### Conclusion

87. The application proposes the erection of three new dwelling on the site of a former water

treatment works. There is a presumption against development in this location unless there are exceptional circumstances which justify approval. Whilst the building is of some significance in terms of the water gathering and treatment history of the area, it is of a utilitarian design and appearance and is in a poor physical condition. As such it is considered to be a brownfield site, the development of which would be in accordance with local and national policies. For the reasons set out above, it is considered that the proposal is in accordance with Core Strategy policies GSP1, GSP2, DS1, HC1, L1 and DMP policy DMH6.

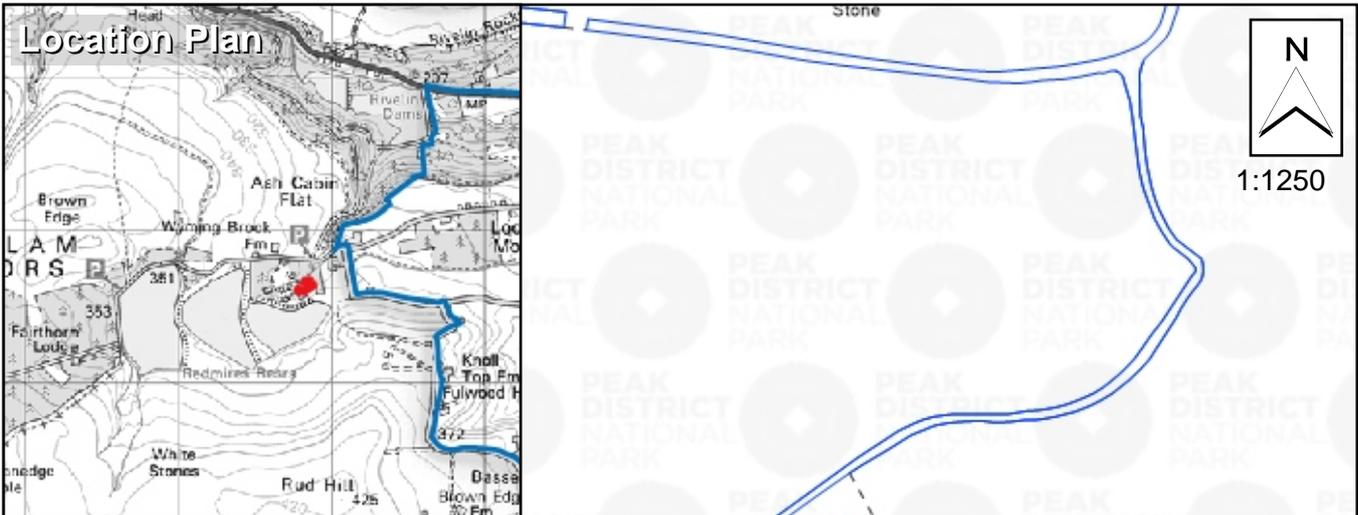
### **Human Rights**

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

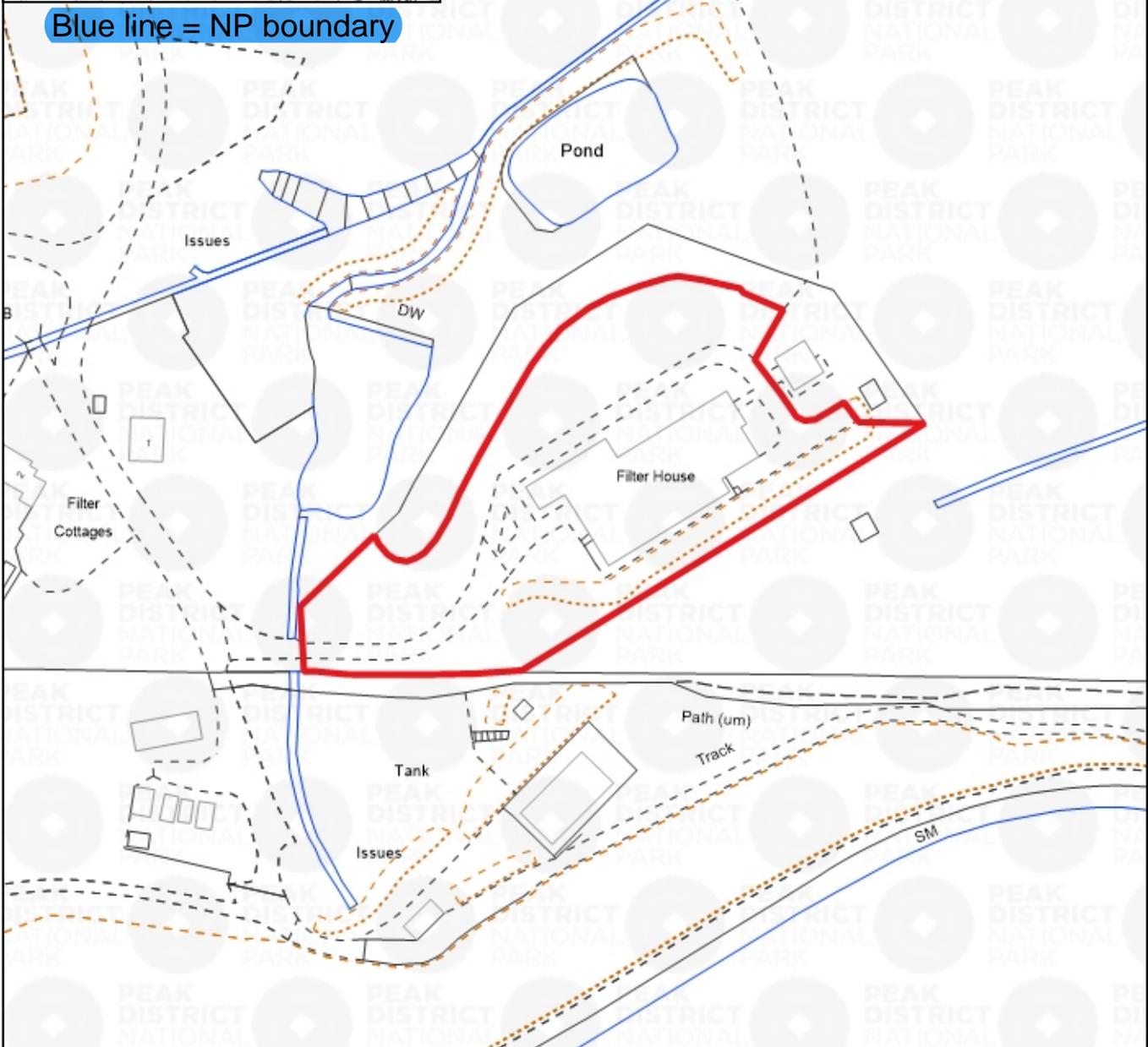
### **List of Background Papers** (not previously published)

89. Nil

90. Report Author: John Scott, Consultant Planner



Blue line = NP boundary



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Committee Date:	08/12/2023	<b>Title:</b> Former Filter House, Long Causeway, Sheffield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 14		
Application No:	NP/S/0923/1021		
Grid Reference:	426821, 385628		

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**15. BRAMPTON NEIGHBOURHOOD PLAN**

**1. Purpose of the report**

To ‘make’ (bring into force) Brampton Neighbourhood Plan part of the statutory development plan for Brampton Neighbourhood Area.

**Key Issues**

- following a positive referendum result, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Peak District National Park Authority must ‘make’ (bring into force) Brampton Neighbourhood Development Plan part of the statutory development plan for Brampton Neighbourhood Area.
- A referendum asking “Do you want North East Derbyshire District Council and the Peak District National Park Authority to use the Neighbourhood Plan for Brampton to help them decide planning applications in the neighbourhood area?” took place on 21 November 2023. One hundred and ninety five (195) people voted ‘yes’ (86.15%) and twenty seven (27) voted ‘no’ (13.85%).
- North East Derbyshire District Council (NEDDC) are in the process of making the plan for their area under delegated authority.

**2. Recommendation**

1. That the Committee makes Brampton Neighbourhood Plan part of the statutory development plan for Brampton Neighbourhood Area.

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

3. This is a legal obligation under Section 38 A (4) of the Planning and Compulsory Purchase Act 2004.

**Background Information**

4. Brampton Neighbourhood Development Plan area was designated by NEDDC on 22<sup>nd</sup> June 2018 and the Peak District National Park on 13<sup>th</sup> July 2018.
5. Following submission by Brampton Parish Council of the draft Brampton Neighbourhood Plan to the Peak District National Park Authority and North East Derbyshire District Council, and in accordance with Neighbourhood Planning Regulation 16, the plan was publicised and representations were invited. This took place between 1 February and 16 May 2023.
6. An independent examiner, Mr Nigel McGurk BSc (hons) MCD MBA MRTPI (‘the Examiner’), was appointed by NEDDC in consultation with the PDNPA and Brampton Neighbourhood Parish Council. Examination of the plan took place between June and August 2023 and was conducted by written representations. The Examiner considered all of the policies and supporting text within the plan, and whether the plan met the basic conditions required by legislation.
7. The Examiner’s report was received on 7 August 2023 and was made available for viewing on the councils’ websites. The Examiner concluded that Brampton Neighbourhood Plan, as modified by his recommendations, met the basic conditions set

out in the legislation.

8. The Peak District National Park Authority (at a meeting of the Planning Committee on 6<sup>th</sup> October 2023) and North East Derbyshire District Council (decision taken by Council Committee on 25<sup>th</sup> October 2023), determined that the modifications recommended by the examiner be accepted and that Brampton Neighbourhood Plan met the basic conditions, was compatible with Convention rights and complied with the definition of a neighbourhood development plan and so should proceed to a referendum.

*Brampton Neighbourhood Plan policies*

9. The Brampton Neighbourhood Plan outlines policies on enhancing distinctive views (many of which are around the national park boundary); biodiversity enhancement; minimising light spillage; controlling noisy sports in the countryside; and protecting and enhancing dry stone walls.
10. It is considered that all of the Brampton Neighbourhood Plan policies are in general conformity with the Peak District National Park's planning policies (as required by legislation), and help to enhance important local aspects as identified by the Neighbourhood Plan process.

**Proposals**

11. That Brampton Neighbourhood Plan be made part of the statutory development plan for Brampton Neighbourhood Area.

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

**Financial:**

12. none

**Risk Management:**

13. The steps that the Authority is taking to respond to the referendum on Brampton Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is negligible.

**Sustainability:**

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

**Equality:**

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

**16. Climate Change**

1. How does this decision contribute to the Authority's role in climate change set out in the UK Government Vision and Circular for National Parks?

Working with communities to plan for the development and use of land

2. How does this decision contribute to the Authority meeting its carbon net zero target?

Not applicable

3. How does this decision contribute to the National Park meeting carbon net zero by 2050?

Not applicable

4. Are there any other Climate Change related issues that are relevant to this decision that should be brought to the attention of Members?

No.

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

None.

**18. Appendices**

Appendix 1 - [Brampton Neighbourhood Plan Referendum Version](#)

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

Clare Wilkins, Community Policy Planner, 30 November 2023  
clare.wilkins@peakdistrict.gov.uk

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## 16. PLANNING APPEALS MONTHLY REPORT

### 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/HPK/0922/1170 3321415	Use of a field as a seasonal campsite between 1 March and 1 October at Land to the east of Bamford Tennis Club, Water Lane, Bamford	Written Representations	Non-Determination
NP/GDO/1222/1606 3325415	Change of use from agricultural building to Class C1 Hotel at barn at Ladywash Farm, Eyam	Written Representations	Delegated
NP/CEC/0522/0645 3324250 (Planning) NP/CEC/1221/1304 3324249 (Listed Building)	Change of use of outbuildings to dwelling and formation of residential curtilage and use of existing farmhouse. Replacement of porch with glazed link from the farmhouse to the outbuildings, extension and alteration of the outbuildings including replacement of the Nissen hut to form a family home. Replacement of stables at Wrights Farm, Kettleshulme	Written Representations	Committee

### 2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

### 3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0622/0760 3316665	S73 Application to vary Condition 3 on NP/DDD/0921/1053 to allow overflow parking between the Bastion Wall and River Derwent before the overflow car park is brought into use at Chatsworth House, Edensor, Bakewell	Written Representations	Dismissed	Committee

The Inspector considered that the although the area had been used for car parking for events for some time, they were an unwelcome and obvious visual intrusion that seriously detracted from the open nature and rural feel of the appeal site, and also undermined the site's

contribution to the significance of both the Historic Park and Garden and the House itself, and the request to increase the parking would not be modest. The application would also be contrary to GSP1, GSP3, T1, T7 and L3 of the Core Strategy and DMC3, DMC5, DMT7, DMC7 and DMC9 of the Development Management Policies. The Inspector concluded that Condition 3 should be retained as it was necessary to encourage sustainable transport and reduce the need to travel. The appeal was therefore dismissed.

NP/DDD/0822/1053 3314889	Regularisation of unauthorised work to rear roof over bathroom at Leach House, Leadmill, Hathersage	Written Representations	Allowed	Delegated
NP/DDD/0822/1054 3314891				

The Inspector has considered both appeals together as they concern the same scheme under different, complementary legislation. Previous consents which included remedial works to rectify and/or mitigate unauthorised works at the property are outside the scope of consideration in the appeals. The main issues are whether the proposal preserves a Grade II listed building, attached cottage and outbuilding, and whether there is harm to the character and appearance of the wider area. The special interest of the listed building is the historic interest primarily in respect of age and illustration of early 19<sup>th</sup> century domestic architecture. The appeal proposal does not involve the additional loss of original or historic fabric beyond that has already been permitted or undertaken. The development is appropriate in terms of its siting and design. Thus, it does not harm the character and appearance of the wider area. The proposal does not conflict with Policies GSP1, GSP3, L3 of the Core Strategy, and Policies DMC3, DMC5, DMC7, DMC8 and DMH7 of the Development Plan Policies. The proposal is in accordance with Paragraph 176 and Section 16 of the National Planning Policy Framework 2023. It is not incumbent on the Inspector to consider any public benefits that derive from the appeal proposal. No conditions are necessary. Therefore, appeal A and appeal B should be allowed.

NP/SM/1022/1315	S.73 application for the variation of condition 2 on NP/SM/0321/0297 that the development shall not be carried out otherwise than in complete accordance with amended plans Dains Mill, Roach Road Upper Hulme	Written Representations	Allowed with Conditions	Committee
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The Inspector states that although the building has undergone partial reconstruction since the granting of a 2004 permission, where some aspects of the build may not have incorporated traditional materials, the mill has been restored with extreme accuracy and authenticity. The appeal building requires consideration as a non-designated heritage asset (NDHA), which has been taken into consideration by the Inspector in order to make their decision. In 2022 a revised scheme which incorporated a projecting balcony and fencing along the front boundary was refused and an appeal dismissed. The proposal subject of the current appeal seeks to remove condition 2 in order to replace it with a condition relating to an amended balcony design and rail fencing with gates. The main issue is the effect that the varying condition would have on the character and appearance of the host property. The Authority has raised no objections to the fencing and gates, which the Inspector has no reason to disagree with. The proposed balcony doesn't appear overly dominant or visually intrusive in relation to the host building. There is already permission for double doors and a Juliette balcony to the south elevation of the building. There would not be materially greater harm resulting from the proposed, larger, balcony than that

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resulting from the approved Juliette balcony. The proposal would comply with Policies GSP3 and L3 of the Core Strategy and Policies DMC3, DMC5, DMC10 and DMH7 of the Development Management Plan. The proposal also accords with the relevant Supplementary Planning Documents. The appeal relates to a disputed condition, and the Inspector in making their decision has reviewed all the conditions previously imposed, and therefore allows the appeal with conditions.

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NP/DDD/0722/0897 3316081	Erection of new double garage with internal staircase to loft home/office/music room without complying with a condition attached to NP/DDD/0221/0113 at Hallyard House, Bakewell Road, Over Haddon	Written Representations	Dismissed	Delegated
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The Inspector considered that although the garage lay to the rear of the property, there were wider views of the scheme which would detract from the character appearance of the area and the scenic beauty of the National Park. The Inspector also considered that the use of timber cladding instead of natural stone would be at odds to the prevailing built character of the area, where natural stone is overwhelmingly the most common material used for the walls of residential and domestic buildings. The appeal was dismissed.

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4. **RECOMMENDATION:**

To note the report.

Report Author: Job Title and Publication Date  
Karen Harrision, Customer & Democratic Senior Adviser, 30 November 2023.

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