

# Public Document Pack

**Peak District National Park Authority**

**Tel: 01629 816200**

E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

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



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

---

Our Ref: A.1142/4691

Date: 11 January 2024



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 19 January 2024**

Time: **10.00 am**

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

PHILIP MULLIGAN  
CHIEF EXECUTIVE

---

---

---

## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting held on 8 December 2023** *(Pages 5 - 16)*
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
6. **Full Application - Change of use of dining room for bottling on site spring water on a permanent basis at Crag Inn, Clough Road, Wildboarclough (NP/CEC/0723/0764) TS** *(Pages 17 - 28)*  
Site Plan
7. **Listed Building Consent - 5 no's windows to be replaced, stonework around windows to be replaced, all to the front elevation at Lilac Cottage, Main Street, Taddington (NP/DDD/0823/0935, RD)** *(Pages 29 - 38)*  
Site Plan
8. **Conservation of Habitats and Species Regulations 2019 - Replacement pedestrian footbridge over the River Wye at Cressbrook Mill. Bridge to carry a concessionary footpath that is an important access route for the surrounding area. The structure will consist of a grip deck with timber handrails and be of a simple design not dissimilar to the existing bridge. (NP/DDD/1023/1299) P. 10951** *(Pages 39 - 44)*  
Site Plan
9. **Full Application - Replacement pedestrian footbridge over the River Wye at Cressbrook Mill. Bridge to carry a concessionary footpath that is an important access route for the surrounding area. The structure will consist of a grip deck with timber handrails and be of a simple design not dissimilar to the existing bridge. (NP/DDD/1023/1299) P. 10951** *(Pages 45 - 56)*  
Site Plan
10. **Full Application - Proposed barn conversion to create a single dwelling including the upgrade of an existing single storey side extension together with alterations to adjacent Farm Hands Cottage to create residential curtilage with dedicated amenity space for the cottage at Hall Farm House Bed and Breakfast, Hall Lane, Litton (NP/DDD/0621/0657, JK)** *(Pages 57 - 76)*  
Site Plan

11. **Full Application - Change of use of class B8 storage unit to class E use at Burnside Garage, Lamb Hill, Low Bradfield (NP/S/1223/1430) P. 8547**  
(Pages 77 - 86)  
Site Plan
12. **Making of Whaley Bridge Neighbourhood Plan** (Pages 87 - 90)
13. **Monitoring & Enforcement Quarterly Review - January 2024 (A.1533/AJC)**  
(Pages 91 - 96)
14. **Planning Appeals- Monthly Report (A.1536/KH)** (Pages 97 - 98)

### **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**

Please note that meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell when necessary. Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Customer and Democratic Support Team 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 Customer and Democratic 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 Customer and Democratic 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 uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and makes a live audio visual broadcast a recording of which is available after the meeting. From 3 February 2017 these recordings will be retained for three years after the date of the meeting.

### **General Information for Members of the Public Attending Meetings**

Please note meetings of the Authority and its Committees may 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 Huddlestone	Cllr D Murphy
Cllr C O'Leary	Cllr Mrs K Potter
Cllr K Richardson	Mr K Smith

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

Prof J Dugdale	Cllr C Greaves
----------------	----------------

Constituent Authorities  
Secretary of State for the Environment  
Natural England

**Peak District National Park Authority**  
**Tel: 01629 816200**  
E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)  
Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)  
Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



---

## MINUTES

Meeting: **Planning Committee**

Date: Friday 8 December 2023 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr P Brady

Present: Cllr V Priestley, Cllr M Beer, Cllr M Buckler, Cllr M Chaplin, Cllr L Hartshorne, Cllr D Murphy, Cllr C O'Leary, Cllr K Richardson and Mr K Smith

Apologies for absence: Cllr B Hanley, Cllr A Hart, Cllr I Huddleston, Cllr Mrs K Potter and Miss L Slack.

### **149/23 APOLOGIES FOR ABSENCE, ROLL CALL OF MEMBERS PRESENT AND MEMBERS DECLARATIONS OF INTEREST**

Cllr C O'Leary attended the meeting as an observer.

#### **Item 5**

Cllr Brady declared that he is a member of Taddington Parish Council which covers the area of the application but did not vote on this item when it was discussed at the Parish Council meeting.

### **150/23 MINUTES OF PREVIOUS MEETING HELD ON 3 NOVEMBER 2023**

The minutes of the last meeting of the Planning Committee held on 3 November 2023 were approved as a correct record.

### **151/23 URGENT BUSINESS**

The Head of Planning had one item to update the members on regarding Home Farm Sheldon. The longstanding enforcement issues have recently been raised at the High Court in Birmingham. The Authority had applied for a High Court injunction to seek compliance with the existing enforcement notices and to draw in further unauthorised works over the past few years. The judge upheld the application which now prevents further development and provides a strong legal basis to ensure compliance going forward and the Authority has been granted legal costs.

Thanks were given to the Principal Enforcement Planner, who represented the Authority and to the Senior Lawyer Planning & Enforcement, who put the application together.

## 152/23 PUBLIC PARTICIPATION

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

## 153/23 FULL APPLICATION - CONVERSION OF THE STONE FIELD BARN TO CREATE A THREE BEDROOM PROPERTY WITH INTEGRATED 1 BEDROOMS ANNEX. CONSTRUCTION OF STABLE BLOCK TO THE NORTH OF THE SITE AT BARN OFF BROADWAY LANE, NR PRIESTCLIFFE, TADDINGTON (NP/DDD/0223/0117, ALN)

The report was introduced by the Principal Planner.

Some members had visited the site the previous day.

Corrections to the report were pointed out, reference in the title of the report to a stable building and again in paragraph 12 and in the title preceding paragraph 81. Recent changes have been made to the application and there is no stable now proposed.

The reasons for refusal of this application were explained as set out in the report.

The following spoke under the public participation at meetings scheme:

- Ellie Hensby - Applicant
- Lisa Hensby - Supporter

Members discussed the suitability of the application and the impact on the landscape. The barn is an Heritage Asset and the proposal is for a significant change in use to a residential home. The main focus of the discussion was alternative uses of the barn and what is important to conserve versus what is an acceptable use for this barn in the future, recognising this had considerable local support. This proposal is in an area of high landscape sensitivity. It was recognised that the proposal included significant changes to the interior and not so much to the exterior. The interior layout is unusual. It was suggested that conditions would be needed that covered:

- the development of the unique interior layout and suitable documentation to record the existing interior
- the extent of the curtilage
- how consideration of the climate change policy would be incorporated into the design

It was felt that these conditions could be dealt with under delegated powers.

A motion to defer the decision on the application to enable the above issues to be taken on board was proposed, seconded and carried.

### RESOLVED:

**To DEFER the application to allow further discussions on the conditions and amendments to the application to be made to take into account:**

- the development of the unique interior layout and suitable documentation to record the existing interior
- the extent of the curtilage
- how consideration of the climate change policy would be incorporated into the design

Further consideration be delegated to the Head of Planning, provided that he is able to agree an amended scheme that addresses the concerns of Members in relation to these 3 matters. If not, then the item is to be returned to committee for further consideration and determination.

**154/23 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)**

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

Some Members had visited the site the previous day.

The following spoke under the public participation at meetings scheme:

- David Driscoll - Applicant

The Members discussed the application and the reasons that had been put forward for refusal and the impact on the village cross. During the site visit Members had observed other properties in the village that have had solar panels installed and were mindful of the perception of inequality of refusing this application because it is a commercial property. It was noted that this is a thriving business bringing income and employment to the local community.

There was a discussion about alternative placement of the panels. It was noted that the cost of grey solar tiles would be economically prohibitive to the business. The placing of the solar panels as proposed does not affect the traditional roof structure underneath which would remain untouched. The proposed coverage is required to make the scheme viable and to generate the 20% of electricity needed.

The Development and Enforcement Manager stated that planning permission is required for the development and the proposal must be considered on its own merits. Policies do allow for solar panels in principle and the key issues to consider are the impact of the solar panels upon the area and nearby heritage assets, taking into account the public benefits of the development which could include mitigating the impacts of climate change and improving the viability of a community facility.

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

**RESOLVED:**

**To APPROVE the application contrary to the officer recommendation subject to the following conditions:**

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted plans and specifications.**

**The meeting adjourned for a short break at 11:10am and reconvened at 11:15am.**

**155/23 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)**

Item 7 was presented at the same time as Item 8, but the discussion and vote were taken separately. Please see the full minute detail 156/23 below.

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

It was noted that this application related to a site on land owned by the Peak District National Park Authority and that it is leased to the applicant. The PDNPA has offered to sell the land to the applicant. The site already has domestic curtilage to one side and would now like to extend the curtilage to the other side to provide a safe amenity space. Since the report has been written the applicant has offered to rebuild the diagonal wall which is the historic wall and although not their responsibility, would be a good mitigating measure and also to reposition the shed on the existing curtilage.

The following spoke under the public participation at meetings scheme:

- Teresa Critchlow – Agent

The Members debated the impact of the development. It was noted that to extend the curtilage as detailed in the application would have an impact on the historic characteristics of the building. Alternatives had been considered and a triangle of land had been suggested which would be an addition to the existing curtilage and is approximately the same size as the plot in the application. The agent clarified that the site in the application had been offered to the applicant by the PDNPA and confirmed by the Secretary of State following two management committee meeting decisions at the PDNPA.

The alternatives had been discussed with the applicant however, given the decisions already taken, they would like the submitted application to be considered with the additional amendments to mitigate the impact:

- To move the shed to the existing curtilage
- Rebuilding of the diagonal wall

A motion to approve the application with the above amendments was moved, seconded, voted on and carried.

**RESOLVED:**

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

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted details and amended site plan, drawing number 2023-2813-02 Revision D, received by the Authority 7 December 2023.**



**156/23 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)**

The discussion for this application took place within item number 156/23.

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

**RESOLVED:**

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

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted details and amended site plan, drawing number 2023-2813-02 Revision D, received by the Authority 7 December 2023.**

**157/23 FULL APPLICATION - CONVERSION OF TRADITIONAL,CURTILAGE LISTED FARM BUILDINGS TO 6 NO. DWELLINGS AT GREENCROFT FARM, MIDDLETON BY YOULGREAVE (NP/DDD/1122/1463, JRS)**

The report was presented by the Development and Enforcement Manager, who outlined the reasons for approval as set out in the report.

Item 9 was presented at the same time as Item 10, but the discussion and vote were taken separately. Please see the full minute detail 158/23 below.

Some members had visited the site in the summer.

The following spoke under the public participation at meetings scheme.

- Guy Brammar – Applicant – submitted statement read out by Democratic Services

It was noted that the original submitted plans had been amended to overcome a number of issues and concerns. All of the buildings in this application were either listed or listed by virtue of being within the curtilage, there are 6 units in all. Members questioned why this could not be offered as affordable housing. This was not a possibility due to the high costs of development of the site. These properties are for market housing and are not intended to be local need affordable. As part of the proposal a strip of land is to be given to allow for better access to the public toilets.

Members felt that this is a conservation led approach for some important historic buildings which are in a parlous state. It was noted that a considerable amount of work had already been undertaken when Members visited in the summer and this was an area of concern. It was felt that this was in fact a retrospective planning application. The listed farmhouse had already been gutted and a separate listed building application has been received. Part of the works have already started and any recording/documenting of the building would have to take place on the basis of what is there now.

There was mention of Section 106 monies and whether a claim could be made and negotiated and money set aside for affordable housing or contributions to education or health. The application has justified the proposed market housing through a viability appraisal and the Authority does not have a policy that could be acted upon and therefore could not justify a requirement for contributions this in this case.

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

**RESOLVED:**

**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 roof lights.**
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. Planning Committee**

**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.

**158/23 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)**

The discussion for this application took place within item number 157/23.

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

**RESOLVED:**

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 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.**

**159/23 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)**

The Development and Enforcement Manager introduced the report and outlined the reasons for approval as set out in the report.

It was noted that both this item and item number 12 (see minute number 160/23) cover largely the same subject and therefore both items would be introduced at this time. On the original application there were 2 planning permissions granted for the change of use of the main building and construction of an annex to provide up to 8 bedrooms for 6 children along with members of staff. This application had a number of conditions

attached to it including the condition restricting the development to be carried out by the then applicants, commonly referred to as a "personal consent". The original applicants no longer occupy the site and the site is occupied by a company. This application seeks to remove the personal consent condition from both of the planning applications but changes nothing else.

The original set of operative conditions are on-going, will be kept and will continue. The Parish Council have lodged objections regarding noise and crime, privacy and highway issues however no evidence of this has been supplied. There is no evidence to suggest that operation of the development by parties other than the applicant would result in any additional impacts.

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

**RESOLVED:**

**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.**

**160/23 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)**

The discussion relating to this item took place under the previous item number 159/23.

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

**RESOLVED:**

**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.**

---

**161/23 FULL APPLICATION - PROPOSED ERECTION OF DETACHED GARAGE AND ANCILLARY LIVING ACCOMMODATION AT HOLM CLOSE, EATON HILL, BASLOW (NP/DDD/0923/1051, EF)**

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

The following spoke under the public participation at meetings scheme:

- David Dawson – Objector
- Lee Ellis-Edge – Objector
- Tom Palmer – Applicant

It was noted that the development was small in scale and size for the need and does not impact on the wider landscape. Members discussed if there were any valid amenity objections. It was felt there was no effective change or loss of privacy or daylight and the development would not be overlooking the neighbour properties.

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

**RESOLVED:**

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

- **Statutory 3-year time period for commencement of development.**
- **In accordance with specified amended plans.**
- **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.**
- **Removal of permitted development rights for alterations and extensions and means of enclosure to the ancillary dwelling hereby approved.**
- **Roof light to be heritage type fitted flush in full accordance with details to be submitted to the Authority for approval in writing.**
- **Details of Solar panels to be submitted to the Authority for approval in writing.**
- **The walling material shall be natural gritstone, laid, coursed and pointed to match the existing house.**
- **Maintain garage space and outside parking and manoeuvring space.**

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

**162/23 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)**

The report was introduced by the Planning Team Manager who laid out the reasons for approval as outlined in the report.

A number of Members had visited the site the previous day.

The following spoke under the public participation at meetings scheme:

- Alasdair Struthers – Agent

It was noted that officers had given advice on this site on a number of occasions and a planning application for 9 holiday units had previously been refused. This proposed development is on a brownfield site beyond any other settlement and is not a traditional building in terms of the PDNPA planning policies.

Members discussed the development and on the site visit had noted a keystone above the door which needs to be retained in some way. The buildings do have heritage interest despite not being traditional. There is evidence of significant deterioration and it is not viable to conserve the existing building which is in a perilous condition. It was agreed that some elements of the design could be improved upon e.g. windows and doors and there was a discussion about the Dark Skies initiative. It was felt important that the buildings which are being demolished are documented (known as “preservation by record”).

Although Members were minded to accept in principle the demolition of the existing buildings and to accept in principle their replacement by housing, it was agreed that the application should be deferred back to a future committee to allow for further consultation between the officers and applicant to ensure the best possible outcome for the site, to allow for full documentation of the existing site and to include the climate change initiative.

A motion to defer the application so that further discussions could take place and that it be brought back to committee 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.**

**Cllr O'Leary left the meeting at 1.20pm**

**163/23 BRAMPTON NEIGHBOURHOOD PLAN**

The Community Policy Planner, introduced this report and laid out the reasons for approval as set out in the report.

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

---

**RESOLVED:**

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

**164/23 PLANNING APPEALS MONTHLY REPORT**

A point was raised regarding the first item in the report relating to 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. This appeal was made against non-determination and not against a refusal as would normally be the case. As such the submission made by the National Park Authority was akin to a normal planning assessment and in this case officers recommended approval.

The Parish Council had made strong objections. In normal circumstances this would have triggered an application to be heard and considered at Planning Committee as a view running contrary to an officer recommendation. However, as this was an appeal against non-determination, this normal practice had not been undertaken. The Parish Council objection, along with other representations were addressed and considered in the draft delegated report that was submitted by the Authority, nevertheless the point was made that under standing orders the issues raised would normally be considered by members and asked therefore that the procedural issues this raises be considered by officers for future similar cases.

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

**RESOLVED:**

**To note the report.**

**The meeting ended at 1.33pm**



---

**6. FULL APPLICATION – CHANGE OF USE OF DINING ROOM FOR BOTTLING ON SITE  
SPRING WATER ON A PERMANENT BASIS AT CRAG INN, CLOUGH ROAD,  
WILDBOARCLOUGH (NP/CEC/0723/0764) TS**

**APPLICANT: MR DORAN BINDER**

**UPDATE:**

The application was considered by members at the meeting of the planning committee on 03 November 2023. Members resolved to defer a decision to a future meeting. This was because concerns were raised that the applicant would be unable to follow recommended condition number 2 in respect of future business plans.

Recommended condition 2 is that:

*“The water bottling use and any associated storage shall be restricted to the dining room shown on the approved plans and the enclosed yard area directly to the east of the public house only.”*

Recommended condition 2 is a replica of condition 3 of the existing temporary permission (pursuant to application ref NP/CEC/0121/0101).

The concerns raised by members at the November meeting are understood to have stemmed from observations at the site visit the previous day. At the site visit, members observed that the main public house car park was being used for storage associated with the water bottling use. The main car park is outside of the permitted storage area allowed under existing condition 3 / recommended condition 2. The storage that members observed at the site visit was in breach of condition 3 of the current temporary planning permission and would be in breach of condition 2 of a permanent permission as recommended.

This matter was discussed with the applicant following the November meeting. The applicant very quickly took steps to remove the unauthorised storage from the car park and has provided photographic evidence of this.

The applicant is fully aware of the limitations that the conditions place on the water bottling activities, both in respect of the physical limitations of where in the site those activities can take place and the limitations in terms of volume of water / numbers of bottles that can be produced.

The applicant has confirmed that they wish to proceed on the basis of securing a permanent planning permission on the same terms as the existing temporary permission. The existing / recommended conditions are compatible with the existing business activities.

It is unfortunate that there was a clear breach of an existing condition of the temporary permission at the time of the site visit. However, the applicant has taken steps to remedy this breach and this shows that the existing conditions are effective and can continue to be so if a permanent permission is granted.

Whilst the applicant has not expressed any intentions to grow the business beyond the scope of the current conditions, if this changes in the future then the planning system allows the applicant to make further applications to vary those conditions. Any such proposals should be considered on their own merits as and when they come forward.

There is no reason why planning permission cannot be granted on a permanent basis subject

to the same conditions in respect of limitations on the areas of the site that can be used for water bottling and the extent of the water bottling production that exist on the current temporary permission.

The resolution of the breach that was observed by members at the site visit should be taken as reassurance that the conditions can be complied with. Whilst it is, of course, hoped that there will be no further breaches of the conditions, any such breach would be open to appropriate planning enforcement action. This is not a matter that should prevent the determination of the current application on the basis set out below.

### **Summary**

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

### **Site and Surroundings**

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

### **Proposals**

9. Planning permission is sought to change the use of the Crag Inn from a public house to a mixed use of a public house and water bottling plant on a permanent basis. As with the existing temporary permission, it is proposed to use the current public house dining

room, which is located on the ground floor, on the western side of the building as an area for bottling spring water that is extracted from below ground via an existing borehole located within the curtilage of the property.

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

### **RECOMMENDATION:**

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

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

### **Key Issues**

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

### **History**

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

22. 2011 - Planning application seeking change of use of public house to dwelling withdrawn prior to determination.
23. March 2012 – Planning permission refused for change of use of public house to a dwelling. The application was refused on several grounds, including that it had not been satisfactorily demonstrated that the loss of this valued community and tourist facility was justified and that it could no longer be operated as a viable concern. A subsequent appeal was dismissed.
24. May 2014 – planning consent granted for erection of camping barn. This permission was not implemented, and the permission has now lapsed.
25. October 2017 – planning permission refused for erection of single storey building incorporating 2 short term holiday lets.
26. April 2018 – temporary 3 years planning permission granted for the change the use of the current dining room at the Crag Inn into a bottling plant for bottling on site Spring Water.
27. April 2021 – second temporary 3 years planning permission granted for the change the use of the current dining room at the Crag Inn into a bottling plant for bottling on site Spring Water.

### **Consultations**

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

### **Representations**

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

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

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

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

## **Main Policies**

- 33. Relevant Core Strategy policies: GSP1, GSP3, E2, HC4, CC1
- 34. Relevant Local Plan policies: DMC3, DMC14, DME7, DMS2, DMT3

## **National Planning Policy Framework**

- 35. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2020. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and Development Management Policies (adopted May 2019) in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
- 36. Para 176. of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

## **Core Strategy**

- 37. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 38. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 39. Core Strategy policy E2 states that in open countryside businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmstead and in groups of buildings in sustainable locations.
- 40. Core Strategy policy HC4 seeks encourage the provision and retention of community facilities.
- 41. Core Strategy Policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy.

### Development Management Policies

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

### Assessment

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

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

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

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

#### Impact on Residential Amenity

60. The other reason for the temporary permission was to allow the impact on residential amenity to be re-assessed after a reasonable period. The main property that had the potential to be affected by the proposals was 'Old Beams', which is located immediately to the north of the public house. Concerns were raised by the occupier at the time of the original application with regard to potential for noise to emanate from the yard where the bottles are stored and delivered/collected and that this could cause harm to amenity. We took the view that it would be unlikely that the proposed use would increase the noise levels from the yard significantly over and above existing potential levels if the pub were operated more intensively (the yard's existing use was as a delivery and storage yard for the pub). However, the 3 years permission would enable a re-assessment of any impacts.
61. We have not received any complaints from the occupier of Old Beams since the bottling plant has been in operation and they have written in with regard to the current proposals, raising no objections. Consequently, we are satisfied that the bottling plant, as originally approved does not cause harm to the privacy and amenity of neighbouring properties and therefore amenity issues would not be a barrier to a permanent consent.
62. Subject to a repetition of the conditions that limit the scale and hours of the water bottling operation, it is considered that the use on a permanent basis would not result in harmful amenity impacts and the proposal accords with policies DMC3 and DMC14.

#### Visual Amenity

63. Concerns raised in representations regarding the site being untidy are acknowledged. However, the use of one room within the public house business for water bottling has no visual impact. Furthermore, the yard to the eastern side of the public house building is well contained and the use of this area for storage has little impact on the appearance of the site and no impact on the wider landscape character and special qualities of this part of the National Park.
64. A tent has been erected over the yard area. This does not have planning permission and is not under consideration as part of this application for the use of the site. A separate application would be needed for the erection of the tent on a permanent basis. The use of the tent to provide shelter on an occasional basis, for example during adverse weather, is unlikely to constitute operational development as long as it is entirely removed when not in occasional use. A repetition of the previous condition limiting storage to the eastern yard is again recommended in order to prevent the use extending into the main car park and outdoor space to the front of the building.
65. Given that the water bottling use is limited to one room within the building, and to the eastern yard area, the general condition of the exterior of the public house building and any issues relating to the external space to the western side of the building are not directly related to the proposed use that is under consideration and, therefore, do not carry any significant weight in the consideration of this application.
66. Overall, it is considered that the water bottling use on a permanent basis does not harm the visual amenity, landscape character or special qualities of the National Park and



accords with policy DMC3 in this respect.

#### Access and Highways Impacts

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

#### Sustainability and Climate Change Mitigation

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

#### Other Considerations

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

#### Conclusion

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

#### Human Rights

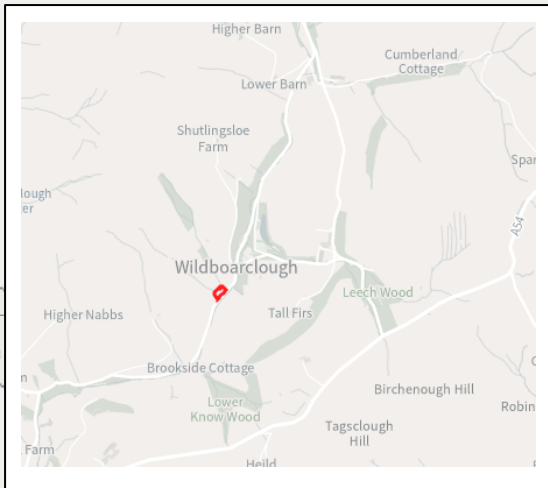
72. Any human rights issues have been considered and addressed in the preparation of this report.

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

73. Nil

**Report Author and Job Title**

74. Tom Shiels – Consultant Planner



0 0.04 0.08 km



© Crown copyright and database rights 2023 Ordnance Survey 0100022750

**Crag Inn, Wildboarclough**

Item no. 6  
 Application no. NP/CEC/0723/0764  
 Committee date: 19th January 2024

Page 27  
 Scale: 1:1,065 at A4 pagesize  
 Map centre grid ref: 398,132 368,526



This page is intentionally left blank

---

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

**APPLICANT: MR TREVOR RIDE**

**Summary**

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

**Site and Surroundings**

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

**Proposal**

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

**RECOMMENDATION:**

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

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

### **Key Issues**

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

### **Relevant Planning History**

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

### **Consultations**

14. Parish Council – In support of the application, on the grounds that they are restorative works that will also improve the resilience and energy efficiency of the building.
15. Highway Authority – No objection.
16. District Council – No response at the time of writing.
17. PDNPA Conservation Officer – Object for the following reasons:
18. Proposed new windows: Our starting point for determining the impact of the proposed windows is what is already approved. In 2002 the Authority grant-aided the installation of 12 6-paned casement lights, 9 to the front and 3 to the rear kitchen window. These were single-glazed with traditional detailing, slender frames and 18mm glazing bars. It appears that at some point since then the single-glazed windows were replaced with double glazed casements without consent.
19. The Authority's position on windows, which is in-line with Historic England guidance, is that where appropriately detailed single-glazed windows exist (or should exist), these should be retained and repaired as they contribute to the architectural and historic interest of the listed building. From our planning files, it appears the applicant has been advised on several occasions over the years that, in this instance, double glazed windows would not be appropriate, as the added weight of double-glazing units necessitates much thicker glazing bars, which are visually harmful.
20. The proposed windows would have 'stick-on' or applied glazing bars, which are a poor substitute for traditionally constructed timber windows with true glazing bars, and would harm the significance of the building by reducing its aesthetic value. This is contrary to Peak Park development management policies DMC5 and DMC7 as well as chapter 16 of the NPPF.
21. Replacement stone mullions and jambs: It is proposed that some of the stonework to the windows is replaced, although it is not specified why, how and with what. In order to properly determine this aspect of the application we will need to know the condition of the stonework, what's wrong with it, why have less intrusive repairs been ruled out? If the stonework does need replacing we will also need to know what the proposed new stone is and ultimately see a sample of it, although that can be conditioned. If less intrusive repairs are required, subject to details, they may not require listed building consent. At present there is insufficient information to determine this aspect of the application, again contrary to the above policies.

## **Representations**

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

## **Main Policies**

23. Relevant Core Strategy policies: L3
24. Relevant Development Management policies: DMC5, DMC7 & DMC8

## **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 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.
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. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It notes that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It advises that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
29. Paragraph 199 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
30. 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.
31. 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

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

### Development Management Policies

33. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals.
34. DMC7 – *Listed Buildings*. The policy provides detailed advice relating to proposals affected listed buildings and states that;
- a. Planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:
    - (i) how their significance will be preserved;
    - (ii) why the proposed development and related works are desirable or necessary.
  - b. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the Listed Building and its setting and any curtilage listed features.
  - c. Development will not be permitted if it would:
    - (i) adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or
    - (ii) result in the loss of or irreversible change to original features or other features of importance or interest.
  - d. In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to:
    - (v) Repairs or alterations involving materials, techniques and detailing inappropriate to a Listed Building;
- d. DMC8 – *Conservation Areas*. The policy outlines how developments in a conservation area that affect its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation area will be preserved or enhanced.

### **Assessment**

#### Background

30. The list description for the listed property refers to the windows on the front elevation.
31. “C20 part glazed door. Flanked on each side by a 2-light square section flush mullion window. Central single light window to first floor with flush stone surround flanked on each side by a 2-light square section flush mullion window.”
32. A Historic Building Grant was given in 2002 for installation of 12 6-paned casement lights; 9 to the front and 3 to the rear kitchen window. These were single-glazed,



with traditional detailing: flush-fitting not storm-proof frames; slender frames and 18mm glazing bars; and with traditional profiled inner moulding detail to the glazing bars and frames. Listed building consent for these works was required but never applied for, albeit the works clearly progressed with the support the Authority's conservation officers as a grant-aided works that enhanced the listed building.

33. A photograph in the PDNPA archives dated to the 17<sup>th</sup> March 2003 shows the new windows fitted, with the exception of two windows at the ground floor of the front elevation.
34. Numerous enquiries have been received by the PDNPA (PE\2020\ENQ\39492; PE\2022\ENQ\45268; PE\2022\ENQ\46835) regarding the possibility of the installation of double glazing.
35. Our view and the view of the Conservation Officer on the matter has consistently been that double-glazed windows would not be acceptable in this property, and furthermore that we would not want to see windows which the Authority has previously grant-aided being removed or altered.
36. However, it is apparent that the grant-aided windows have been replaced with double-glazed units at some point within the last 20 years, with windows of modern detailing and wider frame sizes. These windows do not benefit from listed building consent and are unauthorised.

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

37. The proposed windows would be timber framed and double glazed, with 20mm thick glazed units to be used.
38. The use of double glazed units would fundamentally alter the appearance of the windows when compared to historic single-glazed windows. They would possess different reflective qualities, and have spacers evident within the frames. This, and the greater weight of double glazed units, also gives rise to a different, wider, profile of frame. As a result they would not conserve the historic character or appearance of the windows, which form an important part of its architectural significance. As such, they would harm the significance of the listed building in a similar manner to the current unauthorised windows.
39. Further, it is proposed for the windows to have applied glazing bars – i.e. faux bars that are adhered to the outer faces of the glass. These do not accurately represent traditional joinery and would be historically incorrect. They would also fail to produce the multi-faceted reflectivity of individual panes of glass, appearing too uniform and flat. Additionally, with applied glazing bars there is a risk of the adhesive failing. The proposed use of applied glazing bars would therefore undermine the authenticity and integrity of the listed building.
40. With reference to Paragraphs 201 and 202 of the NPPF in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposed works, it is considered that the harm in this instance would be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
41. Justification for the proposals concerns the poor condition of the existing windows, as well as their poor energy performance, and states that replacement will enhance, maintain and prolong the life of the listed building. Given that the current windows

are unauthorised, their appearance is given very little weight in the balance; although it is recognised that appropriate replacement windows do need to be secured for the buildings sake.

42. In the case of listed buildings, the authority's position on windows is in alignment with that of Historic England, the government's advisor on the historic environment, who state that: *Where historic windows, whether original or later insertions, make a positive contribution to the significance of a listed building they should be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.*
43. Therefore, if the windows are beyond repair we would expect any new windows to be a like for like replacement. In this case that would be in line with the grant-aided windows installed c.2003 which should be 6-paned single-glazed casements, flush-fitting with mitred joints, with narrow glazing bars (18mm) and slender frames, and with a traditional inner moulded profile to the glazing bars and frames. The glass should be secured with a glazing compound (putty), not beads. The new windows need to be in timber, but a more durable hardwood than was used historically would be acceptable.

### Public Benefit

44. The installation of double glazing will improve the energy efficiency of the property. Whilst reduced costs of heating the property are a private benefit for the occupier, the improved energy efficiency leading to reduced loss of energy from the dwelling is a public benefit.
45. It is noted policy CC1 relating to climate change mitigation and adaptation recognises the benefits of improved energy efficiency. This public benefit is acknowledged and given weight in the planning balance.
46. However, this benefit must be weighed against the importance of the continued conservation of the heritage asset as required by both national legislation and the NPPF.
47. Firstly, in the context of historic buildings, it is not necessarily the case that double glazing is more sustainable than the alternatives. It is of note that double glazing units have a limited lifespan, typically lasting 10-30 years, after which the units need replacing with new glass – which is itself a high energy/high carbon material. Further, options of secondary glazing and other traditional methods of insulation (such as heavy curtains, shutters, blinds etc) can improve the environmental credentials of listed buildings with less or no impact on their significance.
48. This is material; it reduces any benefit arising from the introduction of double glazing when compared to other measures that could be introduced (rather than as a simplistic comparison between single and double glazing).
49. The NPPF and Historic England guidance also requires proposals to avoid or minimise conflict between a heritage asset's conservation and the proposals for that asset. Given that there are alternatives that would be achievable and less harmful, the proposals cannot be said to avoid or minimise harm to the listed building.
50. Further, and without dismissing the cumulative benefits that can arise from small domestic energy efficiency improvements, the benefits to climate change mitigation achieved through the insulation gains here would be modest, given the size and function of the building.

51. These are found to be heavily outweighed by the harm that would arise to the significance of the listed building and, consequently, the conservation area – matters to which the Authority is required to have special regard by primary legislation as well as by national and local planning policy.

### **Conclusion**

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

### **Human Rights**

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

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

55. Nil

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

This page is intentionally left blank



Church

Home Farm

Lilac Cottage

Foxglove Cottage

The Cottage

Hall

318.0m

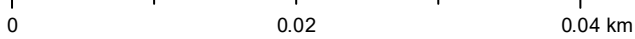
Laurel House

Cottage

Treetops Cottage

Rose Cottage

N



### Lilac Cottage, Taddington

Item no. 7  
 Application no. NP/DDD/0823/0935  
 Committee date: 19th January 2024



This page is intentionally left blank

**8. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 – REPLACEMENT PEDESTRIAN FOOTBRIDGE OVER THE RIVER WYE AT CRESSBROOK MILL. BRIDGE TO CARRY A CONCESSIONARY FOOTPATH THAT IS AN IMPORTANT ACCESS ROUTE FOR THE SURROUNDING AREA. THE STRUCTURE WILL CONSIST OF A GRIP DECK WITH TIMBER HANDRAILS AND BE OF A SIMPLE DESIGN NOT DISSIMILAR TO THE EXISTING BRIDGE. (NP/DDD/1023/1299) P. 10951**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. This application is reported to Committee as the applicant is the Peak District National Park Authority.
2. It is proposed to replace the existing footbridge over the River Wye, north west of Cressbrook Mill which closed in 2019 for safety reasons.
3. The west bank falls within the Peak District Dales Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) Wye Valley. It is therefore necessary to consider whether the proposed development is likely to have a significant effect on designated sites and therefore an appropriate assessment is required.
4. It is concluded that, taking into account proposed planning conditions, there would be no adverse effects upon the integrity of designated sites either alone or in combination with other plans or projects.

**Site and Surroundings**

5. The application relates to an existing footbridge crossing the River Wye at Cressbrook Mill. The bridge forms part of a concessionary footpath (Brushfield C1) which connects Cressbrook Mill on the east side of the Wye via Water-cum-Jolly across to Litton Mill, where pedestrians can continue back across the river to the Monsal Trail.
6. The path was originally formalised to enable access from one end of the Monsal Trail to the other, prior to the opening of the Litton and Cressbrook Tunnels to the public in 2011.
7. The route has since remained popular and was identified by the PDNPA Access and Rights of Way Team as a priority route. However, due to the condition of the bridge it has been closed since 2019 for safety reasons.
8. The bridge is formed of 2x steel I-section Universal Beams with timber frame beams, joists, boards and parapets. The original timber deck has been overlaid with a new timber deck, however the joists and beams remain in situ. The existing bridge deck spans a width of 20.7m. The bridge has a depth of 629mm including the old and new overlain deck and supporting beams. Timber parapets measure 870mm in height.
9. North of the footbridge is a weir and mill pond. The Grade II Listed Dale View Terrace and Grade II\* Listed Cressbrook Mill are 80m and 125m south east of the bridge respectively. The east edge of the bridge is within the Cressbrook and Ravensdale Conservation Area. The eastern bank of the bridge and adjacent field lie within a TPO which extends a wider area along the bank of the River Wye and across Cressbrook Mill.
10. The west bank of the bridge is within the Peak District Dales SAC and SSSI Wye Valley.

## **Proposal**

11. The accompanying Structural Report confirms significant works are required to upgrade the existing bridge with associated costs not dissimilar to that of a new bridge.
12. The proposal seeks to remove and replace the pedestrian footbridge crossing the River Wye at Cressbrook Mill with a more resilient design featuring a resin infused FRP (fibre reinforced polymer) deck with hardwood parapet.
13. The new bridge would be 21m in width across the River Wye, excluding the stepped access to the bridge from either bank. The bridge deck would have a width of 1.2m and depth of 900mm. Timber parapets would be 1.2m in height.
14. To accommodate the bridge structure, a new foundation would be required on the east bank of the river. The existing stone pier to the east bank of the bridge would no longer be required for the structural integrity of the bridge however it is proposed to be retained and increased in height to the bridge base for visual reasons.
15. The west abutment will be retained although may require some modification. However, due to difficulties investigating the structural integrity of the bridge abutments without removal of the existing bridge, preliminary investigation works would be required upon removal of the bridge to establish the full scope of works relating to the abutments.

## **RECOMMENDATION:**

16. **That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) in relation to the planning application at Cressbrook Mill (NP/DDD/1023/1299).**

## **Key Issues**

17. Under Section 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) (the Habitats Regulations) any development that has the potential to result in a likely significant effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA).
18. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the National Park Authority) must make an appropriate assessment of the implications of the development for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site.
19. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
20. The Habitat Regulation Assessment (HRA) process involves several stages, which can be summarised as follows:
21. Stage 1 – Likely Significant Effect Test (HRA screening). This stage requires a risk



assessment to be undertaken utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

22. Stage 2 – Appropriate Assessment. This stage involves consideration of the impacts on the integrity of the European Site with regard to the structure and function of the conservation site and its objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
23. Stage 3&4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test (IROPI). If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State because there are imperative reasons of overriding public interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

### **Assessment**

25. The submitted application is accompanied by an Ecology Report and Habitat Regulations Assessment which concludes that the bridge lies partially within the Peak District Dales SAC to the west and The Wye Valley SSSI.
26. The protected site subject to the HRA screening process (stage 1) is the Peak District Dales SAC.
27. Qualifying features of the SAC include semi-natural dry grasslands and scrubland facies on calcareous substrates Festuco-Brometalia and Tilio - Acerion forests of slopes, screes and ravines. Other SAC features include 3 aquatic species (bullhead, brook lamprey and white-clawed crayfish).
28. The Ecology Report and HRA concludes that the footprint of the new bridge will be within the footprint of the existing structure, therefore direct habitat impact is anticipated to be minimal and mainly confined to the construction phase which will be located on the east side of the River Wye and outside of the SAC / SSSI to the west.
29. Given this and the absence of habitat of value within the immediate potential zone of influence on the western side (i.e. within the SAC / SSSI) no direct effects on protected sites are predicted.
30. In consideration of the ecological assessment above, it is considered that there is not likely to be a significant impact on the SAC (i.e. impact on the habitats and species that are qualifying and primary reasons for selection of the designated site).
31. Nevertheless, the response from Natural England confirms no objection subject to appropriate mitigation being secured due to the potential for adverse effects on the integrity of the SAC and SSSI.
32. Natural England state:

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

*- Measures identified within the PEA/HRA should be made conditions of the planning consent.”*

33. We agree with Natural England that provided mitigation is secured by planning conditions in accordance with the measures outlined by the submitted Ecology Report and HRA (March 2023) and further ecology response (December 2023), that any potentially significant impacts upon the integrity of the SAC can be avoided. The pre-mitigation assessment of ‘likely significant effect’ can be revised to no likely significant effect.

### **Conclusion**

34. At Stage 1 of the HRA, in view of potential impacts of the development during construction and operation and the extent of the works which are confined to the bridge footprint and the east bank of the river and therefore outside of the SAC/SSSI boundary and any qualifying features, there is not likely to be a significant impact upon the integrity of the SAC.
35. Nevertheless, in light of the response from Natural England which suggests that there is the potential for an adverse effect on the integrity of the SAC, it is concluded that provided mitigation is implemented in full accordance with the Ecology Report (March 2023) and further ecology response (December 2023), potentially significant impacts upon the integrity of the SAC can be avoided and the development would have no likely significant effects.
36. Mitigation can be secured by planning conditions which are recommended in the report on the planning application.
37. The application proposal is therefore not considered to be contrary to the provisions of the Conservation of Habitats and Species Regulations 2019.

### **Human Rights**

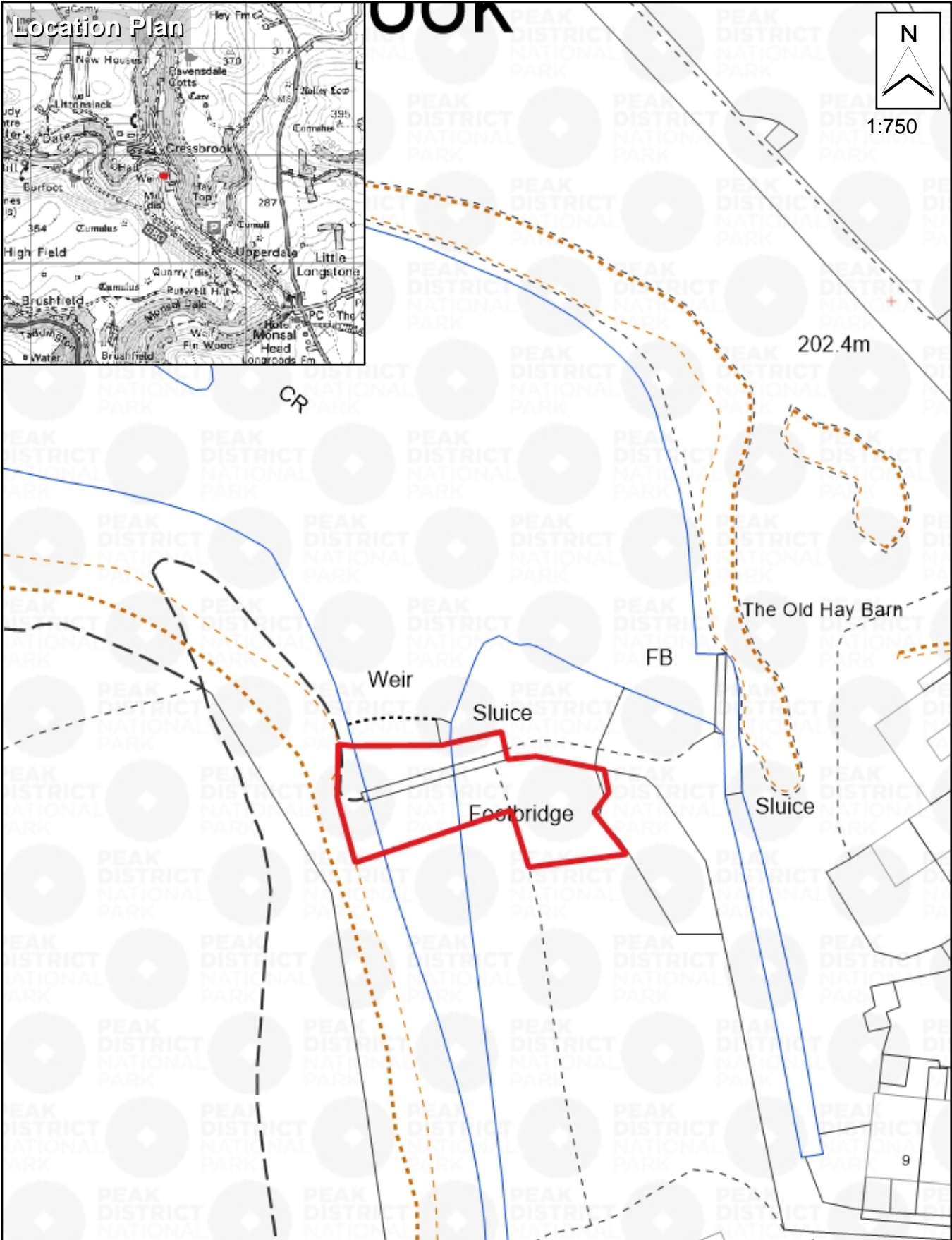
38. Any human rights issues have been considered and addressed in the preparation of this report.

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


Nil

### **Report Author**

Hannah Freer – Planner – North Area



© Crown copyright and database rights 2022 Ordnance Survey 0100022750  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	19/01/2024	<b>Title:</b> Footbridge over the River Wye at Cressbrook Mill	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8 & 9		
Application No:	NP/DDD/1023/1299		
Grid Reference:	417219, 372804		

This page is intentionally left blank

---

**9. FULL APPLICATION – REPLACEMENT PEDESTRIAN FOOTBRIDGE OVER THE RIVER WYE AT CRESSBROOK MILL. BRIDGE TO CARRY A CONCESSIONARY FOOTPATH THAT IS AN IMPORTANT ACCESS ROUTE FOR THE SURROUNDING AREA. THE STRUCTURE WILL CONSIST OF A GRIP DECK WITH TIMBER HANDRAILS AND BE OF A SIMPLE DESIGN NOT DISSIMILAR TO THE EXISTING BRIDGE. (NP/DDD/1023/1299) P. 10951**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Summary**

1. This application is reported to Committee as the applicant is the Peak District National Park Authority.
2. It is proposed to replace the existing footbridge over the River Wye, north west of Cressbrook Mill which closed in 2019 for safety reasons.
3. The east bank of the bridge and field to the south fall within an area TPO and lie within the Cressbrook & Ravensdale Conservation Area, whilst the Grade II\* Listed Cressbrook Mill is 125m south east. The west bank falls within the Peak District Dales Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) Wye Valley.
4. The public benefits of re-instating a means of access the Wye to support use of the concessionary Brushfield C1 footpath would significantly outweigh the limited harm arising towards the Conservation Area and setting of Cressbrook Mill. The proposal is acceptable in respect of ecology, trees, flood risk and amenity. The application is therefore recommended for conditional approval.
5. The accompanying Appropriate Assessment report concludes there will not be any unacceptable impacts on the integrity of the designated interests.

**Site and Surroundings**

6. The application relates to an existing footbridge crossing the River Wye at Cressbrook Mill. The bridge forms part of a concessionary footpath (Brushfield C1) which connects Cressbrook Mill on the east side of the Wye via Water-cum-Jolly across to Litton Mill, where pedestrians can continue back across the river to the Monsal Trail.
7. The path was originally formalised to enable access from one end of the Monsal Trail to the other, prior to the opening of the Litton and Cressbrook Tunnels to the public in 2011.
8. The route has since remained popular and was identified by the PDNPA Access and Rights of Way Team as a priority route. However, due to the condition of the bridge it has been closed since 2019 for safety reasons.
9. The bridge is formed of 2x steel I-section Universal Beams with timber frame beams, joists, boards and parapets. The original timber deck has been overlaid with a new timber deck, however the joists and beams remain in situ.
10. The existing bridge deck spans a width of 20.7m. The bridge has a depth of 629mm including the old and new overlain deck and supporting beams. Timber parapets measure 870mm in height.
11. North of the footbridge is a weir and mill pond. The Grade II Listed Dale View Terrace and Grade II\* Listed Cressbrook Mill are 80m and 125m south east of the bridge respectively. The east edge of the bridge is within the Cressbrook and Ravensdale

Conservation Area and also forms part of a wider area TPO.

12. The west bank of the bridge is within the Peak District Dales SAC and SSSI Wye Valley.

### **Proposal**

13. The accompanying Structural Report confirms significant works are required to upgrade the existing bridge with associated costs not dissimilar to that of a new bridge.
14. The proposal seeks to remove and replace the pedestrian footbridge crossing the River Wye at Cressbrook Mill with a more resilient design featuring a resin infused FRP (fibre reinforced polymer) deck with hardwood parapet.
15. The new bridge would be 21m in width across the River Wye, excluding the stepped access to the bridge from either bank. The bridge deck would have a width of 1.2m and depth of 900mm. Timber parapets would be 1.2m in height.
16. To accommodate the bridge structure, a new foundation would be required on the east bank of the river. The existing stone pier to the east bank of the bridge would no longer be required for the structural integrity of the bridge however it is proposed to be retained and increased in height to the bridge base for visual reasons.
17. The west abutment will be retained although may require some modification. However, due to difficulties investigating the structural integrity of the bridge abutments without removal of the existing bridge, preliminary investigation works would be required upon removal of the bridge to establish the full scope of works relating to the abutments.

### **RECOMMENDATION:**

18. That the application be **APPROVED** subject to the following conditions -
  1. **Standard time limit**
  2. **Carry out in accordance with specified approved plans and documents**
  3. **Following removal of existing bridge and assessment of structural integrity of western abutment, full details of bridge design and foundations to be submitted to the National Park Authority for approval prior to new bridge installation.**
  4. **No stonework to bridge abutments to be carried out other than in complete accordance with a sample panel of stonework to be constructed for inspection and approval by National Park Authority.**
  5. **Section 211 application to be submitted for the removal of trees affecting the bridge area.**
  7. **Pre-commencement condition requiring details of tree protective fencing**
  8. **Details of replacement tree planting to be submitted prior to first use of bridge and planted in first landscaping season thereafter**
  9. **Pre-commencement condition requiring a Construction Management Plan**

10. **Pre-commencement condition requiring Construction Ecological Management Plan**
11. **Works to be undertaken in full accordance with Ecology Report and Reasonable Avoidance Measures (RAMs) Method Statement with report to be submitted on completion of works**
12. **No development or construction works beyond the weir**
13. **Pre-work checks prior to removal of stone wall and any work around the river**
14. **Works to cease upon discovery of any protected species and an ecologist from the National Park Authority contacted.**
15. **Avoid works during nesting bird season or undertake checks no more than 48 hours prior to works including vegetation clearance.**
16. **Installation of 2x bat boxes**
17. **Re-instatement of stone wall prior to first use of footbridge**
18. **Bridge deck to be finished in green colour**

### **Key Issues**

19. The impact of the development on the appearance of the built environment and landscape of the National Park, including the Cressbrook and Ravensdale Conservation Area and Cressbrook Mill
20. Impact on the Peak District Dales SAC, Wye Valley SSSI and protected species (inc. Habitats Regulations Assessment)
21. Impact on trees including the TPO 048

### **History**

22. WED0783314: Footbridge – Granted conditionally 2<sup>nd</sup> September 1983.

### **Consultations**

23. Derbyshire County Council Lead Local Flood Authority: Not currently responding to minor applications.
24. Derbyshire County Council Highways: No objections.
25. Little Longstone Parish Council: No objections.
26. Litton Parish Council: No objections and note that the existing footbridge remains closed with some instances of people using the bridge at risk.
27. Environment Agency: Response awaited.
28. Natural England: No objection subject to mitigation measures outlined by the submitted Preliminary Ecological Appraisal and Habitat Regulations Assessment being conditioned as part of the planning permission.
29. PDNPA Forestry: No objection subject to the inclusion of a condition requiring a section

211 application to be submitted for the removal of trees affecting the bridge area.

30. PDNPA Ecology: No objection subject to conditions in order to mitigate the potential impacts of the development.

### **Representations**

31. One representation in support of the application has been received from the Ramblers Derbyshire Dales Group, outlining that the development would benefit local residents, walkers, runners and other users of the countryside through improved access.

### **Main Policies**

32. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, RT1.
33. Relevant Development Management policies: DM1, DMC3, DMC5, DMC8, DMC11, DMC12.

### **National Planning Policy Framework**

34. The National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date.
35. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.
36. Para 182 of the NPPF states '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 landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas, and should be given great weight in National Parks and the Broads.'
37. Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
38. Paragraph 205 continues that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation.
39. Paragraph 207 states 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.



### Peak District National Park Core Strategy

40. GSP1, GSP2 – 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 wildlife and heritage.
41. GSP3 – 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 and design in accordance with the National Park Authority Design Guide.
42. DS1 – Forms of development in all settlements and in the countryside which are acceptable in principle include that for recreation.
43. L1 – Development must conserve and enhance valued landscape Character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances.
44. L2 – Development must conserve and enhance sites, features or species of biodiversity importance and their setting and development likely to have an adverse impact on any of the above, that have statutory designation or are of international or national importance for their biodiversity, will not be permitted other than in exceptional circumstances.
45. L3 – Development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings. Proposals which harm the significance of such assets will be refused other than in exceptional circumstances.
46. RT1 – The National Park Authority will support facilities which enable recreation and which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park’s valued characteristics. Opportunities for access by sustainable means will be encouraged. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity.

### Peak District Development Management Policies

47. DM1 – Sets out a presumption in favour of sustainable development in the context of National Park Purposes.
48. DMC3 – Where developments are acceptable in principle, design is required to be of a high standard which where possible enhances the natural beauty, quality and visual amenity of the landscape. Design and materials should all be appropriate to the context. Accessibility should also be a key consideration.
49. DMC5 – Planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate its significance, how it will be conserved and where possible enhanced and why the proposed works are desirable or necessary.
50. DMC7 – Applications for development affecting Listed Buildings and / or their setting should assess and clearly demonstrate how the significance of the asset will be preserved and why the proposal is desirable or necessary.
51. DMC8 – Applications for development in a Conservation Area should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved and enhanced.

52. DMC11 – In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss, as outlined by the policy.
53. DMC12 – For internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.

## **Assessment**

### Principle

54. Policy DS1 confirms forms of development in all settlements and in the countryside which are acceptable in principle include development for recreation.
55. The replacement footbridge will support access and recreation opportunities for walkers and other users of the Brushfield C1 concessionary footpath and is therefore acceptable in principle.

### Design

56. The design of the proposed bridge would differ from the existing and comprise more modern materials including an FRP deck with hardwood parapet posts and rails.
57. Whilst the FRP deck is considered to be less sympathetic to the site setting, the applicant has confirmed the cost for the manufacture and supply of a steel bridge would be double the cost of the entire tender package for the FRP deck bridge (manufacture, supply and installation), alongside heavier installation costs due to the weight of steel and higher maintenance costs long-term.
58. Due to available funding for the bridge, if a steel bridge were insisted on, such a cost would not be viable and the existing bridge would need to be removed and the concessionary footpath closed, conflicting with the Authority's access objectives.
59. Whilst the bridge deck would also increase to 900mm compared with the existing 629mm, the bridge manufacturer has confirmed the depth is required to meet the structural demands of the bridge design in line with current standards and due to the wider width of the river crossing. To encourage the bridge deck to blend in with its surroundings, its colour will be green to reflect the wooded and green nature of the valley. This will be secured by condition.
60. Additional stonework to the bridge abutments and eastern pier which is to be retained for visual reasons will need to match the existing stone.
61. Due to the functional and structural requirements of the bridge and its limited visibility, the design and materials is considered to be acceptable. The proposal therefore satisfies Policies GSP3 and DMC3 of the development plan in terms of its design.

### Heritage Considerations

62. The site lies at the edge of the Cressbrook & Ravensdale Conservation Area. To the south east are the Grade II\* Listed Cressbrook Mill and Grade II Listed Dale View Terrace, although due to physical separation and limited inter-visibility the site is not considered to form part of the setting of Dale View Terrace.
63. There are also very limited views towards Cressbrook Mill, although given the mill pond

to the north the site could be reasonably considered to form part of its setting.

64. While the overall design of the bridge is acceptable, the FRP deck would not reflect the materials of the existing bridge. The introduction of this material would therefore result in less than substantial harm to the significance of the Conservation Area and Cressbrook Mill, although this harm would be very limited and at the lower end.
65. However, it has been demonstrated that due to the structural design of the bridge required for the width of the crossing and current standards, alongside construction and maintenance costs of an alternate steel bridge design, the alternative would be to remove the redundant footbridge and close the concessionary footpath.
66. Some limited harm would also arise through the removal of part of the stone boundary wall to the field to the south which would be used as a construction compound, with the wall contributing towards a sense of enclosure in this part of the Conservation Area. However, the reinstatement of the wall prior to first use of the bridge could be secured by planning condition. Such impacts would therefore be temporary.
67. On balance, the less than substantial harm (at the lower end) arising towards the significance of the Conservation Area and Cressbrook Mill is considered to be significantly outweighed by the clear public benefits associated with re-instating a means of access across the River Wye along a popular walking route, supporting the second statutory purpose of the Park to promote opportunities for enjoyment of the special qualities of national parks by the public.
68. The proposal therefore complies with Policies L3, DMC5, DMC7 and DMC8 and the National Planning Policy Framework.

#### Ecology

69. An Ecology Report and Habitat Regulations Assessment Screening Assessment (HRA), and a Reasonable Avoidance Measures (RAMS) Method Statement have been submitted, with site surveys undertaken in February and November 2023.
70. There are two protected sites partially located within the footprint of the west abutment of the bridge: the Wye Valley SSSI and Peak District Dales SAC.
71. Development impacts are expected to be minimal and mainly confined to the construction phase, within the footprint of the existing structure and field. Due to this and the absence of habitat of value within the potential zone of influence on the west side (within the SAC/SSSI) no direct effects on protected sites are predicted.
72. Overall, the Ecology Report and additional ecology advice (01/12/23) indicate there is limited potential for the works to impact protected bird species and nesting birds, bats, water vole, otter, white-clawed crayfish, brook lamprey, bullhead, reptiles and amphibians subject to mitigation measures required for some species as outlined by the Report.
73. Removal of part of the drystone boundary wall would be required to facilitate use of the field to the south east of the bridge as a temporary construction compound. The PDNPA ecologist has advised that pre-work checks of the wall and field by an ecologist are required for amphibians, reptiles, white-clawed crayfish, bats, hedgehog and badger.
74. Further general mitigation measures and reasonable avoidance measures are set out by the Ecology Report and RAMS Method Statement which will be conditioned as part of any approval.

75. A condition is also imposed requiring that should any protected species be discovered at any times during construction works, development should cease.
76. Enhancement measures will be secured through the provision of bat boxes.
77. Full details of the construction works and compound and measures to prevent impacts towards ecology and trees will be required as part of a Construction Management Plan and Construction and Environmental Management Plan respectively, both of which can be secured by condition.

#### Trees

78. It is anticipated the works are likely to lead to the removal of a maximum of two trees adjacent to the footbridge, located to the south west and north east of the bridge.
79. At this stage it is not clear if installation of the new bridge will allow retention of the tree to the north east. This tree falls within an area TPO, however the TPO was designated in 1984 and pre-dates the age of the tree to be removed. The tree is therefore not protected by the TPO.
80. PDNPA Forestry have therefore not raised any objection to the removal of either tree, with both trees identified being category C trees.
81. Should permission be granted, a condition has been recommended requiring submission of a section 211 application for the removal of any trees affecting the bridge area. A condition requiring replacement planting is recommended which should reflect the total number of trees removed.
82. Due to the proposed location of a construction compound on the field to the south east of the bridge and proximity with trees along the river bank, protective fencing would be required during the construction period.

#### Residential Amenity

83. The site lies approximately 60m from the nearest residential properties which are situated at an elevated level on the rising valley side.
84. Due to the nature of the development, it is considered there is very limited potential for the development to disrupt residential amenity save for the removal and construction of the existing and new bridge respectively.
85. Due to the nature of the works, the construction period is expected to be limited however for the avoidance of doubt, a condition is recommended for a Construction Management Plan which will include details of hours of construction to ensure works are undertaken during sociable hours.

#### Conclusion

86. The principle of the replacement footbridge is accepted.
87. Whilst the replacement bridge would lead to less than substantial harm towards the Cressbrook & Ravensdale Conservation Area and setting of the Grade II\* Listed Cressbrook Mill, this harm is at the lower end and is deemed to be outweighed by the significant public benefits associated with supporting access along a popular walking route in the National Park.
88. The report has also demonstrated the proposal is acceptable in respect of ecology,

trees and residential amenity.

89. The proposals are therefore considered to be in accordance with the policies of the development plan and the NPPF and are recommended for approval.

90. There are no further material considerations that would indicate that planning permission should be refused.

### **Human Rights**

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

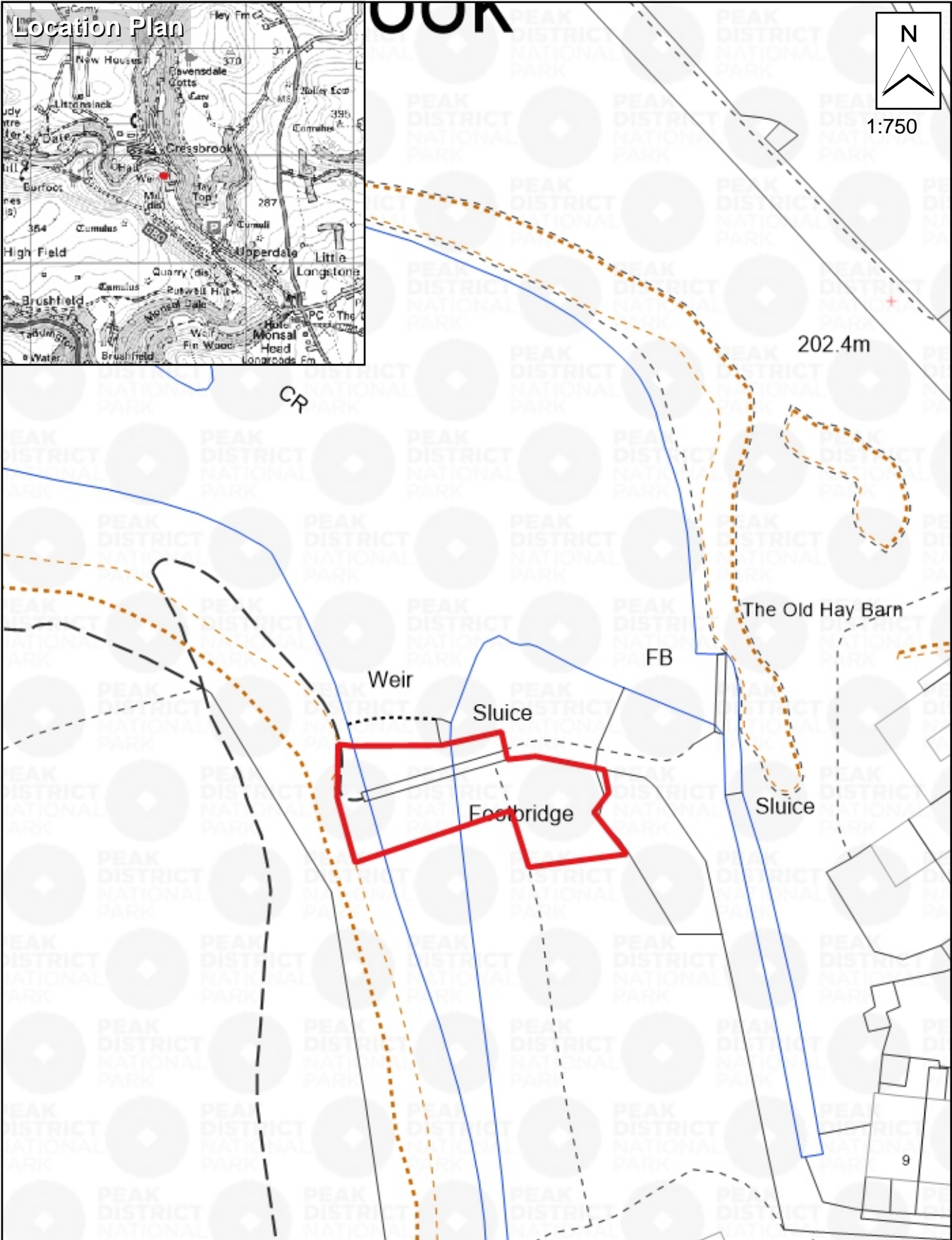
### **List of Background Papers** (not previously published)

Nil


### **Report Author**

Hannah Freer – Planner – North Area

This page is intentionally left blank



© Crown copyright and database rights 2022 Ordnance Survey 0100022750  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	19/01/2024	<b>Title:</b> Footbridge over the River Wye at Cressbrook Mill	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 8 & 9		
Application No:	NP/DDD/1023/1299		
Grid Reference:	417219, 372804		

This page is intentionally left blank



**10. FULL APPLICATION: PROPOSED BARN CONVERSION TO CREATE A SINGLE DWELLING INCLUDING THE UPGRADE OF AN EXISTING SINGLE STOREY SIDE EXTENSION TOGETHER WITH ALTERATIONS TO ADJACENT FARM HANDS COTTAGE TO CREATE RESIDENTIAL CURTILAGE WITH DEDICATED AMENITY SPACE FOR THE COTTAGE AT HALL FARM HOUSE BED AND BREAKFAST, HALL LANE, LITTON. NP/DDD/0621/0657 JK.**

**APPLICANT: MR FRAZER SCOTT**

**Summary**

1. The site is a stone barn proposed for conversion into a two-bedroom dwelling located within a former farmstead complex adjacent Hall Lane within Litton village.
2. The alterations to Farm Hands Cottage and its curtilage are acceptable.
3. The principle of converting the original historic barn to a dwelling is acceptable however the application proposes to retain a modern lean-to extension with alterations and rebuilding to form additional accommodation.
4. Officers advised retention of this lean-to harms the character, appearance and setting of the historic barn and the farmstead group and requested its omission. This would enable a more sensitive conversion revealing historic openings, however the applicant has requested determination as submitted.
5. The application is recommended for refusal.

**6. Site and Surroundings**

7. Hall Farm House lies at the junction of Main Road and Hall Lane in the centre of Litton village. The Hall faces onto Main Street over a small walled frontage. The main amenity space at the rear abuts Hall Lane where there is also a domestic vehicular access.
8. To the south of the house and its formal garden lies the former farmyard which is bounded by a U-shaped range of traditional former farm buildings. The western range of these buildings now forms a part two-storey/part single-storey dwelling known as Farm Hands Cottage behind which are two small walled grass paddocks.
9. The southern barn range lies outside the application area and has already been converted to residential use.
10. The remaining smaller unconverted eastern two storey traditional barn abuts Hall Lane. This eastern barn is the subject of the current application to convert into a dwelling incorporating the much later lean-to extension sited in the corner abutting both the southern barn and the application barn. This lean-to is constructed of mixed stone/concrete block under a corrugated roof and is of no merit.
11. The main access into the farmyard off Hall Lane lies off the north gable of the application barn.
12. All of the property lies within the Litton Conservation Area with the barn being particularly prominent in close views from Hall Lane.
13. There are no designated heritage assets within the application site although clearly the Hall as a late 19<sup>th</sup> Century farmhouse is a non-designated heritage asset along with its traditional outbuildings which together form an historic farmstead group.

14. The proposed development will, if accepted, create an additional dwelling which would lie within the Nutrient Neutrality SSSI catchment area for the Peak District Dales SAC (PDDSAC) and the River Wye SSSI. Foul water discharges from development are one of the main contributors to nutrient enrichment, as such, any development which will cause an increase in overnight stays within the catchment must calculate a nutrient budget and provide mitigation which will prevent any increase in nutrients entering the River and exacerbating the sites current unfavourable condition.
15. Consequently, a separate Habitats Regulation Assessment report has been produced which officers have determined under delegated powers, concluding that there would be an insignificant impact upon the PDDSAC and thereby enabling determination of this application.

## **16. Proposal**

17. The conversion with alterations of the barn coupled with substantial rebuilding of the lean-to to form a single market dwelling.
18. Amended plans for the conversion have been submitted as well as details of the means of foul sewage disposal being changed. Foul waters from both the new dwelling and Farm Hands Cottage now being directed to a new packaged sewage treatment plant. This would replace a current septic tank in the yard and would discharge to a new drainage field in the paddock behind Farm Hands Cottage. The application is determined on the basis of these revised plans and associated documents.
19. The plans show the dwelling would have two bedrooms and a main bathroom on the ground floor with the first floor providing open plan living dining and kitchen space. One of the ground floor bedrooms would be within the lean-to extension which would be upgraded and altered with a new front cavity stone wall to replace the existing blockwork. A new roof clad in blue slate would replace the existing corrugated one and match the proposed new slate roof (replacing current Hardrow tiles) on the main barn.
20. A small walled amenity area and a single parking space is shown created between the gable of the barn and the farmyard entrance following the removal of an existing conifer tree of no particular merit. Four other parking spaces are outlined within the yard on the plans.
21. In addition to the works to convert the barn and upgrade the extension the proposal also includes alterations to the rear of Farm Hands Cottage. The amended proposal sees a new doorway in the current dining/study area to give access out onto a proposed new dedicated private amenity space at the rear west side of the cottage formed by walling off a section of the rear paddock.

## **22. RECOMMENDATION:**

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

1. **The proposal fails to demonstrate a scheme of conversion to a market dwelling which would conserve and enhance the significance of this non-designated heritage asset and its setting. The proposal is therefore contrary to policies HC1C, DMC10, the Conversion of Historic Buildings SPD and the NPPF.**

2. **Insufficient evidence, in the absence of a bat loft or further survey to rule out harm to protected species (bats), contrary to policies L2, DMC11, DMC12 and the NPPF.**

**24. Key Issues**

- The principle of development.
- The impact of the proposed development, particularly the retention of the lean-to, on the significance of the barn and its setting within the historic farmstead.
- The impact on the street scene and landscape character of the locality.
- Highways and ecological impacts
- Impact upon the Conservation Area.
- Potential impact upon the SAC.

**25. Relevant Planning History**

26. 1977 – Approval for use of Hall as guest house
27. 1985 – Approval for conversion of barns to dwelling
28. 1996 – Approval for restoration of cottage and conversion of outbuildings for ancillary use. Conditions required the accommodation to remain ancillary to Hall Farm House and not be an independent dwelling and also withdrew permitted development rights. The plans showed the adjacent lean-to on the southern barn being reduced in length to create more space in front of the cottage for an enlarged amenity space.
29. 2007 – Consent granted for independent use of the cottage
30. According to the Heritage Report the lean-to was built sometime between 1922 and the 1950's when it first appears on a photograph. The heritage report considers this indicates that the building had originally been constructed of stone, with a central doorway flanked by two openings although officers are unable to confirm the use of stone due to the poor quality of the image. By 1976, the structure appears to have been rebuilt with concrete blocks, with the central door still present but the flanking windows removed. The western portion of the lean-to was then demolished between 2003 and 2005 according to an aerial image. The eastern wall was re-built and faced in stone more recently by the current owner when the adjacent cottage was created and the lean-to shortened to make way for an amenity space in front of the cottage.

**31. Consultations**

32. Highway Authority – No objections.
33. DCC noted that despite visibility splays being below recommendations recognise the access is close to the 30 mph zone which coupled with the improvements and noting the existing character of the site concluded that *“it would be difficult to defend a reason for refusal on highway grounds under NPPF 111 (severe) at appeal, ..*
34. Recommends conditions to secure compliance with amended plans, parking provision to be maintained and no gates or barriers at the access.
35. Litton Parish Council – The Parish Council supports this application as it removes an unsightly additional entrance and the renovations are sympathetic to the barn.
36. Natural England – No objections

37. Summarised advice is; if the septic tank discharges to a drainage field, i.e. as shown in Building Regulations Approved Document H2, which also meets the criteria set out within Annex F of NE's letter 'Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites', a conclusion of no Likely Significant Effects can be reached within the HRA.
38. Any mitigation measures used should be secured by condition and detailed within the Appropriate Assessment stage of HRA.
39. It is also important to note that whatever the treatment system, there must be measures in place to ensure it's functioning for the lifetime of the development.
40. PDNPA Ecology - No objections, some impact due to presence of bats and birds, recommends conditions to mitigate re EPSM licence required and update bat survey or additional mitigation (bat loft).
41. Detailed comments (Summarised)
42. A brown long-eared bat Day Roost was recorded in the barn.
43. Given the age of the data an updated survey to assess the current status of the site is required to include a daytime roost assessment (including birds) and at least one emergence survey. Given the current potential of the building to support higher numbers of cavity dwelling bats such as brown long-eared bats, as an alternative to the updated survey, the inclusion of a dedicated bat loft into the development would be welcomed.
44. Given the presence of bat roosts, a European Protected Species Mitigation Licence will need to be secured from Natural England before the works can proceed.
45. As an alternative to a house sparrow terrace (which are not suitable for swifts), advise that at least 2x swift bricks are incorporated into the development. Swift bricks can also accommodate other smaller birds.
46. Any lighting for the scheme should be in accordance with advice given in Bat Conservation Trust and Institute of Lighting Professionals (2018) Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
47. PDNPA Archaeology; Do not support but recognise improvements made to original submitted scheme. Comments as follows (summarised)
48. Significance  
The barn forms part of a range of barns that form part of a historic farmstead. The building comprises a north-south aligned projection of a L-shaped range of barns that date to the 19th century, and face on to a former farmyard area. A small modern lean-to is attached to its west elevation, and also attaches to the north elevation of the east-west aligned range.
49. The two-storey section of the main barn is considered to be a heritage asset of local significance. Its significance lies in its:
  - Historic interest – agricultural character, external elevations (stonework, apertures, features etc.) retain a high level of historic interest, legibility of the historic agricultural function of the building. Legibility of phases of stone work and alteration. Size and location of historic apertures evidence historic use and function, surviving traditional shutters, doors and door furniture. Some, but limited interest internally, partial survival of historic flooring, hook fittings, elements of historic roof structure etc.

- Architectural interest - including traditional materials, vernacular form and agricultural character that is evidence of its historic use and function, and a reflection of the development of both farming practices and the local landscape. Architectural features such as ashlar lintel, jambs and cills .
  - Archaeological interest - the main building retains the potential for concealed evidence and information within the surviving historic fabric that holds clues to its historic development and function that could be revealed with specialist study.
50. It is clear that whilst there are some features of interest internally, the barn's main interest lies in its external elevations as this is where most historic interest and legibility lies.
51. The small lean-to is an entirely modern construction, not added until the 20th century. It does not appear on the 1922 OS mapping, but a lean-to is shown on a 1950s aerial photograph. The structure of the lean-to itself was originally built of local stone, but is currently largely of blockwork construction with corrugated roofing, and as the heritage statement makes clear in the mid-20th century the structure was constructed of stone and very little of the original 20th century structure actually survives.
52. As a structure of clear 20th century origin, that is not made of traditional materials, the lean-to is not considered to a heritage asset or have heritage value. Furthermore, in obscuring the features of the main barn it actually detracts from the significance of the heritage asset. I therefore question its suitability for conversion.
53. Comments on the amended scheme
54. *New window in the north gable end of the barn.*  
The upper story of the barn was originally a hay loft, as evidenced by the ventilation slits. Other than the ventilation slits this wall was originally sterile of archaeological features. The heritage statement notes that this addition would have an impact of moderate to major significance.
55. *New door on west side farm hand's cottage.*  
The west facing wall has an existing door and two small air slits converted to small windows. The current proposals included one window and one new door (Planning Officer notes now reduced to a single door). These will have a significant impact on the appearance of the wall and the building in general. However, this wall faces the fields to the west and is not easily viewed except from the rear of the properties that face on the main road through Litton.
56. *Amenity space for farm hand's cottage.*  
This area is characterised by strip fields that run north-south and the proposed amenity space will cut into one of the strips narrowing its line in this area. However, the strip has already been encroached upon by the property to the south and it is proposed that the new amenity space lines up with the already existing encroachment to the south. This will reduce the impact of the proposal but there will still be a low-level impact on the field system around the village.
57. *Roadside elevation.*  
This elevation is currently blind at ground floor, a reflection of the historical function of the building and how the building operated as part of the historic farmstead. The proposed two new openings (Planning Officer Note – new openings reduced to one window in latest amended plans) in this elevation that is currently blind at ground floor will change the character of this elevation, and would dilute the agricultural character of the building, which is part of its core significance. It would also affect the legibility of the historic function of

the building, confusing the archaeology of the building, which is harmful to its historic interest, again part of its core significance. This represents a high level of harm to part of the core significance of the building.

**58. Rooflights**

Welcome the size of the rooflights on the West elevation courtyard roof has been reduced, and their position on the roof lowered. However, 3 is still too many for this small roof and would harm the agricultural character of the building and the solid: void ratio of the roof. (Planning Officer Notes these now reduced to two in number)

**59. Lean-to**

Still question whether this is worthy of retention in any conversion as a modern structure, and advise that the significance of the historic building would be better revealed by its removal. If it is considered accept to retain and rebuild as part of a conversion scheme then the reduction in size of the window and rooflights would be less harmful to the agricultural character of the building overall the what was previously proposed. A solid roof without rooflights would be preferable. (Planning Officer notes the latest amended plans simplify the openings and omit the rooflights).

**60. Window**

Planning Officer Note - Latest amended plans remove the previous concern these were still too domestic in character, and now show single recessed glazing to give more of the impression of an agricultural aperture rather than a domestic window with glazing bars etc.

61. From a heritage perspective details such as the number, form and position of rooflights, and window detailing could be controlled by condition. However, the proposed new openings to the eastern elevations are a real sticking point – they result in a large degree of change to a key elevation, of harm to the significance of the heritage asset, and they are contrary to policy.

62. In summary, the proposed conversion still does not work well with the significance of the heritage asset, and would not conserve the significance of the heritage asset. A number of proposed changes will result in a high level of harm. Therefore, from a heritage perspective I cannot support the positive determination of the application with the revisions as proposed as annotated on the amended plans.

**63. National Planning Policy Framework (NPPF)**

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

65. The National Planning Policy Framework (NPPF) has been revised (2023). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

66. Para 201 Of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.
67. Para 203. Of the NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
68. Para 205. Of the NPPF 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.
69. Para 207. Of the NPPF 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.
70. Para 208. Of the NPPF 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.
71. Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**72. Main Development Plan Policies**

73. In the National Park, the development plan comprises the Authority’s Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

**74. Core Strategy**

75. Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed. With GSP2 - Enhancing the National Park, these policies jointly seek to secure national park legal purposes and duties through the conservation and enhancement of the National Park’s landscape and its natural and heritage assets.

76. 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.
77. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
78. 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.
79. DS1 - Development Strategy. Sets out that most new development will be directed into named settlements. Froggatt is a named settlement.
80. L1 - Landscape character and valued characteristics. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
81. Policy CC1 requires development to incorporate sustainable building techniques to mitigate the impacts of climate change. Development must maximise opportunities for carbon reductions by designing development in accordance with the energy hierarchy and incorporating energy and water saving measures.
82. Policies L1 and L3 say that development must conserve or enhance the landscape and cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted.
83. We have adopted a Supplementary Planning Document (Detailed Design Guide) for alterations and extensions. Chapter 3 relates to extensions to dwellings and states that there are three main factors to consider, massing, materials, detailing and style. All extensions should harmonise with the parent building, respecting the dominance of the original building. The original character of the property should not be destroyed when providing additional development.
84. Chapter 4 of the SPD deals with other material planning considerations, neighbourliness, outlook and amenity, privacy and daylight are fundamental considerations when altering or extending a property. We have also adopted an SPD on sustainable building and climate change. This is a material consideration when applying policy CC1.
85. Policy HC1 says that provision will not be made for housing solely to meet open market demand. New housing can be accepted where it would meet eligible local need for affordable housing, provides for key rural workers or
86. C. 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.



## 87. Development Management Policies

88. Policy DMC3 says 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. DMC3 B. sets out various criteria which will be taken into account.
89. Policy DMC5 says that planning 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 and related works are desirable or necessary.
90. Policy DMC5 says that planning 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 and related works are desirable or necessary.
91. DMC8 Conservation Areas
- A. 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. The application should be determined in accordance with policy DMC5 and the following matters 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 including important open spaces as identified on the Policies Map;
  - (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;
  - (v) the nature and quality of materials.
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting. Where an outline application is submitted the Authority reserves the right to request additional information before determining the application.
- C. Proposals for or involving demolition of existing buildings, walls or other structures which make a positive contribution to the character or appearance or historic interest of the Conservation Area will not be permitted unless there is clear and convincing evidence that: (i) the condition of the building (provided that this is not a result of deliberate neglect) and the cost of repairing and maintaining it in relation to its significance and to the value derived from its continued use, is such that repair is not practical; or
92. (ii) the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building where its removal would better reveal buildings, walls or structures that make a positive contribution to the character or appearance or historic interest of the Conservation Area.
93. D. Where development is acceptable, a record of the current site, building or structure and its context will be required, prior to or during development or demolition.

94. E. Plans for re-use of an area where demolition is proposed must be agreed and a contract for redevelopment signed before the demolition is carried out.
95. F. Felling, lopping or topping of trees in a Conservation Area will not be permitted without prior agreement. This may require their replacement, and provision for their future maintenance.
96. Policy DMC10 A. says that the conversion of a heritage asset will be permitted provided that:
- i. it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
  - ii. the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and
  - iii. the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and
  - iv. the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.

Policy DMC10 B. says proposals under Core Strategy policy HC1CI will only be permitted where:

- i. the building is a designated heritage asset; or
  - ii. based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and
  - iii. it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and, where appropriate, the enhancement of the significance of the heritage asset and the contribution of its setting.
97. Policies DMT3 and DTM8 require safe access and adequate parking to be provided for development.

98. Adopted supplementary planning documents:

99. The Authority adopted design guide is relevant, as is the Authority's adopted supplementary planning guidance on climate change and sustainable building. The Design Guide states that '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'.

100. Conversion of Historic Buildings Supplementary Planning Document (SPD):

101. This SPD was adopted in April 2022. It is intended to be used by those wishing to convert historic buildings. It provides a level of detail that is necessary to interpret national guidance in the context of Peak District National Park's protected landscape. In particular it clarifies DMP policy DMC10 'Conversion of a heritage asset' by focusing on:

- a. Principle 1: Understand the building and its setting
- b. Principle 2: Work with the existing form and character
- c. Principle 3: Follow a conservation approach
- d. Principle 4: Create responsive new design
- e. Principle 5: Use appropriate materials and detailing
- f. Principle 6: Conserve and enhance the setting

**102. Assessment**

103. Principle of Development

104. The proposal is for the conversion of the traditional limestone barn and the later modern lean-to to create a two-bed market dwelling. The barn is located on the edge of the village and within the built-up area of the village.
105. Market housing is only approved on an exceptional basis, as set out in Core strategy policy HC1. HC1C sets out the relevant exception section for this case where, in accordance with core policies GSP1 and GSP2, the conversion can be accepted where it is required either to achieve conservation and/or enhancement of valued vernacular or listed buildings; or achieve conservation or enhancement in a designated settlement listed in DS1. Litton is one such designated settlement.
106. The policies set out above, notably policies HC1 and DMC10, therefore support the principle of the conversion of non-designated heritage assets to alternative uses within policy DS1, provided that the development is required to secure the conservation or enhancement of the buildings and the impact of the conversion on the buildings and their setting is acceptable.
107. The barn is not a listed building so it is not a designated heritage asset. Development Management policy DMC5 requires an assessment of significance to be with an application which relates to a heritage asset. A detailed Heritage Statement has been submitted which meets the requirements of policy DMC5. On the basis of this assessment, officers agree that, given its evidential, aesthetic and historical value, the barn is considered to be a non-designated heritage asset. As such the conversion falls within the scope of policy DMC10 which sets out that conversion of a non-designated heritage asset will be permitted subject to detailed criteria being met which seek to protect its significance and the landscape setting.
108. The principle of conversion of the building to a beneficial use is therefore considered to be in accordance with Core Strategy policies DS1, HC1 and L3 and DM policies DMC5 and DMC10, provided the scheme does not result in any harm to the character and appearance of the building and its setting. The Heritage Statement demonstrates that the main building has sufficient historic and vernacular merit to warrant conversion to an alternative use. Officers agree with this assessment, so the proposal to convert that section would be in accordance with the key policies on this issue.
109. Whilst the principle of the conversion of the main two storey section to a single dwelling is acceptable and accords with Policy HC1, the proposal also includes the lean-to which after enhancement would be used to provide space for the second bedroom and its ensuite.
110. The modern lean-to however is deemed in the Heritage Assessment to have a “*low degree of significance from its connection to the now demolished Old Farm. However, there is very little surviving fabric of the early-mid-20th century structure. Furthermore,*

*the lean-to has abutted a number of significant features of the barn and the southern range.”*

111. It is clear that the later lean-to is of a limited degree of significance. It was never part of the original barns behind and even as a later addition has been much altered and rebuilt over the years. The lean-to covers some significant openings on the façade of the main barns behind. Some of these were revealed when it was shortened in connection with the formation of Farm Hands Cottage, which enhanced the significance and setting of the heritage asset behind. Complete removal of the lean-to would reveal more of these and would follow the normal approach set out in design guidance and our conversion of buildings policy where such later non-traditional additions of little or no merit be removed as part of the package of measures necessary to enhance the character and appearance of the heritage asset. Furthermore, our policies set a high threshold of achieving significant enhancement within policy HC1 and GSP2 to enable an exceptional approval for a market dwelling.
112. The applicant and his agent argue that the inclusion of the lean-to is essential to provide necessary accommodation, the second bedroom, and make the scheme viable.
113. The main issue is therefore whether the conversion is required to achieve the conservation or enhancement of the building and whether the inclusion of the lean-to is a necessary part to secure that.

**114. Design and Appearance**

115. The Impact of the proposed conversion on the building and its setting

116. Policy DMC10 says that the conversion of a heritage asset will be permitted where it is demonstrated that the building is a heritage asset and where:
117. "(i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding)".

118. *Impact on the historic section of the barn*

119. The plans show that the proposal retains and re-uses the building's existing features, principally its form and external appearance. Externally, existing openings are reused for windows and doors with the amended scheme proposing only one new window on the ground floor of the roadside east facing elevation to serve a bedroom, and a new high-level window opening in the otherwise blank north gable end to supplement the kitchen area.
120. Whilst the ground floor opening on the roadside elevation is sited below an existing first floor opening it does erode, to some extent, the present blank ground floor elevation which is a function of this being the rear elevation with the main focus of ground floor openings being into the internal courtyard. It is also noted that this new opening is only necessary because an existing opening on the courtyard side will be covered by the lean-to's retention. The introduction of this new ground floor opening therefore results in a moderate to major impact on significance according to the heritage assessment and is a level of harm to the significance of the building which can be avoided if the lean-to were omitted.
121. Currently the north gable is blank apart from two small high-level ventilation slits. As submitted the plans retained this blank arrangement reflecting the commentary in the Heritage Statement that introducing an opening here represented an impact of moderate

to major significance. Unfortunately, the amended plans now propose a new high-level window in the north facing gable end together with two small heritage style roof lights on the courtyard roof slope to light the open plan living space at first floor level. The roof lights are considered to be well sited and overall would conserve the solid to void ratio of the roof and being sited on the private side of the roof would have no impact outside of the site.

122. A wood burning stove within the living area generates the need for a metal flue in the courtyard side, corner roof slope where it would have least impact.
123. The current Hardrow concrete roof tiles would be replaced by natural blue slates representing a significant enhancement to significance.
124. Overall therefore, whilst it could be viewed that with only two new openings being proposed that the conversion would have a limited impact upon the barns character and appearance, nevertheless the blank nature of the affected elevations means that there would be a heightened impact categorized as a moderate to major adverse impact on significance. This impact could be avoided or significantly reduced with re-planning to deliver a conversion of the historic structure in a more sensitive manner. However, it is recognized that this requires the omission of the lean-to and a slight re-planning of the interior to suit.
125. *The impacts of the inclusion of the lean-to extension*
126. The lean-to is a much later addition to the historic barns and was originally constructed sometime between 1922 and 1950 which is when it first appears on the map. However, it is of no merit having been rebuilt in concrete block under an asbestos roof by 1976. Then more recently it was truncated to move it away from Farms Hands Cottage with the new gable wall being rebuilt and faced with stone.
127. The lean-to is proposed to be mostly rebuilt in stone and receive a new blue slate roof to improve its appearance and provide space for the second bedroom and en-suite. Although tidying this element up and improving its appearance this would essentially be a replacement structure. This would have a permanent adverse impact on significance as a result of concealing important historic openings behind its fabric and preventing their effective use in a more sensitive conversion confined within the historic structure. Weighed in the planning balance this harm is not outweighed by the retention of the very little significance of the lean-to itself. Neither is it outweighed by the loss of the larger bedroom space as there is no evidence to suggest that a similar conversion within the historic shell could not be achieved.
128. Without the lean-to the conversion would need some simple internal re-planning to still achieve two bedrooms on the ground floor. Although this would result in a smaller dwelling (floorspace would equate with our affordable floorspace guidance for a four-person dwelling), it would reveal the covered openings on the west elevation and remove the need for the ground floor roadside new opening thus enhancing the significance of the heritage asset to meet the test in HC1C and better accord with aims of policy DMC10.
129. Omitting the lean-to extension would also better accord with our Conversion of Historic Buildings SPD which sets out at 5.14 That; *'Schemes should work within the shell of the existing building, avoiding additions or extensions.'*
130. And at 2.5 *'Historic buildings should be large enough to accommodate the proposed new use and any associated storage without extensions or new ancillary buildings. Extensions to stand alone buildings or buildings separate from a group will require a strong and convincing justification.'*

131. And at 5.15 that *‘Every effort should be made to use existing openings to the full.’*
132. And at 5.18 *‘The historic ratio of blank walling to door and window openings – the ‘solid-to-void’ ratio – should be maintained. The insertion of new openings in otherwise blank elevations, or where there is no physical evidence of previous openings, should be avoided particularly where visible from public vantage points such as footpaths and roads.’*
133. The applicant has been requested to remove the lean-to at various stages within the application life, as well as in pre-application advice where it was suggested that removing the existing *“unsightly lean-to structure to the rear of the property”, ....” would reveal an original door and window opening that have been concealed.”* In response the applicant has requested determination as submitted and put forward the following arguments (summarized) in support of its retention;
134. 1. *Historical aerial photos of Hall Farm show that a more permanent lean-to structure, faced in stone with windows and a central doorway has been in place for the best part of 75 years.*
135. 2. *The lean-to has been reduced in length over the years revealing two of the original openings into the adjacent Long Shippon, which have now been infilled, with the third being preserved and incorporated into our proposals for the retained part of the lean-to.*
136. 3. *The lean-to will be faced in limestone walling, with gritstone detailing to a door and window opening, closely replicating what was there originally.*
137. 4. *This in our opinion, tells a story in conservation terms, in the evolution of Hall Farm and represents a significant enhancement to the appearance, character and setting of the complex of buildings there.*
138. 5. *A final point, in terms of the retention of the lean-to, relates to the viability of the conversion, which realistically requires two bedrooms in order to provide a good level accommodation for a small family, which we know there is demand for in the village.*
139. *With regards to the other points raised:*
140. *Ecology – a bat loft is not considered feasible, but our client is happy to install external ready-made / integrated Bat and Swift boxes into the conversion and surrounding buildings*
141. In summary officers conclude that the proposed conversion would generally be of an acceptable design, apart from the inclusion of the modern lean-to extension which would perpetuate the harm to the significance of the original barn and prejudices the more effective use of the concealed openings behind, and to its courtyard setting. Without the removal of that lean-to the development would not achieve the high bar necessary in terms of the conservation and enhancement of the building and its setting, to accord with our housing and conservation policies. Consequently, refusal on these grounds is warranted.

#### **142. Landscape Impacts**

143. The barn is part of an historic farmstead on the village edge and now sits within a largely residential setting. There are open grazing field nearby and across the street. The application site is clearly part of the larger building group which is now in residential use. The converted barn would use an existing access and have small garden and parking

space defined by a drystone wall. Given the changes to the building and site would be mostly modest when viewed from the public realm it is not considered that the scheme would change the immediate setting of the building, although it would of course consolidate the current domestication of the wider building group.

144. In this case the curtilage would be very small so its impact would be limited and localised with the main open character of the farmyard being retained. The retention of the lean-to would be viewed from a section of Hall Lane but seen against the other barns in the group and combined with its recladding in traditional materials it would not be a publicly prominent or intrusive addition. It would therefore have only a minimal impact on the setting from outside the site. On balance, the conversion would conserve the local landscape setting and streetscape as well as the Litton Conservation Area.

**145. Impact on Residential Amenity**

146. The nearest neighbouring property to the barn is Farm Hands Cottage across the courtyard around 13m from the west wall of the historic barn. The conversion has been designed with the ground floor bathroom window and first floor kitchen windows facing the cottage, being obscure glazed to preserve amenity. Two first floor narrow slot window would also face the cottage at around 12.5 -13.2m. These are stated to have 'views obscured' on the plans and are considered due to their size and description to be acceptable in terms of amenity impact.

147. Openings in the lean-to would face north away from the cottage.

148. The small amenity area off the gable would give rise to some impacts but given the already shared use of the courtyard this is not considered to be prejudicial to either dwellings residential amenity.

149. On balance therefore, the dwelling would have no adverse impact on the amenity of any other dwellings. Consequently, the proposal accords with policies GSP3 and DMC3 in these respects.

**150. Ecological Considerations**

151. The application was accompanied by an ecology report and a supplementary bat report which set out that a brown long-eared bat Day Roost has been recorded in the barn. It concluded that in the absence of mitigation, the proposed works would present a significant detrimental impact on the bats occupying this roost. As a result, a Natural England Protected Species Mitigation Licence will be required to carry out the demolition works lawfully.

152. A suggested mitigation and compensation plan was provided to minimise the impact of the development. If the mitigation and compensation/enhancement measures were implemented, the report concludes' *the development is unlikely to have any significant negative impact on bat populations within the local area. In the long term, the development may result in an increase in the value of the site with regard to species diversity and numbers, resulting in an enhancement to local biodiversity.* '

153. The Authority's Ecologist largely agrees but given the age of the data which is over 3 years old, in combination with the fact that the site was initially assessed as having high potential to support a maternity roost and given the mobile nature of bats, an updated survey to assess the current status of the site is required to include a daytime roost assessment (including birds) and at least one emergence survey. Given the current potential of the building to support higher numbers of cavity dwelling bats such as brown long-eared bats, as an alternative to the updated survey, the inclusion of a dedicated bat

loft into the development would be welcomed. The applicant's agent considers a bat loft is not possible and suggested other mitigation (see above) rather than Carry out updated surveys.

154. Consequently, in the absence of a clear understanding of how bats now use the building and will therefore be impacted by the development, without a protected bat loft then harm to a protected species as a result of development cannot be ruled out and a refusal on this ground alone is warranted.
155. As an alternative to the suggested house sparrow terrace (which are not suitable for swifts), the PDNPA ecologist advised that at least 2x swift bricks are incorporated into the development. Swift bricks can also accommodate other smaller birds
156. The ecologist went on the point out that any lighting for the scheme should be in accordance with advice given in Bat Conservation Trust and Institute of Lighting Professionals (2018) Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
157. Conditions would therefore be recommended to be imposed in any approval to secure compliance with recommendations of the report and provide habitat for swifts and other nesting birds (other than the sparrow terrace boxes referred to in the ecological report) With such conditions the proposal, in respect of birds only, would therefore accord with policy DMC12.

**158. Access and Highway Issues**

159. There are no access or highway impact concerns given the Highway Authority has responded to the amended plans raising no objections.
160. Within the yard area the plans show one dedicated car parking space for the barn conversion together with one 'general' visitor parking place. Three spaces are reserved for the Hall Farm B and B use. Parking for Farm Hands Cottage is just shown on the plans as one garage space. However currently the cottage also appears to park one vehicle in front of their property. There is adequate space within the yard for the parking and turning of all the vehicles with 2 spaces for the Hall itself within the separate Hall access drive closer to the village beside the Hall.
161. It is considered that the additional traffic associated with the new dwelling can be satisfactorily accommodated within the site with the visibility at the access being appropriate and not prejudicial to highway safety or amenity.
162. The proposal therefore accords with adopted transport policies.

**163. Environmental Impacts**

**164. Nutrient Neutrality**

165. The development would result in one new dwelling within the catchment sensitive area of the Peak District Dales SAC and the River Wye SSSI and must therefore demonstrate nutrient neutrality.
166. As submitted the foul sewage was proposed to go to a septic tank in the yard and then via a pump to the public sewer, eventually ending up in the Wye via the local sewage works. This was identified by Natural England (NE) as likely to have potential significant effects on The Peak District Dales Special Area of Conservation (SAC).



167. In advising the Authority on the requirements relating to Habitats Regulations Assessment, Natural England advised that where a non-mains drainage system discharges to a drainage field which meets certain criteria it is likely that the amount of phosphorous from the development which would reach the River is insignificant.
168. The applicant has now amended the application such that foul water would now discharge via a packaged treatment plant which will replace the current septic tank and then discharge to a drainage field in the small paddock behind Field Hands Cottage. This new PTP would also pick up foul waters from Field Hands Cottage leading to an overall reduction in effluent into the public sewer system.
169. A separate draft HRA was produced showing how the drainage field met the criteria concluding that any effect would be insignificant. NE have confirmed their agreement to this conclusion and the HRA has been adopted by the Authority paving the way to determination of this application for planning permission.

170. Climate change

171. No details were submitted as to how the conversion would meet the requirements of policy CC1 Climate Change mitigation. However, the applicant's agent states that his client is committed to providing the following:
- (i). A fabric first approach to achieving the best possible U-values and Building Regulations new Part L compliance, or greater – the requirements for which are much more demanding than the previous regulations
  - (ii). Energy efficient heating and hot water provision, with consideration given to the use of an Air Source Heat pump which could be hidden from view / located behind the boundary wall onto Hall Lane
  - (iii). LED light fittings throughout
  - (iv). Water saving sanitaryware, loos, showers etc and fittings throughout.
172. Had the development been acceptable in other respects conditions could have been used to secure these measures.

173. **Conclusion**

174. There are no highway, amenity or wider landscape concerns with the proposals subject to the use of appropriate conditions.
175. Neither are there any concerns about the works to Farm Hands Cottage which are acceptable.
176. Whilst the conversion of the building to a small dwelling is acceptable in principle under policies HC1 and DMC10, the key issue relates to the incorporation, or otherwise, of the modern lean-to into the conversion. Officers consider that an acceptable conversion meeting adopted policy and design requirements for such development could be achieved without the lean-to. However, that is not the applicant's preference and he has requested the application be determined as submitted including the lean-to.
177. Despite an improved appearance, the inclusion of the lean-to would perpetuate the harm it currently causes and leads to unnecessary pressure for further openings resulting in a sub-optimal conversion scheme. The proposal therefore fails to achieve the high standard of design necessary to meet the policy requirement to conserve and enhance

the significance and setting of this non-designated heritage asset through a new market residential use. Refusal is therefore recommended.

178. Furthermore, the applicant's confirmation that a bat loft cannot be included within the scheme means that further surveys would be required to understand the nature of the barns use by bats and thereby provide appropriate alternative mitigation. In the absence of those surveys harm to protected species cannot be ruled out and refusal on this ground is also warranted.

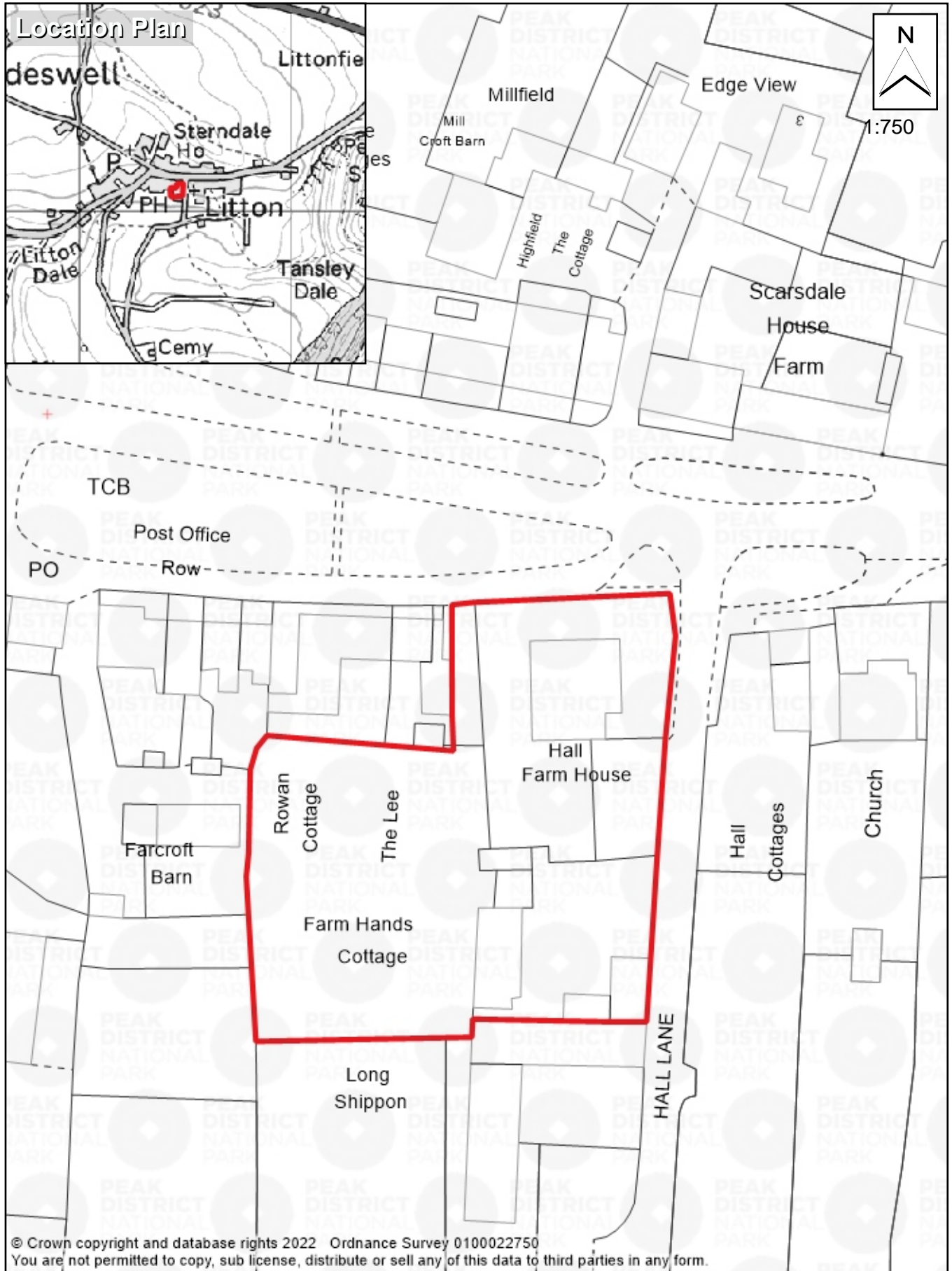
**179. Human Rights**


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

181. List of Background Papers (not previously published)

182. Nil

183. Report author: John Keeley



Committee Date:	19/01/2024	<b>Title:</b> Hall Farm House B&B, Hall Lane, Litton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 10		
Application No:	NP/DDD/0621/0657		
Grid Reference:	416458, 375097		

This page is intentionally left blank

---

**11. FULL APPLICATION – CHANGE OF USE FROM CLASS B8 STORAGE UNIT TO USE CLASS E AT BURNSIDE GARAGE, LAMB HILL, LOW BRADFIELD (NP/S/1223/1430) P. 8547)**

**APPLICANT: MRS KATIE HELLIWELL, HERITAGE ESTATES YORKSHIRE LTD**

**Summary**

1. The application at Burnside Garage, Lamb Hill, Low Bradfield proposes the change of use of part of a former garage building to a Class E use.
2. The principle of the proposed use in Low Bradfield is considered to be acceptable and the limited alterations proposed mean the development would not impact on the surrounding built character or on the significance of the Bradfield Conservation Area. The limited scale of development (19.5m<sup>2</sup>) is such that the proposal would not give rise to unacceptable highways, ecology or amenity impacts.
3. The application is therefore recommended for conditional approval.

**Site and Surroundings**

4. The application site comprises part of a single storey vacant garage building in the village of Low Bradfield. The building lies on the north side of Lamb Hill and is set against rising levels to the north.
5. The site lies within the Bradfield Conservation Area. The building is understood to be 19<sup>th</sup> Century and is formed of gritstone walls with stone lintels over blue painted timber double doors on the eastern (front) elevation. The mono-pitched roof comprises a rubber material underlaid with sterling board.
6. During a visit to site it was observed that some works had been carried out including replacement of the garage doors.
7. The agent has confirmed the building has been used for storage for the last 20 years and that it is not linked to any nearby dwelling.

**Proposal**

8. The application proposes a change of use of part of the building to a commercial (Class E) use.
9. The existing timber doors to the building would be retained whilst a glazed shopfront would be inserted to the inside of the door. Internally a WC and tea station are proposed in the rear of the building.

**RECOMMENDATION:**

10. **That the application be APPROVED subject to the following conditions -**
  1. **Standard time limit**
  2. **Carry out in accordance with specified approved plans and documents**
  3. **Condition to restrict preparation of food on site**
  4. **Restriction on opening hours of the premises**

5. **Finish of external timber shutter door to be painted dark blue to match adjacent timber door**
6. **Pre-occupation condition requiring details of deliveries to the unit**
7. **Details of the materials and finish of the internal shopfront door and windows to be submitted for approval prior to installation**
8. **Works to be avoided during nesting bird season or otherwise subject to checks by an ecologist no more than 48 hours prior to works commencing**
9. **Pre-occupation condition requiring details of the specification and siting of 2 bat boxes**

### **Key Issues**

- Principle of the proposed commercial use
- Impact on the character and appearance of the Conservation Area
- Impact on highways and car parking
- Impact on residential amenity
- Impact on ecology

### **History**

11. No relevant planning history.

### **Consultations**

12. Bradfield Parish Council: Object on the following grounds:
  - Limited parking provision in the area
  - Overdevelopment of the site which is out of character with the historic hamlet
  - Property is in a Conservation Area and within the Green Belt
13. For the purposes of this report and with regard to the response from the Parish Council, it is noted that the site is not located within the Green Belt.
14. Sheffield City Council (Highways): No response received to date.
15. Natural England: No response received to date.
16. PDNPA Ecology: No response received to date.
17. Sheffield City Council (Planning): No response received to date.

### **Representations**

18. Three objections have been received to date and are summarised below:
  - Concern the change of use works have already started;
  - Advertisements have been fixed to adjacent wall;
  - Historic hamlet of Low Bradfield is becoming saturated with retail outlets;
  - Impact on the character of the village and Conservation Area;
  - Increase in traffic associated with new retail outlet, including due to deliveries and resulting issues in parking and highway safety;
  - Class E uses could include a number of commercial uses;
  - The building has not been used for B8/B2 uses and is ancillary to nearby houses;

- Limited information on opening hours, parking and noise;
- Impact on residential amenity including privacy and overbearing.

### **Main Policies**

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, L3, CC1, HC5, T7
20. Relevant Development Management policies: DM1, DMC3, DMC5, DMC8, DMC14, DMS1

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

21. The NPPF (revised in December 2023) is a material consideration, carrying particular weight where a development plan is absent, silent or relevant policies are out of date.
22. The development plan for the National Park comprises the Core Strategy 2011 and Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for determining this application. In this case there is not considered to be a significant conflict between prevailing policies in the development plan and the NPPF guidance.
23. Paragraph 182 states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these matters. The conservation and enhancement of wildlife and heritage are also important considerations and should be given great weight.
24. Paragraph 205 continues that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation.
25. Paragraph 207 states 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.

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

26. GSP1, GSP2 – 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 wildlife and heritage.
27. GSP3 – 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, building materials, design in accordance with the National Park Authority Design Guide, impact on residential amenity and adapting to and mitigating the impact of climate change.
28. L3 – Development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings. Proposals which harm the significance of such assets will be refused other than in exceptional circumstances.
29. CC1 – Requires development to incorporate sustainable building techniques to mitigate the impacts of climate change. Development must maximise opportunities for carbon reductions by designing development in accordance with the energy hierarchy and incorporating energy and water saving measures.

30. HC5 – Indicates that in towns and villages shops, professional services and related activities are directed to locations including within or on the edge of those settlements named by Policy DS1; and be of an appropriate scale to serve the needs of the local community and the settlement's visitor capacity.
31. T7 – Non-residential parking will be restricted to discourage car use.

#### Peak District Development Management Policies

32. DM1 – Sets out a presumption in favour of sustainable development in the context of National Park Purposes.
33. DMC3 – Where developments are acceptable in principle, design is required to be of a high standard which where possible enhances the natural beauty, quality and visual amenity of the landscape. Design and materials should all be appropriate to the context. Accessibility should also be a key consideration.
34. DMC5 – Planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate:
- i) its significance including how any identified features of value will be conserved and where possible enhanced; and
  - ii) why the proposed development and related works are desirable or necessary
35. DMC8 – Applications for development in a Conservation Area should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved and enhanced.
36. DMC14 – Development that presents a risk of pollution or disturbance will not be permitted unless adequate control measures are put in place.
37. DMS1 – Shops and other listed commercial uses will be encouraged in named settlements listed by Core Strategy Policy DS1 provided there are adequate facilities and access for storage and disposal of goods, waste and stock deliveries.

#### Supplementary Guidance

38. The Peak District National Park Shop Fronts Detailed Design Guide provides useful guidance in relation to such development. The document states that outbuildings have their own character and therefore where converted to a shop a traditional shop front may not look appropriate.

### **Assessment**

#### Principle

39. The application site lies in Low Bradfield, a named settlement listed under Policy DS1 of the Core Strategy. Policy HC5 confirms shops, professional services and related activities are acceptable in such locations provided they are of an appropriate scale to serve the needs of the local community and settlement's visitor capacity.
40. The application seeks to provide a Class E use in the building and whilst an end user has not been identified, the Design & Access Statement suggests expressions of interest have been made to the applicant to sell locally crafted goods and produce including flowers from the building.
41. Whilst it is recognised that representations have suggested a proliferation of retail uses are occurring in Low Bradfield and that a Class E use could incorporate a number of different commercial uses, the limited scale of development (19.5m<sup>2</sup>) and



the proposed use are considered appropriate to the site location and to accord with Policies DS1 and HC5. The development is therefore acceptable in principle.

### Design

42. The shop fronts supplementary planning document (SPD) states that for outbuildings, which have their own character, the design and detailing of any shop front should take its cue from the original building. The new 'shop front' should be treated as a simple, modern intervention rather than a reinterpretation of a more historic shop front.
43. The internal wall proposed to the inside of the existing garage door reflects the proportions of the existing opening. The wall would be glazed with two windows and a central glazed door, representing a lightweight insertion into the building with good inter-visibility in and out of the unit.
44. As the windows and door would be visible when the timber shutter doors are open, details of the material and finish of the proposed internal windows and door would be required by condition.
45. Externally, the timber doors have been replaced. Whilst the style of doors replaced are considered to be appropriate, the length of the timber doors does not match that of the adjoining garage doors. The agent has confirmed this was a manufacturer error and that replacements will be fitted. Provided the doors are in accordance with the submitted elevation plan and the external finish matches the adjoining doors, they are considered to be acceptable.
46. The image at page 5 of the Design & Access Statement confirms the left hand side door when open would not obstruct access to the neighbouring garage unit.
47. Other minimal external works include laying new stone chippings to replace existing. It is noted that such works appear to have been carried out and look appropriate to the context.
48. Subject to the above conditions, the design of the development is considered to be of an appropriate quality which conserves the character of the building, thus according with Policies GSP3 and DMC3 of the development plan in terms of design.

### Heritage Considerations

49. The site lies within Bradfield Conservation Area. The building itself is understood to date at least 19<sup>th</sup> Century and was previously used as a garage.
50. A number of responses raise concerns over the potential impact of the development upon the significance of the Conservation Area. However, the limited external works are such that it is not considered the proposal would harm the character or appearance of the Conservation Area and the development provides opportunities for the future maintenance of the building. A use associated with Class E would also be appropriate to the centre of Low Bradfield.
51. The glazing behind the external doors would be visible externally during opening hours when the timber doors are open, however as a lightweight glazed installation this would not harm the building or surrounding Conservation Area. The detailed design of the internal windows and door and the external shutter door are controlled by condition.
52. In light of the above and the conditions proposed, it is considered the proposal will conserve the significance of the Conservation Area, complying with Policy DMC8.

### Highways

53. Due to the minor size of the building (19.5m<sup>2</sup>) the proposal is not expected to give rise to significant transport movements or unacceptable highways impacts, with many visits to the unit likely to be from those already passing through Low Bradfield.
54. Whilst the Parish Council and a number of other respondents have raised concerns over the absence of car parking provision for the unit, due to the very limited size of the building and ample parking opportunities in Low Bradfield including on Wood Fall Lane and Smithy Bridge Road to the north west, the proposal is considered to be acceptable in terms of parking.
55. In any case, Development Management Policy T7 seeks to discourage parking for non-residential uses in order to encourage alternative means of travel.
56. Whilst details of deliveries have not been provided, given the limited size of the building it is considered this could be achieved without causing harm to the local highway network and such details could therefore be conditioned.

### Ecology

57. A Protected Species Survey has been submitted and confirms a daytime survey to consider birds and roosting bats (May 2023) and two bat dusk emergence surveys (June 2023) of the building.
58. There was no evidence the building was being used for roosting, although the presence of small non-breeding roosts cannot be ruled out. Providing suitable precautions are taken, the proposals are unlikely to have an adverse impact on bats.
59. Works should also be undertaken outside of nesting bird season or otherwise will be subject to a survey no more than 48 hours prior to works commencing.
60. The proposal has the opportunity to provide ecological enhancements through providing bat roost features to the building.

### Residential Amenity

61. A number of representations have raised concerns over the impact of the development on residential amenity.
62. Due to the separation of the application building from properties to the north by rising levels and an access track, the limited size of the building, its orientation south east and away from houses to the north, and the nature of Lamb Hill which is often a popular route for walkers and cyclists, alongside other uses nearby including the car garage to the south, the proposal is not expected to impact on residential amenity including through loss of privacy or overbearing.
63. However, the building will be restricted to open between the hours of 09:00 and 17:00 in order to avoid potential noise disturbance towards residents during sensitive hours. A condition is also proposed to restrict the preparation of food in the building to prevent potential odour impacts.
64. The agent has confirmed refuse will be stored internally within the building and removed nightly to a larger facility at The Schoolrooms.
65. The above are considered to provide adequate measures to ensure that the development does not harm the residential amenity of nearby properties.

### Sustainability

66. The Sustainability Statement outlines measures including thermal lining of the internal walls, energy efficient lighting and fittings such as white goods. These measures are considered to be proportionate to the scale of development proposed such that the proposals would accord with Policy CC1.

### Conclusion

67. The principle of the proposed conversion of the building is accepted under Policy HC5 and provided the development is converted and operated in accordance with the suggested conditions, it would not give rise to unacceptable harm in respect of residential amenity or ecology. It is also considered the development is acceptable in terms of highways and impact towards the Bradfield Conservation Area.

68. The proposals are therefore considered to be in accordance with the policies of the development plan and the NPPF and are recommended for approval.

69. There are no further material considerations that would indicate that planning permission should be refused.

### Human Rights

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

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

Nil

### Report Author

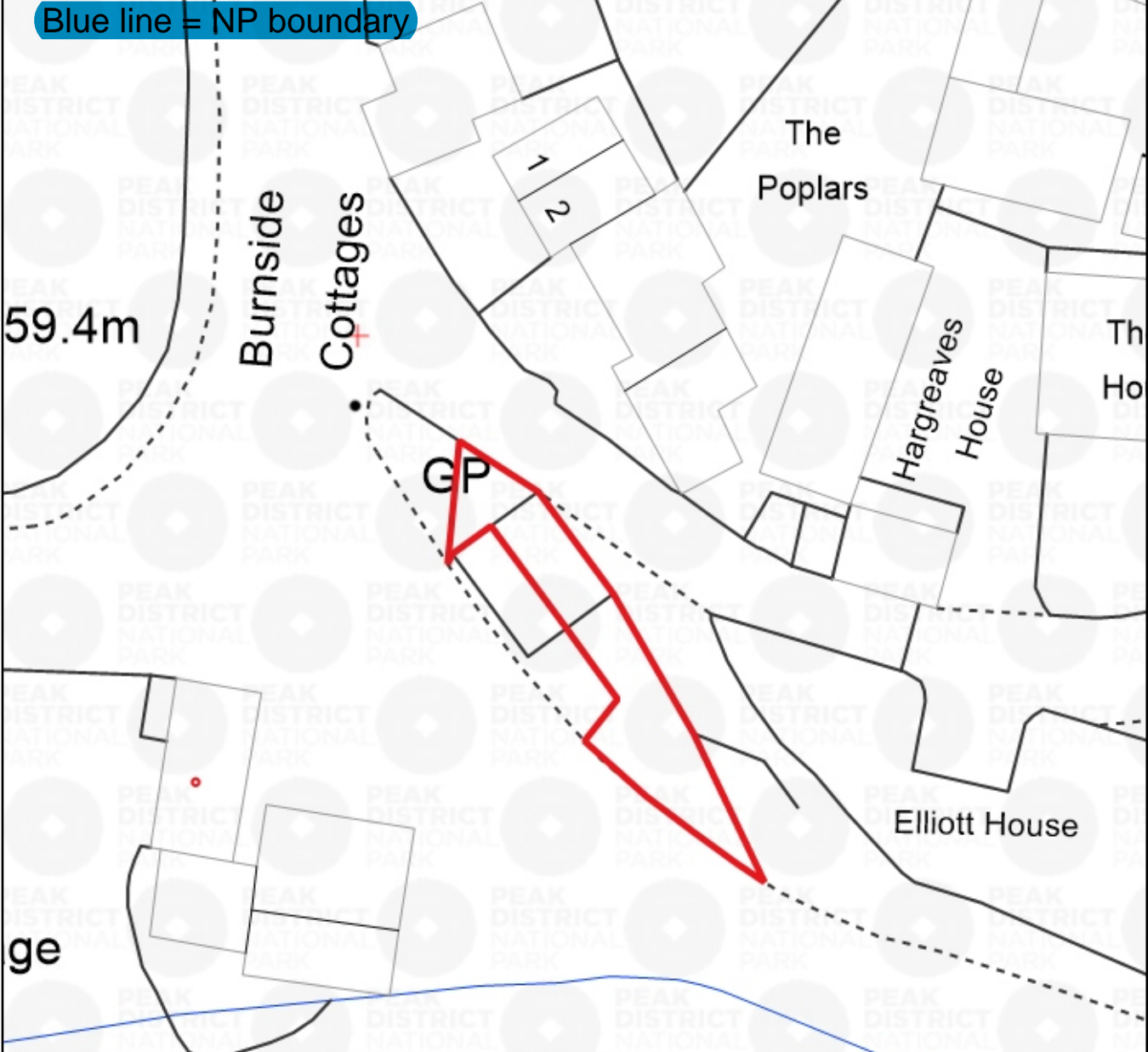
Hannah Freer – Planner – North Area

This page is intentionally left blank




1:400

Blue line = NP boundary



© Crown copyright and database rights 2022 Ordnance Survey 0100022750  
 You are not permitted to copy, sub license, distribute or sell any of this data to third parties in any form.

Committee Date:	19/01/2024	<b>Title:</b> Burnside Garage, Lamb Hill, Low Bradfield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	Item 11		
Application No:	NP/S/1223/1430		
Grid Reference:	426383, 391858		

This page is intentionally left blank

## **12. MAKING OF WHALEY BRIDGE NEIGHBOURHOOD PLAN**

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

To 'make' (bring into force) Whaley Bridge Neighbourhood Plan part of the statutory development plan for Whaley Bridge 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) Whaley Bridge Neighbourhood Development Plan part of the statutory development plan for Whaley Bridge Neighbourhood Area.**
- **A referendum asking "Do you want High Peak Borough Council and the Peak District National Park Authority to use the Neighbourhood Plan for Whaley Bridge to help them decide planning applications in the neighbourhood area?" took place on 7 December 2023. Six hundred and ninety four (694) people voted 'yes' (92%) and fifty nine (59) voted 'no' (8%).**
- **High Peak Borough Council (HPBC) are in the process of making the plan for their area under delegated authority.**

### **2. Recommendation**

- 1. That the Committee makes Whaley Bridge Neighbourhood Plan part of the statutory development plan for Whaley Bridge 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. Whaley Bridge Neighbourhood Development Plan area was designated by HPBC on 24<sup>th</sup> October 2013 and the Peak District National Park on 13<sup>th</sup> September 2013.**
- 5. Following submission by Whaley Bridge Parish Council of the draft Whaley Bridge Neighbourhood Plan to the Peak District National Park Authority and High Peak Borough Council, and in accordance with Neighbourhood Planning Regulation 16, the plan was publicised and representations were invited. This took place between 12 May and 22 June 2023.**
- 6. An independent Examiner, Mr Christopher Collison BA (Hons) MBA MRTPI MIED IHBC ('the Examiner'), was appointed by HPBC in consultation with the PDNPA and Whaley Bridge Parish Council. Examination of the plan took place between July 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 1 September 2023 and was made available for viewing on the councils' websites. The Examiner concluded that Whaley Bridge 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 High Peak Borough 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 Whaley Bridge 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.
9. The majority Whaley Bridge Neighbourhood Plan area lies outside of the Peak District National Park. However, there are a number of policies that are relevant for the National Park which cover a range of topics including community facilities, residential development, heritage, sustainable development, the natural environment, local green space, transport and travel.
10. It is considered that the Whaley Bridge 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 Whaley Bridge Neighbourhood Plan be made part of the statutory development plan for Whaley Bridge 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 Whaley Bridge 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 - [Whaley Bridge Neighbourhood Plan Referendum Version](#)

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

Clare Wilkins, Community Policy Planner, 11 January 2024

This page is intentionally left blank

---

### **13. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2024 (A.1533/AJC)**

#### **Introduction**

1. This report provides a summary of the work carried out over the last quarter (October – December 2023).
2. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, this can be authorised under delegated powers.
3. The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to policies in the development plan and any other material considerations. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. When we take formal action it must be proportionate with the breach of planning control and be clear that resolving the breach would be in the public interest.
4. The National Planning Policy Framework states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Our Local Enforcement Plan, which was published in 2014 and last updated in 2018, sets out, amongst other things, what breaches of planning control are, how potential breaches can be reported to the Authority, what matters may or may not be investigated and our priorities for investigation and action. It also outlines the tools that are available to us to resolve any breaches. The Local Enforcement Plan is available on the Authority's website.

#### **5. Restructure and Resources**

The recent restructuring of the Planning Service included the dis-establishment of the Monitoring and Enforcement Team Manager post and redeployment of the monitoring and enforcement staff into the two Area Teams, with the Area Team Managers taking on responsibility for managing the monitoring and enforcement staff. It also involved the establishment of a second Senior Monitoring and Enforcement Officer post and some additional short-term capacity at a senior level - the latter to assist with the transition into the new structure and help to address a significant backlog of casework.

6. Some progress is now being made on recruitment, with Denise Hunt (who has worked in the Planning Service for many years, most recently as a Planner in the South Area Team) being appointed as a Senior Monitoring and Enforcement Officer in the South Area Team and starting in that role on 8 January 2024. The equivalent post in the North Area Team remained unfilled after the recruitment process but has recently been re-advertised. The Monitoring and Enforcement Officer post dealing with casework in the south of the Park has been vacant since 10 September 2023 but we have recently recruited Ryan Hancock as a replacement and he started in that role on 11 January 2024. As a reminder, the other Monitoring and Enforcement Officer post, dealing with casework in the north of the Park, is currently job-shared by Rosie Olle and Sally Gill. We are also seeking to recruit an additional full-time Monitoring and Enforcement Officer on a 2 year contract to focus on listed building enforcement cases. An initial recruitment process was unsuccessful so the post is to be re-advertised.

#### **RECOMMENDATION:**

**That the report be noted.**

## **Summary of Activity**

### 7. Notices issued

22/0057 Rocking Stone Farm, Rowtor Lane, Birchover	Building operations comprising installation of a holiday let cabin and associated structures; and material change of use to independent residential use/use as holiday accommodation.	Enforcement Notice issued 14 December 2023 – due to come into effect 30 January 2024
--	---	--

### Workload and performance

8. This section of the report summarises our performance over the last quarter. We resolved 23 breaches in the quarter and so far this year have resolved 80 breaches. This represents a significant improvement as during the whole of the previous year (1 April 2022 – 31 March 2023) we resolved only 70 breaches. This improved performance is despite long-term issues with vacancies which, as mentioned above, have continued in the latest quarter. Now that vacancies are starting to be filled we anticipate that performance will continue to improve.
9. Following investigation of enquiries we found 8 new breaches resulting in the number of outstanding breaches decreasing from 618 to 603. In addition, we have started carrying out a major review of outstanding cases which has so far resulted in a further 52 cases being closed. So, the overall number of outstanding cases has been reduced to 551 and it is expected that there will be further reductions as this review process continues.
10. Our performance on dealing with enquiries has also been impacted by the vacancy issues with only 41% being investigated within 30 working days in 2022/23 against a target of 80%. That increased to 50% in the quarter ending on 30 June 2023 but dropped back slightly to 46% in the following quarter. The figure for the latest quarter was 50%. The number of new enquiries received has dropped from 93 to 70 since the previous quarter although the number of enquiries outstanding at the end of the quarter has increased from 223 to 248. However, this is still well below the 300 enquiries that were outstanding at the end of December 2022.
11. The table below summarises the position at the end of the quarter (31 December 2023). The figures in brackets are for the previous quarter.

	<b>Received</b>	<b>Investigated/Resolved</b>	<b>Outstanding</b>
Enquiries	70 (93)	47 (100)	248 (223)
Breaches	8 (21)	23 (20)	550 (618)

### 12. Breaches resolved

23/0055 The Barn Stacey Close Warslow Buxton	Change of use of agricultural land to mixed use of agriculture, keeping and grazing of horses and keeping of homing pigeons; and erection of two pigeon lofts	Retrospective planning permission granted
--	---	---

20/0130 Bridleway (Mel/50) known as Magdalen Road Harden Moss Road Meltham	Surfacing/upgrading of track	Retrospective planning permission granted
20/0141 The Mistal Barn 343 Woodhead Road Holme	Creation of a vehicular access and parking area	Retrospective planning permission granted
16/0078 Middle Hills Farm Grange Mill Matlock	Steel container used as shop; timber shower & toilet block; change of use of agricultural building to shower & toilet block; static caravan and play area.	Lawful Development Certificate granted
23/0047 3 Mount Pleasant Ashford In The Water	Erection of pergola	Height reduced to within PD limitations
22/0052 Orrs Farm Main Street Great Longstone	Installation of windows in breach of planning permission for erection of barn (NP/DDD/0118/0041)	NMA granted
22/0077 Eley Fitness Unit 2b Station Road Bakewell	Display of advertisement sign	Sign removed
22/0079 Upper Hurst Tinman Lane Hulme End	Use of converted barn as holiday let in breach of condition 3 of NP/SM/0621/0702	Condition now complied with
14/0246 Earl Sterndale C Of E Voluntary Controlled Primary School Earl Sterndale	LISTED BUILDING – Erection of satellite dish	Satellite dish removed

21/0094 Eastgate School Lane Baslow	Deposit of waste/demolition materials on agricultural land	Material removed
19/0188 29 Cote Lane Hayfield Baslow	LISTED BUILDING – Erection of satellite dish and flue	Satellite dish and flue removed
20/0067 The Manor House Froggatt Edge Calver	Creation of a lake	Retrospective planning permission granted
18/0056 Knarrside Woodhead Road Tintwistle	Erection of outbuilding	Building altered to fall within PD limitations
18/0069 Eyam Edge Farm Hinchcliffe Eyam	Installation of portaloo	Portaloo removed
21/0021 Heatherhill Farm Water Lane Bamford	Erection of timber campsite facilities shelter	Planning permission granted for replacement
14/0587 Home Farm Weaddow Lane Middleton-by- Youlgrave	Breach of condition 2 on NP/DDD/1103/0737 (Erection of farmworker's dwelling and conversion of barn to utility room and stable) - build not in accordance with the approved plans	Not expedient to take enforcement action
19/0118 Land east of Owler Bar Holmesfield	Erection of timber building	Combined with 18/0112
19/0119 Land east of Owler Bar Holmesfield	Erection of timber buildings	Combined with 18/0112

23/0076 Hope Farm Hope Road Alstonefield	Breach of agricultural occupancy condition on NP/SM/0590/75	Section 73 application for removal of occupancy condition approved
23/0029 22, Swift Close Netherside Bradwell	Erection of buildings	Permitted development
19/0108 Grouse Inn Chunal Glossop	Untidy land and change of use to waste storage	Use ceased and land cleared
15/0139 Running Hill House Running Hill Lane Dobcross Oldham	LISTED BUILDING – Erection of porch	Listed Building Consent granted
19/0100 Pott Mill Farm Bakestonedale Road Pott Shrigley	Siting of caravan on agricultural land	Caravan removed
13.	<u>Current High Priority Cases</u>	
15/0057 Land at Mickleden Edge, Midhope Moor, Bradfield	Laying of geotextile matting and wooden log 'rafts' to form a track	EN in effect – initial compliance period expired – Natural England consent obtained for works 30 May 2023 – application submitted to appeal NE consent
17/0044 Woodseats Farm, Windy Bank, Bradfield Dale	External and internal alterations and extension to listed building, erection of lighting and CCTV columns and engineering works (including construction of hardstandings and tracks)	EN in effect with regard to engineering works, extension and erection of lighting and CCTV columns – applications seeking regularization of other works refused – officers considering further enforcement action

18/0062 Land at Cartledge Flat, Bradfield Moors	Creation of a track	EN in effect – compliance period expired - officers seeking compliance
19/0064 Alstonefield Hall, Church Street, Alstonefield	External and internal alterations to grade II* listed building	PP and LBC granted on 9 November 2023 for works to regularize and remediate breaches
22/0040 Land at Cressbrook Dale (Otherwise known as Litton Frith Farm)	Construction of hardstanding/parking area, steps and a path and erection of tipi	Enforcement notice came into effect on 22 May 2023 – compliance period for removal of developments expired on 22 August 2023 – works in default carried out on 13/14 December 2023 to remove hardstanding/parking area and tipi and restore the land
21/0060 Home Farm Main Street Sheldon	Construction of track and hardstanding, erection of building, construction of timber sheds/structures, siting of caravans and conversion of building to residential dwellings	Application for injunction made – trial held on 5/6 December 2023 – injunction granted and court order issued and served

Report Author: Andrew Cook, Principal Enforcement Planner



---

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

**1. APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0322/0395 3333814	Use of the building known as Springview as a single private dwelling, access track at Springview, Stonelow, Eastmoor, Derbyshire	Written Representations	Delegated
NP/SM/1022/1316 3325986	Erection of double garage at Old Dains Mill, Upper Hulme, Leek	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/S/0722/0977 3319423	Erection of a new agricultural building and associated works on land at Whitelow Lane, Sheffield	Written Representations	Allowed	Delegated

---

The Inspector considered that there was a functional need for the agricultural building, and that the development would not detract from the rural landscape and scenic beauty of the National Park. The Inspector concluded that the proposal would not be in conflict with Policy L1 of the Core Strategy or DME1 of the Development Management Policies, nor be contrary to the NPPF. The appeal was allowed.

---

**4. RECOMMENDATION:**

**To note the report.**

Report Author: Karen Harrison, Customer & Democratic Support Team Senior Adviser

This page is intentionally left blank