

# Public Document Pack

**Peak District National Park Authority**

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



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

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Our Ref: A.1142/4694

Date: 2 May 2024



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 10 May 2024**

Time: **10.00 am**

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

PHILIP MULLIGAN  
CHIEF EXECUTIVE

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## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting of 19 April 2024** (*Pages 5 - 18*)
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **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 - Regularisation of the over tipped area to the East of the 1884/9/4 consent, retaining use of the site for depositing industrial waste from DSF Refractories and consolidation of progressive restoration and Aftercare Strategy for the revised site area at Friden Landfill Site, Newhaven, Nr Buxton SK17 0DX (NP/DDD/1022/1276, HM)** (*Pages 19 - 36*)  
Site Plan
7. **Full Application - Proposed holiday retreat with holiday accommodation including 2 static caravans, 1 yurt, 9 touring caravan pitches, 17 camping pods, 5 camping pitches and ancillary facilities including toilet block, conversion of pole barn to flexible space for events, conversion of dutch barn to catering area, conversion of old milking parlour to 4 holiday lets, replacement of 2 storey storage barn with 2 underground single storey holiday let studios, a polytunnel and associated access and access tracks, parking and landscaping at Home Farm, Sheldon (NP/DDD/1223/1459, AM)** (*Pages 37 - 66*)  
Site Plan
8. **Full Application - Conversion of barn to holiday accommodation at The Old Barn, Smithy Lane, Parwich (NP/DDD/0124/0037, RD)** (*Pages 67 - 78*)  
Site Plan
9. **Full Application - Conversion of stone field barn to create a three-bedroom property with integrated one-bedroom accommodation for use as annexe or holiday accommodation at Barn off Broadway Lane, Nr Priestcliffe, Taddington (NP/DDD/0223/0117,MN)** (*Pages 79 - 92*)  
Site Plan
10. **Full Application - Proposed extension to dwelling at The Orchards, Monsdale Lane, Parwich (NP/DDD/0921/0990, SC)** (*Pages 93 - 102*)  
Site Plan
11. **Full Application - Change of use of barn to holiday let, and erection of single storey lean-to extension on northern gable at barn to the south of Hole Carr Farm, Longnor (NP/SM1123/1403, PM)** (*Pages 103 - 114*)  
Site Plan

12. **S73 Application - For the variation of Condition 3 from NP/DDD/0618/0562 to open on Monday at Ivy Cottage, Dale Head, Lydgate, Eyam (NP/DDD/0224/0160. EF) (Pages 115 - 122)**  
Site Plan
13. **Full Application - Change low level bollard lighting to rear car park entrance from Back Lane at Moorland House Station Road, Hathersage (NP/DDD/0124/0112, EF) (Pages 123 - 128)**  
Site Plan
14. **Householder Application - Proposed erection of a single garage and store at 15 Eyam Woodlands, Grindleford (NP/DDD/0224/0208, WE) (Pages 129 - 136)**  
Site Plan
15. **Planning Performance Update (BJT) (Pages 137 - 140)**
16. **Authority Solicitor Report - Planning Appeals (A.1536/AE) (Pages 141 - 142)**

### **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

Ms R Bennett	Cllr M Beer
Cllr M Buckler	Cllr M Chaplin
Cllr B Hanley	Cllr A Hart
Cllr L Hartshorne	Cllr I Huddleston
Cllr D Murphy	Cllr Mrs K Potter
Cllr K Richardson	Mr K Smith
Cllr J Wharmby	

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

Prof J Dugdale Cllr C Greaves

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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



## MINUTES

**Meeting:** **Planning Committee**

**Date:** Friday 19 April 2024 at 10.00 am

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

**Chair:** Cllr P Brady

**Present:** Ms R Bennett, Cllr M Chaplin, Cllr B Hanley, Cllr L Hartshorne, Cllr I Huddleston, Cllr D Murphy, Mr K Smith and Cllr J Wharmby

**Apologies for absence:** Cllr V Priestley, Cllr M Beer, Cllr M Buckler, Cllr A Hart, Cllr Mrs K Potter and Cllr K Richardson.

### **34/24 CHAIR'S ANNOUNCEMENTS**

The Chair welcomed Ms Rachel Bennett as the newly appointed Secretary of State Member to the Planning Committee.

### **35/24 MINUTES OF PREVIOUS MEETING HELD ON 8TH MARCH 2024**

The minutes of the last meeting of the Planning Committee held on the 8<sup>th</sup> March 2024 were approved as a correct record, subject to the following amends:

Minute 20/24

The wording to be amended to read "Members were minded to go against Officer recommendation to refuse this application and approve the application on the basis that there was a need for entry level accommodation at an affordable price level within the Peak District National Park. Members acknowledged that this form of overnight accommodation was becoming increasingly popular and had to be provided for. Members also noted that the site was sheltered so not visible from anywhere outside the site itself."

Minute 26/24

The motion to "refuse the application was moved and seconded but not voted on" to be amended to read the "motion to approve the application was moved and seconded but not voted on"

The motion to "refuse the application was withdrawn" to be amended to read the "motion to approve the application was withdrawn"

Minute 27/24 & 28/24

The wording “grand funding” to be amended to read “grant funding”.

The wording of the recommendation to be amended to read as follows:

“That the application be DEFERRED to allow for a structural report to be provided and discussions with the Applicant and Officers to take place to establish what was necessary to secure the future use of the building.”

Minute 29/24

The heading to be amended to read “Agricultural building to lamb and house sheep”

**36/24 URGENT BUSINESS**

There was no urgent business.

**37/24 PUBLIC PARTICIPATION**

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

**38/24 MEMBERS DECLARATIONS OF INTERESTS**

Item 6

Cllr Brady declared a prejudicial interest as he was acquainted with the applicant and would leave the room while this item was discussed.

Item 9 & 10

A number of Members knew the agent as a previous employee of the Peak District National Park Authority

Item 11

Mr Smith declared a personal interest as one of the speakers was known to him as a former Member of the Authority.

Item 12

Mr Smith declared a personal interest as one of the speakers was known to him

Item 14 & 15

Cllr Brady declared a personal interest as a client of the Nat West Bank.

**39/24 LISTED BUILDING CONSENT - 5 NO. WINDOWS TO BE REPLACED ALL TO THE FRONT ELEVATION AT LILAC COTTAGE, MAIN STREET, TADDINGTON (NP/DDD/0823/0935, RD)**

The Chair left the room for this item, as he had declared a prejudicial interest, and as the Vice Chair of Planning was not available for this meeting, Cllr Murphy was voted in and took the Chair for this item

The Officer presented the report and reminded Members that this was an application that was deferred at the January meeting to allow for further discussion between the Applicant and Officers. The Officer informed Members that since the January meeting, the applicant has omitted the proposal to replace the mullions and would repair the existing mullions instead.

The following spoke under the public participation at meetings scheme:

- Mr Trevor Ride, Applicant

Members were mindful that the existing windows were unauthorised so this was an opportunity to regularise the permission. Members considered that the appearance was not detrimental to the grade II listed property and that it was not possible to tell that the windows were double glazed, which would also make it more energy efficient

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

**RESOLVED:**

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

- 1. The works hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The works hereby permitted shall not be carried out other than in complete accordance with the following approved plan: '2234-02 A'.**

40/24

**FULL APPLICATION - RENOVATION OF EXISTING FARMHOUSE AND CONVERSION OF DERELICT FARM BUILDINGS TO PROVIDE A TOTAL OF 6 DOMESTIC PROPERTIES AT STONEY CLOSES FARM, STONEY CLOSE, BAKEWELL (NP/DDD/0823/0891, AM)**

Cllr Brady returned to the meeting and retook the Chair.

Some Members had visited the site the previous day.

The Planning Officer informed Members of 2 amendments to the report since its publication.

There was no proposal now to raise the eaves or ridge height of the two-storey barn (unit 4) and the car port element of the application had been withdrawn by the applicant.

The Officer then went onto present the report and outline the reasons for refusal.

The following spoke under the public participation at meetings scheme:

- Mr D Oulsnam, Agent – Statement read out by a member of Democratic Services

Members considered that not enough information and detail was provided and what information had been provided showed a lack of understanding of the significance of the buildings and the impact on the heritage assets and wider landscape.

The motion to refuse the application with the addition of lack of information to the reason for refusal was proposed, seconded, put to the vote and carried.

**RESOLVED:**

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

**Insufficient information has been submitted with the application to assess the significance of the historic farmstead. The development would harm the significance of the historic farmstead and its setting contrary to Core Strategy policies GSP3, L1, L3 and HC1 and Development Management policies DMC3, DMC5 and DMC10. The harm when weighed in the planning balance would not be outweighed by other public benefits. The application is therefore contrary to the National Planning Policy Framework.**

**41/24 FULL APPLICATION - PROPOSED LOCAL NEEDS DWELLING ON LAND AT POWN STREET, SHEEN, (NP/SM/0124/0039, LB)**

Some Members had visited the site the previous day.

The Planning Officer presented the report and outlined the reasons for refusal.

The following spoke under the public participation at meetings scheme:

- Mr M Goodwin, Applicant

Members sympathised with the applicant but considered that although a building on this site was acceptable, the orientation of the proposal needed to be revised so bring it in line with the properties on the other side of the road.

Members accepted that a sufficient case of local connection had been made to justify the house, but asked that the application be deferred to enable discussions to take place with Officers on the siting and orientation of the dwelling. The decision would then be delegated to Officers so there would be no need for this application to come back to Committee.

**RESOLVED:**

**That the application be DEFERRED to allow for further discussions with Officers and the Applicant to take place regarding the design and orientation of the proposal, then to delegate the decision to Officers.**

**The meeting adjourned for a short break at 11:20am and returned at 11.30am**

**42/24 FULL APPLICATION - REPAIR AND CONVERSION OR BARN INTO TWO C3 DWELLINGS/HOLIDAY FLATS AT GREEN FARM, CHURCH BARN, WEADDOV LANE, MIDDLETON BY YOULGRAVE, (NP/DDD/1123/1337/PM)**

Item 9 was presented and discussed at the same time as Item 10, but the votes were taken separately.

The report was presented by the Planning Officer, who set out the reasons for approval as set out in the report subject to the following additional conditions.

- Ensure the shutter to the rear of south barn is retained



- Agree precise specification for solar panels
- Agree and control lighting

The following spoke under the public participation at meetings scheme:

- Ms J Newman, Agent

Members noted that the Conservation Officer had raised objections to the issue of the flue and asked whether the issue had now been resolved? The Officer confirmed that the Conservation Officer was now content with the scheme as the flue would be sensitively located on a less prominent elevation.

A motion to approve the application was proposed, and seconded, put to the vote and carried subject to additional conditions regarding, shutters, specification for the solar panels and lighting.

**RESOLVED:**

**That the application is APPROVED subject to the following conditions and the additional conditions outlined by the Planning Officer:**

1. **Standard time limit**
2. **Carry out in accordance with specified approved plans and documents**
3. **No works shall take place until a Written Scheme of Investigation for a scheme of a programme of level 3 building recording has been submitted to and approved in writing by the National Park Authority.**
4. **No works shall take place until a Written Scheme of Investigation for a scheme of archaeological monitoring has been submitted to and approved in writing by the National Park Authority.**
5. **Converted outbuildings A and B to remain ancillary to the residential use of South Barn. South Barn and the ancillary accommodation shall be maintained as a single planning unit.**
6. **Removal of permitted development rights relating to extensions, porches, ancillary buildings, satellite antenna, solar pv panels, gates, fences, walls or other means of boundary enclosure.**
7. **A methodology including proposed mortar mix and finish for any rebuilding of the existing elevations to be submitted and approved in writing by the National Park Authority. Once approved, a sample panel of rebuilt wall shall be made available for inspection on site.**
8. **Precise details of windows, doors and shutters including design, material, finish and colour to be submitted to and approved in writing by the National Park Authority.**
9. **Details of new rainwater goods to be submitted to and approved in writing by the National Park Authority.**
10. **Details of any new external vents to be submitted to and approved in writing by the National Park Authority.**

- 11. All pipework, other than rainwater goods, shall be completely internal within the building.**
- 12. Any service lines associated with development should be placed underground.**
- 13. Mitigation and compensation enhancements presented within the bat and bird survey report to be implemented in full.**
- 14. Provision of a bird compensation and enhancement strategy for barn swallow to be submitted to and approved in writing by the National Park Authority.**
- 15. Pre-works bird nest checks shall be carried out on the barn by a suitably qualified ecologist prior to any works taking place within the bird breeding season (March to August inclusive). If active bird nests are present works must cease until chicks have fledged the nest.**
- 16. Tree protection measures within submitted tree report to be carried out in full.**
- 17. Landscaping plan including details of soft and hard landscaping and replacement trees to be submitted to and approved in writing by the National Park Authority. Replacement trees shall be planted in the approved locations in the first planting season following discharge of the condition by the National Park Authority. If within 5 years of planting, the tree(s) die or become seriously damaged or diseased, then they shall be replaced in the next planting season by trees of similar size and species and in a similar location, unless otherwise agreed in writing by the National Park Authority.**
- 18. Air source heat pumps shall be installed and operational before the completion or first occupation of each approved dwelling. The air source heat pumps shall not be installed other than in complete accordance with a detailed scheme which shall have first been submitted to and approved in writing by the National Park Authority.**
- 19. Development hereby permitted not to be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.**
- 20. Development hereby permitted not to be brought into use until the access drive has been surfaced in a bound material for a minimum distance of 5 metres from the rear of the carriageway edge.**

**43/24**

**LISTED BUILDING CONSENT - REPAIR AND CONVERSION OF BARNES INTO TWO C3 DWELLINGS / HOLIDAY LETS AT GREEN FARM, CHURCH BARNES, WEADDOW LANE, MIDDLETON BY YOULGRAVE, (NP/DDD/1123/1336/PM)**

Item 10 was presented and discussed at the same time as Item 9, but the votes were taken separately. Please see the full minute details 42/24 above.

A motion to approve the application was proposed, and seconded, put to the vote and carried subject to additional conditions regarding, shutters, specification for the solar panels and lighting.

**RESOLVED:**

**That the application is APPROVED subject to the following conditions and the additional conditions outlined by the Planning Officer:**

- 1. Standard time limit**
- 2. Carry out in accordance with specified approved plans and documents**
- 3. No works shall take place until a Written Scheme of Investigation for a scheme of a programme of level 3 building recording has been submitted to and approved in writing by the National Park Authority.**
- 4. A methodology including proposed mortar mix and finish for any rebuilding of the existing elevations to be submitted and approved in writing by the National Park Authority. Once approved, a sample panel of rebuilt wall shall be made available for inspection on site.**
- 5. A methodology including mortar mix for any repointing to the existing stonework to be submitted to and approved in writing by the National Park Authority.**
- 6. Precise details of proposed insulation to roofs, floors and walls of buildings to be submitted to and approved in writing by the National Park Authority.**
- 7. A methodology for lifting, recording and relaying of stone floors to be submitted to and approved in writing by the National Park Authority.**
- 8. Precise details of windows, doors and shutters including design, material, finish and colour to be submitted to and approved in writing by the National Park Authority.**
- 9. Details of new rainwater goods to be submitted to and approved in writing by the National Park Authority.**
- 10. Details of any new external vents to be submitted to and approved in writing by the National Park Authority.**
- 11. All pipework, other than rainwater goods, shall be completely internal within the building.**
- 12. Mitigation and compensation enhancements presented within the bat and bird survey report to be implemented in full.**
- 13. Provision of a bird compensation and enhancement strategy for barn swallow to be submitted to and approved in writing by the National Park Authority.**
- 14. Pre-works bird nest checks shall be carried out on the barn by a suitably qualified ecologist prior to any works taking place within the bird breeding**

**season (March to August inclusive). If active bird nests are present works must cease until chicks have fledged the nest.**

**15. The air source heat pumps shall not be installed other than in complete accordance with a detailed scheme which shall have first been submitted to and approved in writing by the National Park Authority.**

**44/24 FULL APPLICATION - CHANGE OF USE FROM AGRICULTURAL FIELD TO SITE FOR FIVE TOURING CARAVANS OR MOTOR HOMES BETWEEN MARCH AND OCTOBER ANNUALLY. INCLUDING ALTERED ACCESS AND HARD STANDING, AND ERECTION OF ELECTRIC PICKUP POINTS, AT CHURCH LANE FARM, CHURCH LANE, GREAT LONGSTONE, (NP/DDD/1223/1446, MN)**

Some Members had visited the site the previous day.

The Planning Officer presented the report and outlined the reasons for refusal.

The following spoke under the public participation at meetings scheme:

- Cllr A Sutton – Supporter
- Mr A Critchlow – Supporter
- Mr B Nicholls – Agent

Members felt some sympathy to local farmers and having to diversify, however there was some concern it would be a significant intrusion into the open countryside and prominent. When asked, the Officer confirmed that the Agent was prepared to work with Officers on a planting scheme and further planting could be secured by condition.

Members felt that the site users would help support the local businesses and it was noted that the Highways Authority had raised no objections to the proposal as it stood, and by approving the proposal it would give the Officers more control on the use of the site as if refused then the applicant could still operate the site under the 60 day/year rule for up to 50 pitches which would have a bigger impact on the landscape.

A motion to approve the application, was moved, seconded, put to the vote and lost. The recommendation for refusal, as set out in the report, was then moved and seconded. This was voted on and carried.

However the Applicant queried the vote and the Chair agreed the vote may have been incorrect and re-took the vote on the first motion for approval. The motion for approval, which had originally been moved and seconded, was put to the vote and carried by the Chair's casting vote.

**RESOLVED:**

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

- 1. Commence development within 3 years**
- 2. Adopt plans as proposed**
- 3. Holiday occupancy restriction**
- 4. Control of External lighting**
- 5. Remove permitted development rights for developments required for a site licence**
- 6. Landscaping scheme to be submitted and approved, including addressing screening at eastern boundary and addressing existing access**

7. Access works to be completed prior to commencement
8. Waste disposal details to be submitted and approved
9. Noise report recommendations to be adhered to
10. No more than 5 pitches, with no caravan remaining on site for more than 28 day/year
11. Control the season March to October as applied for

**45/24 FULL APPLICATION - PROPOSED APARTHOTEL TO CREATE 13 SELF-CATERING UNITS FOR HOLIDAY USE AT PLOT 6, DEEPDALE BUSINESS PARK, BAKEWELL, (NP/DDD/1223/1530, MN)**

Some Members had visited the site the previous day.

The Planning Officer informed Members that an amended plan had been received since the report had been prepared, and these altered the internal layout so it was now the Authority's view that the proposals did comprise a C1 hotel use so reason 2 for refusal could now be struck out.

The Officer then presented the report and outlined the reasons for refusal.

*Cllr Huddleston left the meeting at 12.30pm during consideration of this item.*

The following spoke under the public participation at meetings scheme:

- Ms A Cotton – Supporter
- Mr T Stubbins - Supporter
- Sir R Fitzherbert – Supporter
- Mr R Hattersley - Supporter

Members asked the Officer what was meant by “avoiding long term protection of employment land” which was mentioned by one of the speakers.

The Officers reported that Bakewell was a strategic location and that there was only 14 sites across the National Park for this kind of business provision. There was a lack of high quality employment space in the National Park, so there was a need to develop a mix of land uses and we don't want to see good employment land being turned over to just housing, although important, that is why the District Council objected to this application, as it was felt that there was still a need for this type of land in the locality. Officers clarified that national policy states that land should not be protected in the long term if there was no reasonable prospect of it coming forward for that use, but that in their view this had not been demonstrated by the application in light of existing evidence regarding demand for employment space.

Members considered that losing part of this site would add pressure to other less appropriate sites within the National Park. It would represent better planning for the area to retain the flexibility so that as a business need arises, a good quality site would still be available in a sustainable location. Members did not accept that the site was surplus to requirements for industrial use due to the Riverside site as they were sites of different character, but did show that there was a demand for these use classes and it would be short sighted to lose this kind of business provision.

A motion to approve the application was moved, but not seconded.

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

**RESOLVED:**

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

- 1. The development would result in the loss of a site allocated and safeguarded for employment use. There is no overriding justification or evidence of strategic need that would otherwise support the change to the proposed development, and the loss of the employment use would therefore be contrary to Core Strategy policy E1 and Development Management policy DME3.**
- 2. The proposed design while reflecting nearby buildings would not deliver high quality design or the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy policies GSP3 and CC1, Development Management policy DMC3, the Authority's adopted Supplementary Planning Documents 'Design Guide' and 'Climate Change and Sustainable Building' and the National Planning Policy Framework.**
- 3. Insufficient information has been submitted with the application to demonstrate that surface water from the development would incorporate a satisfactory sustainable drainage system contrary to Core Strategy policy CC5 and the National Planning Policy Framework.**

**A motion to continue the meeting 3 hours, was moved, seconded, voted on and carried.**

**46/24 FULL APPLICATION - CONVERSION OF OUTFARM TO DWELLING AT HILLCREST BARN, PITS LANE, PARWICH, (NP/DDD/0224/0143, RD)**

Some Members had visited the site the previous day.

The Officer informed Members of a minor correction to the recommendation which should read "The proposed development" instead of "The proposal development" and to paragraph 24 of the report where it should read "The second letter raises no objection" instead of "The second letter raises on objection" The Officer then went onto present the report.

The following spoke under the public participation at meetings scheme:

- Mrs Slater on behalf of the Applicant

Although Members had sympathy with the applicant in wanting to provide for their growing family, the reinstatement of the wall would not overcome the domesticating impacts of the development, which would be exposed in the landscape.

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

**RESOLVED:**

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

**The proposed development would harm the significance of the barn which is a non-designated heritage, its setting and surrounding landscape contrary to Core**

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**Strategy policies GSP3, L1, L3 and HC1, Development Management policies DMC3, DMC5 and DMC10, the Conservation of Historic Building Supplementary Planning Document and the National Planning Policy Framework.**

**47/24 FULL APPLICATION - EXTERNAL ALTERATIONS, REMOVAL OF ATMS AND NIGHT SAFE PLATE AT NAT WEST BANK, 1 WATER LANE, BAKEWELL, (NP/DDD/1223/1467, CC)**

Item 14 was presented and discussed at the same time as Item 15, but the votes were taken separately.

The Planning Officer presented the report and outlined the reasons for approval as set out in the report.

The following spoke under the public participation at meetings scheme:

- Mr Hugh Wright, Objector

Members asked the Officer whether some of the memorial plaques could be transferred to Bakewell Museum.

The Officer reported that 3 of the plaques were not listed so they can be removed without the Authority's consent, but he was aware that the applicant was considering making separate application for the 2 plaques that were listed to be removed so that application could be coming to a future Planning Committee for consideration.

Mr Smith informed the Members that he was also Chair of Bakewell and District Historical Society, which covers Bakewell Museum, and he would be more than happy to have a discussion with the applicant for the plaques to go to the museum.

A motion to approve the application was proposed and seconded, put to the vote and carried.

**RESOLVED:**

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

- 1. 3 year time limit**
- 2. In accordance with submitted plans**
- 3. Before work begins, sample panel(s) of all new facing stonework shall be provided on site showing the proposed sizes, texture face-bond; and pointing mortar mix, joint thickness and finish profile for approval in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved sample panel(s) which shall be retained on site until the work is completed.**
- 4. Within 6 months of the date of this consent, the security lighting shown on the approved plans shall be removed from the building and the area made good in accordance with details which shall have first been submitted to and approved in writing by the National Park Authority.**

**Ms R Bennett left the meeting at 1.25pm**

**48/24 LISTED BUILDING CONSENT - INTERNAL ALTERATIONS INCLUDING REMOVING INTERNAL SIGNAGE, FIXTURES AND SAFE UNITS. EXTERNAL ALTERATIONS INCLUDING GLAZING TO BE SECURED TO ALL AREAS, MAKING GOOD AS REQUIRED, REMOVAL OF FASCIA SIGNAGE, REMOVAL OF ATMS AND REMOVAL OF NIGHT SAFE PLATE AT NAT WEST BANK, 1 WATER LANE, BAKEWELL, (NP/DDD/1223/1468, CC)**

Item 15 was presented and discussed at the same time as Item 14, but the votes were taken separately. Please see the full minute details 47/24 above.

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

**RESOLVED:**

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

- 1. 3 year time limit**
- 2. In accordance with submitted plans**
- 3. Before the erection or repair of any stonework, sample panel(s) of all new facing stonework shall be provided on site showing the proposed sizes, texture face-bond; and pointing mortar mix, joint thickness and finish profile for approval in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved sample panel(s) which shall be retained on site until the work is completed.**
- 4. No works to remove any elements of the building or advertisements shall take place other than in accordance with a methodology (to include how building fabric is to be made good following removal) which shall have first been submitted to and approved in writing by the National Park Authority.**
- 5. Within 6 months of the date of this consent, the security lighting shown on the approved plans shall be removed from the building and the area made good in accordance with details which shall have first been submitted to and approved in writing by the National Park Authority.**

**The meeting adjourned for a short break at 1.30 and reconvened at 1.40., during which time Mr K Smith left the meeting.**

**49/24 MONITORING & ENFORCEMENT ANNUAL REVIEW- APRIL 2024**

The report was introduced by the Principal Enforcement Planner who informed Members that since the last report in January, the remaining vacancies were now close to being filled and that significant progress had been made in resolving breaches and addressing the backlog of outstanding enforcement cases which had built up over the last four years. It was anticipated that the performance would continue to improve over the coming year as the new officers settled into their roles.

The Officer informed Members that a new online form for reporting alleged breaches came into effect in November 2023, but that we were still allowing enquiries by phone or email for now. However, we would shortly be moving to only accepting enquiries online, unless for the enquirer this was not possible.



The Officer then shared before and after photographs of some of the cases that had been resolved In the latest quarter.

The Officer then informed Members of some of the changes to legislation that will come into effect on 25<sup>th</sup> April 2024, as follows:-

- The immunity period which is currently 4 years for operational developments and change of use of buildings to dwellings, and 10 years for any other breaches including changes of use and breaches of conditions, will now be 10 years for all breaches.
- There will be a new provision in the legislation to issue an “Enforcement Warning Notice” where it is considered there is a reasonable prospect that planning permission will be granted for the unauthorised development. The notice Would state that unless a planning application is made within a specified period further enforcement action may be taken. This is already being done informally by the Authority through letters and discussions with the offender, but this is a more formal way of doing that.
- Temporary Stop Notices which are currently in effect for up to 28 days, can be in effect for up to 56 days and the Authority will also be able to issue Temporary Stop Notices for works to listed buildings, which they are not able to currently do.
- There are new powers for Inspectors dealing with Enforcement Notice Appeals and appeals against refusal of a Lawful Development Certificate. If the Inspector felt that the appellant was causing undue delay, then the Inspector can warn the appellant and specify steps to be taken within a specified period (e.g. if something was missing from the appeal that was crucial to the determination. If the specified steps are not taken then the Inspector can dismiss the appeal.

Members thanked the Officer for his report and asked if the new online form would have clear guidance on confidentiality and also provide the facility to plot the breach onto a map to make it easier to locate the site? The Officer confirmed that there was clear guidance on confidentiality and that there was an interactive map with the form with the facility to upload a photograph, as well as using the “What3Words” facility.

**RESOLVED:**

**That the report be noted.**

**50/24 AUTHORITY SOLICITOR REPORT - PLANNING APPEALS**

The Committee considered the monthly report on planning appeals lodged, withdrawn and decided.

**RESOLVED:**

**To note the report.**

The meeting ended at 2.00 pm

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**6. FULL APPLICATION – REGULARISATION OF THE OVER TIPPED AREA TO THE EAST OF THE 1884/9/4 CONSENT, RETAINING USE OF THE SITE FOR DEPOSITING INDUSTRIAL WASTE FROM DSF REFRACTORIES AND CONSOLIDATION OF PROGRESSIVE RESTORATION AND AFTERCARE STRATEGY FOR THE REVISED SITE AREA AT FRIDEN LANDFILL SITE, NEWHAVEN, NR BUXTON SK17 0DX (NP/DDD/1022/1276, HM)**

**Applicant: MR MATTHEW HANDLEY ON BEHALF OF DSF REFRACTORIES AND MINERALS LTD**

**Summary**

1. Friden Landfill Site has been operated by DSF Refractories and Minerals Ltd as a source of high-grade silica sand and subsequently a disposal site for overburden and mineral waste, since the 1950s. A Ministerial Consent was granted in June 1950 allowing the continuation of working at a group of existing, small scale silica-sand pits and also the depositing of waste arising from the active pits into disused pits. The silica sand deposits are now worked-out and Friden pit is the only active tip where waste is being deposited. The material being deposited now is imported waste arising from the manufacturing of ceramic products at the applicants nearby refractory works.
2. The operation is small in scale and the 1950 planning permission has no stated end date. The planning permission sits alongside the Environmental Permit issued by the Environment Agency, which includes some parameters for the operation of the site including the total quantity of waste accepted for engineering restoration purposes limited to 26,000m<sup>3</sup>, with an annual limit of 1,333m<sup>3</sup>.
3. The applicant is seeking retrospective planning permission for the tipping of inert manufacturing waste (arising from their refractory works) outside the permission boundary to the south and east, which was discovered by officers during routine monitoring visits. The area of over-tipping measures 0.19 hectares; the total area of the revised site boundary is 0.9 hectares.
4. In addition to regularising the over-tipped area, the application seeks to consolidate the progressive restoration and aftercare strategy for the revised site. The overall proposed restoration scheme aims to restore the site to the levels of the adjoining land, and to establish a mosaic of valuable habitats plus incorporating a surface water management system designed to attenuate on-site surface water run-off without a need to discharge surface water off-site.
5. The key issues for the Authority to consider are whether the proposed development is acceptable having regard to: the Government's planning policies for England and the Development Plan; landscape and visual impact; ecology and biodiversity; water resources and flood risk; amenity impacts; and traffic and highway safety impacts.
6. The Authority's Standing Orders require the committee to consider planning applications for extensions of existing sites for waste disposal where an increase in site area greater than 0.1ha is proposed. In this case the extended area measures 0.19ha. The purpose of this report is to provide the committee who will be determining this planning application with relevant specialist advice on the matters, policies and other material planning considerations that will need to be taken account of in its determination.

## **Proposal**

7. The applicant is seeking retrospective planning permission to regularise the over-tipping of industrial waste arising from their nearby refractory works beyond the original permission area, whilst retaining use of the site for the continued deposit of industrial waste as well as consolidation of a progressive restoration and aftercare strategy for the revised site area. The proposal will allow the appropriate overall restoration of the former quarry and, if approved, will provide a set of modern-day planning conditions to ensure appropriate mitigation against environmental and amenity impacts, and against which future monitoring visits will assess compliance.
8. A single source of inert waste materials is currently used, and will continue to be used, to achieve the proposed restoration contours – raw silica sand-based material and mineral manufacturing by-products (after thermal processing) from the applicant's nearby refractory works. The waste material is stored at the refractory site in segregated open-air bays and transported to the tip once full loads are accrued. The applicant estimates this occurs approximately every month depending on several factors including sales at their works and ground conditions at the tip. The waste is then transported by HGV on a short section of the public highway (approximately 400m) from the applicant's refractory works. Currently, delivery of waste materials to the site are permitted between 07:30 and 17:00 Mondays to Fridays, and the applicant seeks to retain these permitted times.
9. The waste material is deposited on the site and rolled over to flatten. The waste is deposited in layers starting with the solid component (comprising bricks and offcuts), and finishing with the fines to create a suitable growing surface for restoration. Once final restoration levels have been achieved, any bricks or offcuts protruding from the surface are removed to provide as smooth a surface as possible. No soils are imported from external sources. As phased restoration progresses across the site in accordance with the proposed Restoration Phasing Plan, demarcation of the completed phases will take place to ensure no further over-tipping takes place.
10. The total amount left to tip is approximately 4,500m<sup>3</sup>. The annual amount sent to the tip is likely to continue to be in the region of 600-750m<sup>3</sup>, which is well within the Environmental Permit annual limit. This equates to approximately 6 to 7.5 years left of tipping left at the site. Based on these figures, the applicant estimates the land-forming operations will be complete by 2033.
11. It is proposed to restore the site to a mosaic of habitats of conservation value comprising neutral and calcareous grassland, tree and species rich hedgerow planting and an area of heath. Areas of existing scrub and immature woodland to the perimeter of the site will be retained. There are no soil resources on site, and no soil is proposed to be imported for restoration purposes; the inert waste materials will be used as a restoration material as has been successful within the wider area. Details of the proposed strategy for phased ecological restoration and aftercare monitoring are included within the planning application submission.

## **Site and Surroundings**

12. The application site is a parcel of land occupying an area of approximately 0.9 hectares located approximately 3.5km to the east of the village of Hartington. Access to the site is off the A515 at the A5012 via the site access track.
13. Immediately surrounding the site is land within the original permission area which is now restored to areas of grassland, scrub and woodland. Beyond the previously restored areas, the site is bounded to the north and east by agricultural land. The access track lies to the south, beyond which there is a stone supplier and

reclamation yard, haulage company, petrol station, a restaurant and residential dwelling. The dwelling, Four Winds, is the closest residential property approximately 70m from the site. The A515 lies to the west, beyond which the land use is predominantly agricultural.

14. The site is part of the “White Peak – Limestone plateau pastures” landscape character area. The Landscape Character Assessment describes the landform of the area as gently rolling hills, with a mostly open character. The plateau is a pastoral landscape with small to medium sized rectangular field boundaries. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground.
15. In terms of statutory protected sites, the Peak District Dales Special Area of Conservation (SAC) is located 1.8km to the northeast of the site. No Special Protection Areas or Ramsar sites are present within 2km of the site. Two SSSI, Long Dale and Gratton Dale SSSI and Green Lane Pits SSSI, are located within 2km of the site. Long Dale and Gratton Dale SSSI is located 1.8km northeast and is encompassed within the Peak District Dales SAC. Green Lane Pits SSSI is located 1.7km north of the application site.
16. There are two Derbyshire Wildlife Trust reserves (non-statutory protected sites) within 2km of the site. Hartington Meadows lies approximately 1.2km to the northwest, and Hartshead Quarry (a disused limestone quarry) lies approximately 1.5km to the west.

#### **RECOMMENDATION:**

17. **That the application be APPROVED subject to the following conditions:**
  1. **Duration of the use of the land for the deposit of waste arising from the nearby refractory works to cease on or before 31 December 2033.**
  2. **Scope of the permission listing the approved plans and documents for the avoidance of doubt.**
  3. **No waste other than inert waste arising from the nearby refractory works shall be imported to and deposited at the site.**
  4. **No heavy goods vehicles (HGVs) shall travel to or from the site other than via the existing gated site entrance off the A5012 as shown on the Location Plan Drawing No. ECL.8765.D01.007 Rev A.**
  5. **Appropriate vehicle sheeting to prevent material spillage, wind blow and dust nuisance.**
  6. **No operational vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.**
  7. **The working, restoration and aftercare of the site shall be carried out only in accordance the approved plans.**
  8. **Hours of working restricted to between 07:30 and 17:00 Mondays to Fridays.**

9. **Measures shall be taken to minimise dust arising from the handling of inert waste in accordance with the Nuisance Health Risk Assessment dated May 2023.**
10. **All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.**
11. **The existing trees within the site/identified on the Proposed Restoration Masterplan Drawing No. ECL.8765.D01.002 Rev D shall be retained.**
12. **Annual survey as described in paragraph 6.5.2 of the Closure and Aftercare Management Plan Rev B dated November 2023 shall be submitted for approval to the WPA. Annual survey information shall include details of how Biodiversity Net Gain is being met.**
13. **The Proposed Restoration Masterplan Drawing No. ECL.8765.D01.002 Rev D and Closure and Aftercare Management Plan Rev B dated November 2023 shall be implemented in full accordance with the approved details. Restoration of the whole site shall be completed by 31 December 2034.**
14. **Upon satisfactory completion of the restoration scheme, to be confirmed in writing by the WPA, the site shall thereafter be subject to a 5 year programme of aftercare requirements as detailed in the Closure and Aftercare Management Plan Rev B.**

### **Key Issues**

18. The main issues in this case are considered to be:
  - Whether the proposals accord with the Government's planning policies for England and the Development Plan; and
  - Whether the impacts of the development are (or can be made) acceptable or would be significant enough to justify refusing the application. In particular the impacts on: landscape and visual impact; ecology and biodiversity; water resources and flood risk; amenity impacts; and traffic and highway safety.

### **Relevant Planning History**

19. 1884/9/4, granted in June 1950, for the continued winning and working of silica sand and clay followed by restoration using waste and overburden from the silica workings.
20. The Authority provided Pre-Application Advice in December 2021. Officers advice concluded that an application seeking to regularise an area of over-tipped industrial waste, retention of a permitted waste management facility, and the consolidation of a progressive working, restoration and aftercare strategy, in line with policy DMMW5, is likely to be supported by the Waste Planning Authority, subject to the application suitably justifying the exceptional circumstances required to approve major development. The advice was subject to compliance with all relevant policies in the Core Strategy and Development Management policies and ensuring that all detrimental environmental impacts are either effectively mitigated or outweighed by other material considerations, both individually or cumulatively.

## **Consultations**

21. The following is a summary of the responses received during consultation on this application and includes any modifications or changes to consultation responses as a result of further information. Full copies of responses can be found on the Authority website.
22. Hartington Town Quarter Parish Council: No response received to date.
23. Highway Authority: No highway safety objections.
24. Environment Agency: No objection to the application.
25. Environmental Health: Note the landfill site is regulated by the Environment Agency and on that basis have no further comments to make.
26. Local Flood Authority: No response received to date.
27. PDNPA Landscape: No response received to date.
28. PDNPA Ecology: Generally, the information submitted is considered acceptable and the proposal of a mosaic of habitats created as a phased approach is welcomed. The Biodiversity Net Gain (BNG) metric shows that the proposals, once the restoration and aftercare strategy is complete, have the potential to provide substantial biodiversity gains that far exceed the now mandatory requirement of 10%. These substantial gains are considered suitable to provide compensation and compliance with Development Plan policies, which include the requirement to demonstrate 'exceptional circumstances'. However, in order to have confidence in the prediction of around 40% BNG, further details were requested (including an updated Closure and Aftercare Management Plan explaining how the proposed habitats will be established and managed).

Following the submission of further information by the applicant confirming restoration and aftercare details, the PDNPA Ecologist is satisfied with the revised content.

## **Representations**

29. There have been no representations received from members of the public.

## **Main Policies**

30. Relevant Core Strategy Policies (2011): GSP1, GSP2, GSP3, DS1, L1, CC1, CC3, T4.
31. Relevant Development Management Policies (2019): DMC3, DMC11, DMMW1, DMMW2, DMMW3, DMMW4, DMMW5.

## **National Planning Policy Framework**

32. The National Planning Policy Framework (NPPF) was published in 2012 and replaced a significant proportion of central government planning policy with immediate effect. The latest revised NPPF was published in December 2023. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and Development Management Policies 2019 and the Development Plan provides 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.

33. Paragraph 182 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads'.
34. Paragraph 183 of the NPPF states that when considering applications for development within National Parks permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Such applications should include an assessment of: the need for the development; scope for meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities.
35. The NPPF goes on to confirm that for the purposes of paragraphs 182 and 183, determination of whether a proposal constitutes 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated.

#### National Planning Policy for Waste

36. The National Planning Policy for Waste (NPPW) 2014 sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. This includes the delivery of sustainable development and helping to secure the re-use, recovery or disposal of waste in line with the principles of the waste hierarchy without endangering human health or harming the environment. The NPPW forms part of the overall national planning policy, and is a material planning consideration in decisions on waste related planning applications.
37. The NPPW requires Waste Planning Authorities (WPAs) to consider the environmental and amenity impacts, and concern themselves with implementing the planning strategy in the Local Plan and not with control of processes which are a matter for the pollution control authorities. WPAs should work on the assumption that relevant pollution control regimes will be properly applied and enforced.

#### Core Strategy

38. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle (that is, where there are conflicting desired outcomes in achieving National Park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development other than in exceptional circumstances, and the need to mitigate potential localised harm where major development is allowed.
39. Policy GSP2 criterion A states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and criterion B requires proposals intended to enhance the National Park to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of



- the area. Criterion C states that when development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.
40. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site, paying particular attention to, amongst other things: scale of the development appropriate to the character and appearance of the National Park; siting, landscaping and building materials; and impact on living conditions of communities.
  41. Policy DS1 *Development Strategy* sets out the principles to promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park, which will be applied to determine proposals for new development.
  42. Core Strategy policy L1 addresses landscape character and valued characteristics. The policy seeks to ensure that all development conserves and enhances valued landscape character and other valued characteristics.
  43. The purpose of Policy CC1 is to build in resilience to, and mitigate the causes of, climate change. This includes directing development away from flood risk areas and achieving the highest possible reductions in carbon emissions.
  44. Policy CC3 *Waste Management* sets out the principles to achieve more sustainable use of resources. This includes permitting small scale waste facilities to serve local communities and the appropriate restoration and after-use of waste sites so that they can contribute to the recreation and biodiversity value of the National Park.
  45. Policy T4 sets out the principles to control and manage the demand for freight transport, such as freight facilities should be related to the needs of National Park-based businesses and should be located to avoid harm to the valued characteristics of the National Park or compromise to the routes which are subject to weight restriction orders. Infrastructure developments that enable the transfer of road freight, including minerals, to rail will be supported where appropriate. Developments requiring access by Large Goods Vehicles must be located on and or readily accessible to the Strategic or Secondary Road Network.

#### Development Management Policies

46. Development Management policy DMC3 requires development to be of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. Policy DMC3 B sets out various aspects that particular attention will be paid to, including siting, scale, form, mass, levels, the use and maintenance of landscaping of an appropriate mix of species suited to both the landscape and biodiversity interests of the locality, flood risk and sustainable drainage.
47. Policy DMC11 *Safeguarding, recording and enhancing nature conservation interests* says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.

48. Policy DMMW1 provides the full list of evidence applicants for minerals and waste development will be expected to provide and explains that the need to demonstrate these requirements may vary in the case of applications for extensions to mineral workings, depending on their scale and nature.
49. Policies DMMW2 and DMMW3 require that proposals for minerals development or the development of waste management facilities should demonstrate that any impacts associated with it, such as any potential effects on the water environment and the need to minimise landscape and visual impact, can be reduced to an acceptable level or eliminated to ensure that local amenity is protected.
50. Policy DMMW4 outlines a sequential approach to the development of waste management facilities to ensure that, in accordance with the Core Strategy, they are located in accessible sustainable locations with compatible surrounding land uses.
51. Policy DMMW5 deals with the restoration and aftercare of minerals development and waste disposal by landfill which contributes to the enhancement of the National Park. It goes on to say the restoration of sites can and should contribute to targets for the enhancement of biodiversity, geodiversity and amenity, as appropriate.

## **Assessment**

### **Principle of the Development**

52. The proposal is to regularise the applicant's over-tipping of inert waste arising from their nearby refractory works for restoration purposes within an additional parcel of land comprising 0.19ha adjacent to Friden landfill site. Any proposal involving 'waste development' is defined as major development in The Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended. Therefore, this proposal is considered to constitute major development, despite it being a small-scale facility. Government planning policy is that major development should not take place within a National Park except in exceptional circumstances. The thrust of Core Strategy Policy GSP1 echoes national planning policy requiring applications for major developments to demonstrate they are in the public interest before being allowed to proceed.
53. The applicant refers to a number of public benefits of the proposal which they consider justify exceptional circumstances required to permit major development, including:
  - Planning permission already exists for the deposit of inert waste to complete the site restoration works by reinstating the former silica sand pit identified as "Tip V" in the original consent. Even though the 1950 permission pre-dates the creation of the National Park, the Minister who granted it was aware the site lay within the boundaries of the proposed National Park and therefore certain conditions were imposed in order to ensure that the workings would cause the least possible damage to amenities of the area. One condition, 6e, remains applicable to Friden Tip and states "*Tip V shall not exceed the height of the surface of the adjoining land and initial tipping shall be so arranged as to provide level areas on which screen or trees shall be planted in accordance with a progressive scheme to be agreed with the Local Planning Authority*". Compliance with this imprecise condition is difficult to determine, given the adjoining land varies in height. Furthermore, whilst a restoration plan was approved in 2011 satisfying the requirements of condition 6e, no progressive scheme has been agreed with the PDNPA and there is no record of additional ecological features or an ecological maintenance plan to ensure the enhancement of local biodiversity. Whilst previous tipping has taken place in areas outside the permission boundary to the

east, this planning application provides an opportunity to consolidate progressive restoration across the revised site boundary and, if approved, would provide a set of modern planning conditions against which future monitoring visits will assess compliance.

- There is an established local supply of inert material sourced from the applicant's nearby refractory works in Friden. Waste material is transported by HGV on a short portion of the public highway (approximately 400m) from the works to the application site. Use of this material allows the restoration scheme to be achieved within the proposed timescales whilst keeping transportation movements to a minimum.
  - The proposal is for the ongoing recovery of inert waste for restoration purposes, thereby moving waste up the waste hierarchy and reducing the need to dispose of it by landfill. This is in line with the Government's strategy of driving waste up the waste hierarchy.
  - There are clear and significant ecological benefits arising from the proposal to restore the site to a mosaic of habitats comprising neutral and calcareous grassland, heath, trees, hedgerow and ponds. The Biodiversity Net Gain (BNG) assessment shows that the proposals, once the restoration and aftercare strategy is complete, have the potential to provide around 40% biodiversity gains that far exceed the now mandatory requirement of 10% biodiversity net gains.
  - The proposed progressive restoration strategy has been designed to operate in phases in order to accelerate the ecological restoration works on the reinstated sections of the site. Phased demarcation of the site is proposed to avoid any further unregulated tipping taking place on site.
54. It is considered that a combination of the public benefits described above is sufficient to justify exceptional circumstances in this instance, having regard to the Government's strategy set out in the NPPF and Core Strategy policy GSP1.
55. Core Strategy policy CC3 provides the strategic context for non-agricultural waste development. As referred to above, the proposal involves the recovery of inert waste, thus moving waste up the waste hierarchy and reducing the need to dispose of it by landfill. In terms of criterion B and C, the area of over-tipping measures just 0.19ha and therefore can be reasonably considered small-scale. Only waste arising from the nearby manufacturing works located approximately 400m to the north-east of the site, will be imported. Finally, having regard to criterion D, the proposal involves a consolidated progressive restoration and aftercare strategy for the revised site area which includes a substantial contribution to the biodiversity value of the locality.
56. Further level of policy detail for waste related developments is provided within Development Management Policy DMMW4 which, in part A, sets out a sequential approach for locating waste developments to ensure that they are in accessible sustainable locations with compatible surrounding land uses. The proposal is for a small extension to an existing small-scale waste management facility which has planning permission to deposit waste from the nearby refractory works to infill the remaining void to levels which do not exceed the height of the surface of the adjoining land. The application site is not located within a Core Strategy policy DS1 settlement, and former mineral extraction sites do not constitute previously development land. Despite being in the least favoured location according to the sequential approach outlined in Development Management policy DMMW4, the application site is situated within close proximity to its source of waste to minimise transportation of waste to the facility, the principle of development is already

established for the existing site, and there are compatible industrial land uses adjacent.

57. Part B of Development Management policy DMMW4 lists criteria against which proposals for waste management facilities considered acceptable under Core Strategy policy CC3 (i.e. those accommodating only waste from the immediate area) will be assessed to ensure that the effects of the development can be reduced or mitigated. The proposal is a small extension to an existing small-scale waste management facility, recovering industrial manufacturing waste from the immediate locality to achieve a restoration profile comparative to the original topography. Transportation movements will be minimal, and there are no proposals for outside storage of waste materials at the site.
58. The principle of waste recovery for the purpose of the restoration of the former silica sand pit is already established under the ministerial consent issued in 1950, which leaves only the retrospective element of the application relating to the over tipped area to be considered in principle. On balance, having regard to the NPPF, Core Strategy policies GSP1 and CC3, and Development Management policy DMMW4 and the other material considerations outlined above, the principle of the development is considered to be acceptable and in accordance with national planning policy and the Development Plan.

#### Landscape and Visual Impact

59. The NPPW requires waste planning authorities to consider the need to protect landscapes or designated areas of national importance such as National Parks when determining planning applications for waste management facilities. Development Management policy DMMW3 seeks to ensure that waste management facilities will only be permitted where the impacts of the development on the environment of the National Park are reduced to an acceptable level, or eliminated, particularly in relation to the need to minimise landscape and visual impact. No concerns have been raised regarding landscape and visual impacts.
60. The application site is situated within the Limestone Plateau Pastures landscape character area of the White Peak, which is described in the Landscape Strategy and Action Plan as an upland agricultural landscape with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground.
61. It is evident from aerial photographs that a belt of trees was felled between 2010 and 2013 to the east of the original site boundary, some of which were within the site and others were not, to presumably accommodate the over-tipping to the east. These trees may have been growing within the void left from the silica sand extraction. The loss of this tree belt to the east is unfortunate (and cannot be quantified retrospectively given the date of removal over ten years ago). The trees would have provided a wildlife corridor/habitat for species, but were unlikely to have made a significant contribution to screening the site. The revised site area is small in scale and generally well screened in all directions by trees and shrubs to the north, west and east as well as the existing industrial uses to the south. The tipping activity is conducted at a level which is below the elevation of the surrounding land. These factors combined ensure that views of the waste management facility are limited and as such the proposal for the small extension to the existing facility is not considered to have a wide scale landscape impact.
62. There are landscape improvements to be gained from implementation of the proposed progressive restoration masterplan for the revised site boundary

incorporating the over-tipped area to the east. The masterplan compensates for the loss of the tree belt, incorporating a belt of trees linking existing woodland, and providing a wildlife corridor and habitat for birds, bats and other mammals. In addition, native hedgerows are proposed as recommended within the Preliminary Ecological Assessment. The revised restoration masterplan is considered acceptable having regard to Development Management policy DMMW3 subject to a recommended condition requiring submission of annual surveys as recommended within the Closure and Aftercare Management Plan to ensure the restoration masterplan is appropriately implemented and maintained. Overall the proposals as they relate to landscape and visual impact are considered to be acceptable having regard to Core Strategy policy DMC3 and Development Management policy DMMW3.

### Ecology and Biodiversity

63. Paragraph 180 of the NPPF requires development to contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Core Strategy policy CC3 seeks to achieve appropriate restoration and after-use of waste sites so that they can contribute to the biodiversity value of the National Park. Development Management policy DMC11 requires all development proposals to aim to achieve net gains in biodiversity, and policy DMMW5 requires the restoration of waste disposal sites to contribute to the enhancement of biodiversity. Implementation of mandatory biodiversity net gain applies to planning applications submitted on or after 12 February 2024 for major development sites and from 2 April 2024 for small scale sites, except for certain exemptions. The statutory framework for biodiversity net gain has been designed to secure at least a 10% gain in biodiversity value. Whilst permissions granted for applications submitted before this date are not subject to statutory biodiversity net gain, the applicant was advised at pre-application stage that the restoration scheme should provide substantial biodiversity net gains in order to provide an enhancement to the National Park, and have used the BNG metric calculator as means of quantifying the biodiversity value of the site and the potential gain.
64. The application is retrospective and the revised application area has been an operational waste management facility for several years. The Preliminary Ecological Assessment and Biodiversity Net Gain Assessment describes the dominant existing habitat types to be a combination of semi-natural broadleaved woodland, bare ground, ephemeral/short perennial vegetation and tall ruderal vegetation. The proposed restoration plan provides a mosaic of suitable habitats for the local setting which are of improved biodiversity value compared with the existing habitats or those which would naturally establish without the proposed intervention and management. The proposed scheme comprises areas of neutral and calcareous grassland, tree planting, species rich hedgerow and a small area of heath. Areas of scrub and immature woodland to the perimeter of the site will be retained. Assuming successful implementation of actions outlined in the Closure and Aftercare Management Plan (which was revised following feedback from the PDNPA Ecologist), and the site is restored within the appropriate timeframe for all newly created habitats and retained habitats, the biodiversity metric calculations result in a net change of +39.62% in habitat units. The inclusion of native hedgerow planting results in at least a 10% gain in hedgerow units, and the addition of hedgerow between parcels of retained and proposed woodland/tree planting would increase connectivity between these habitats. The inclusion of a pond (infiltration/detention basin) results in a substantial gain in watercourse units.
65. The production of the Biodiversity Net Gain assessment is useful to quantify potential biodiversity losses and gains; however, the result of the provided metric should be seen as an indicator of potential biodiversity uplift rather than the certain outcome in

this instance. The PDNPA Ecologist notes the habitat condition assessment was undertaken in March, whereas best practice for undertaking such an assessment is April-October inclusive with summer months allowing more species to be identified. Whilst it is possible an early assessment has potential to have implications for the metric calculations, these are likely to be minor in this case. Having considered further information submitted by the applicant, notably the revised Closure and Aftercare Management Plan, the PDNPA Ecologist is confident that the proposals have the potential to provide substantial biodiversity gains that far exceed the now mandatory requirement of at least 10%.

66. According to the results of the Preliminary Ecological Assessment, the extended application site supports suitable habitat for protected species such as bats, badger and birds albeit relatively limited in extent due to the small size of the site. The restoration proposals will increase the suitable foraging habitat for bats and birds due to the planting of trees and hedgerows, creating open water and establishing grassland. The Preliminary Ecological Assessment rules out negative impacts on protected species as a result of the proposals, and recommends the applicant remains vigilant to the potential for badgers to utilise the site given their ability to excavate new setts in a very short space of time.
67. It is considered that the ecological and biodiversity implications of the proposal have been assessed and these can be adequately mitigated subject to conditions. Therefore, the proposed development is acceptable having regard to Core Strategy policies CC3 and DMC11, and Development Management policy DMMW5.

#### Water Resources and Flood Risk

68. Development Management policy DMC3 B seeks to ensure that proposals which are acceptable in principle pay particular attention to flood risk, water conservation and sustainable drainage amongst other things. Policy DMMW2 seeks to ensure that proposals for waste development minimise their amenity impacts including water run-off and flooding. Policy DMMW3 seeks to ensure that waste proposals reduce their environmental impacts to an acceptable level including any potential effects on groundwater, rivers or other aspects of the water environment. The application site lies within Flood Zone 1 (low risk).
69. The proposed progressive restoration of the extended site incorporates a surface water management system which is designed to fully attenuate on-site surface water run-off without a need to discharge surface water off-site. On-site surface water will drain into an attenuation pond (infiltration/detention basin) which will be created in low lying ground within the restoration profile. The site is designed to fall from south to north with water more likely to collect at the north of the site where the basin is proposed. The pond size is determined by the storage capacity for the catchment area, and this has been calculated as part of the hydraulic model (which includes a climate change uplift). The pond is intended to be split with one half used for attenuation and the other used for infiltration, with a weir bund separating the two. The attenuated side of the pond is designed to allow for a marginal aquatic habitat to establish. No comments have been received from the Lead Local Flood Authority in terms of surface water drainage. However, it is worthy to note that the surface water management scheme has been designed such that all surface water will be contained and managed within the application site.
70. The Environment Agency (EA) have no objection to the application and have provided informative comments advising an application to vary the existing Deposit for Recovery Environmental Permit for the site to reflect the change in site boundary is being considered concurrently. It is understood their National Permitting Service are currently determining the variation taking into account any geotechnical

considerations. The EA note the existing Deposit for Recovery Environmental Permit allows the deposit of inert waste which could give rise to leachate generation and groundwater pollution. The Deposit for Recovery permit also sits on top of a closed landfill which may increase these risks. The local drift geology comprises carboniferous limestone underlying the pocket deposits of silica sands which have been exploited over numerous years for their refractory properties. The site does not lie within a groundwater Source Protection Zone. It is important to note the EA have not raised an objection with regard to leachate generation or groundwater pollution, and in accordance with the NPPW the Waste Planning Authority should work on the assumption that the relevant pollution control regime will be properly applied and enforced, in this instance by the Environment Agency through the Environmental Permitting process.

71. Overall, it is considered that the proposal is acceptable having regard to Development Management policies DMC3, DMMW2 and DMMW3, subject to conditions, and no increase in flood risk or negative impacts on groundwater and surface water are anticipated.

#### Amenity Impacts

72. Development Management policy DMMW2 seeks to ensure that proposals for waste management facilities minimise adverse impacts on amenity to an acceptable level, or are eliminated, particularly in relation to: nuisance and general disturbance resulting from transport (including number of vehicle movements, mud on the road and routing); noise; vibration; dust; fumes and odour; water run-off and flooding; visual impact; potential effects of land instability; effects on human health; and impacts on recreation and public rights of way. No concerns have been raised in terms of potential amenity impacts.
73. The application site is located within a predominantly rural setting, with a small number of isolated dwellings, non-residential premises and works situated nearby. The nearest dwelling, Four Winds Bungalow, lies approximately 70m to the south. The Carriages Restaurant is situated adjacent to the bungalow, and other commercial/non-residential properties are located closer to the revised application site. The potential impacts on the amenity and human health of the nearby receptors are considered to relate to dust/air quality and noise. The restoration works, and the nature of inert restoration materials are unlikely to generate odour/pest/litter issues, and there are no negative impacts relating to light pollution given that no artificial lighting is present or proposed on site.
74. The nature of the inert waste restoration material has the potential to generate dust in dry and windy conditions. The nature of the dust emissions and the potential impacts on local sensitive receptors have been assessed in the Nuisance Health Risk Assessment submitted with the planning application. The Risk Assessment quantifies a 'medium' dust risk level arising from the inert waste which is transported to the site from the nearby refractory works, since the fine/powdery nature of the material has potential to generate dust when stored or handled especially in dry windy conditions. Dust nuisance could also arise from vehicular movements to and from the site along the short section of public highway, access road and within the application site itself. Given the close proximity of sensitive receptors to the site the risk of dust emissions is classified as medium to high risk to account for exposure to restoration works during dry ground conditions, calm wind or downwind direction from the north (which is infrequent). In view of this risk, the applicant lists measures in place to mitigate potential adverse impacts including dampening down of restoration surfaces and haul roads during dry conditions and timing engineering works to avoid unsuitable weather conditions. Considering the small-scale nature of the restoration works with operations taking place on site approximately once a month, along with the proposed

mitigation measures, it is considered the dust impacts would be low. It should be noted dust control is also a regulatory function of the EA.

75. In the EA's response, reference is made to the risks which could arise from the deposit of inert waste for recovery (for which a variation of the existing Environmental Permit will be required to reflect the extended site area), including landfill gas. They do not raise any objections but note the Deposit for Recovery permit sits on top of an historic closed landfill which may increase the risk of landfill gas emissions. Landfill gas monitoring takes place in accordance with the requirements of the historic closed landfill Environmental Permit, the results of which are still picking up traces of landfill gas. In particular, several consecutive breaches of the 3.7% trigger level for BH1 for CO<sub>2</sub> has been reported to the EA. The EA have agreed a short-term plan of action with the operator to address this issue. Further investigation of this matter with the EA, who are the regulatory authority, reveals it is not unusual for closed landfills to generate gas, which is why the site remains in its aftercare period. In accordance with the permit, the operator will be required to monitor gas emissions during the aftercare stage and cannot surrender their license until it can be proven their activities are no longer causing/ have the potential to cause environmental impacts.
76. Proposed site restoration works involve the operation of earth-moving machinery and plant, HGVs delivering and offloading inert waste materials, and other site traffic such as road sweepers all of which have the potential to generate noise nuisance. Noise generating activities and the potential impacts on local sensitive receptors have been assessed in the submitted Nuisance Health Risk Assessment. Given the close proximity of sensitive receptors to the site the risk of noise nuisance is categorised as medium, although it is recognised there are relatively high background noise levels due to surrounding industrial/commercial premises as well as traffic on the nearby A515. The small-scale nature of the restoration works will typically involve a dumper truck and an excavator required once a month on site, and as such it is considered that noise impacts can be managed to an acceptable level.
77. The relevant technical consultees (Derbyshire Dales District Council Environmental Health and the Environment Agency) have been consulted and have no objections relating to dust/air quality and noise. On balance, it is considered that the proposal is acceptable having regard to Development Management policy DMMW2, subject to conditions, and no significant negative amenity impacts are anticipated.

#### Traffic and Highway Safety

78. Core Strategy policy T4 seeks to locate developments requiring access by large goods vehicles on or readily accessible to the strategic or secondary road network. Development Management policy DMMW2 seeks to reduce to an acceptable level nuisance and general disturbance arising from traffic associated with the development of waste management facilities, including the number of vehicle movements, prevention transfer of mud onto roads and routing. No concerns have been raised in terms of potential highway safety and traffic impacts of the proposal.
79. Restoration of the application site requires delivery of waste from the refractory works a short distance away on the public highway and via a short unpaved haul road. Tracking of mud onto the public highway is possible, depending on the weather conditions, although given the small-scale nature of the restoration works typically taking place once a month it is not considered an issue likely to cause public nuisance. The volume of traffic involved in the restoration works will not change from current operations. Vehicles will continue to access the site along the short stretch of public highway from the refractory works approximately 400m away, via a short haul road which will remain in situ for the completion of the restoration and aftercare of the extended site.



80. Overall, it is considered that the proposal is acceptable having regard to Core Strategy policy T4 and Development Management policy DMMW2, subject to conditions, in terms of impacts on traffic and highway safety.

### **Conclusion**

81. The applicant is seeking retrospective planning permission to regularise the over-tipping of industrial inert waste arising from their nearby refractory works beyond the original permission area, whilst retaining use of the site for the continued deposit of industrial waste as well as consolidation of a progressive restoration and aftercare strategy for the revised site area comprising a mosaic of habitats previously recommended by the Authority.
82. On balance it is considered there are public benefits to the proposal sufficient to justify exceptional circumstances in this instance, having regard to the Government's strategy set out in the National Planning Policy Framework and Core Strategy policy GSP1. Furthermore, the principle of the development is considered to be established having regard to Core Strategy policy CC3 and Development Management policy DMMW4.
83. Impacts on landscape and visual impact, ecology and biodiversity, water resources and flood risk, amenity impacts, and traffic and highway safety have been carefully considered. There are no outstanding objections to the application by statutory consultees and it is considered that, subject to the imposition of suitable planning conditions to control and mitigate the development, there are no significant issues which would justify refusal of the application.
84. The operation of the site will be controlled by the Environment Agency through the environmental permit and in accordance with the National Planning Policy for Waste the Waste Planning Authority should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
85. The Authority has notified the operator of the intention to undertake up to three chargeable monitoring visits during the 2024/2025 financial year under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023. These visits provide an opportunity to monitor progress and assess compliance with the schedule of modern-day planning conditions.
86. Although not a statutory requirement for developments to provide a minimum 10% biodiversity net gain at the time this planning application was submitted, the Authority has secured a scheme that will provide substantial biodiversity net gains in excess of this figure once the restoration and aftercare strategy is complete. These significant gains are considered suitable to provide compensation for lost habitat and contribute to the 'exceptional circumstances' required in order to comply with the Development Plan. In addition, the local recovery of refractory waste negates the need for disposal via other means requiring additional vehicle movements. It is also considered that the provision of a small scale waste management facility to meet the identified local need of a business providing employment in a rural area is in the public interest.
87. The proposal is considered to be acceptable, subject to the imposition of planning conditions. In the absence of any further material considerations, it is considered that the proposal is in accordance with the Government's national planning policies and the Development Plan and is recommended for approval. Delegated authority is sought for officers to agree the final wording of the conditions summarised in

paragraph 17 of this report with the applicant following Planning Committee resolution.

**Human Rights**

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

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

Nil

**Report Author and Job Title**

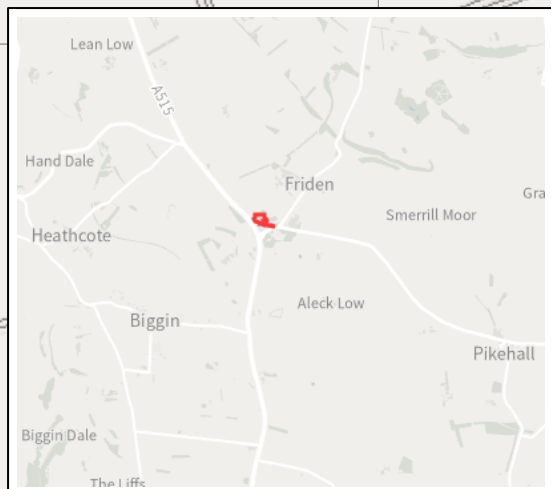
Helen Marsden – Senior Minerals Planner

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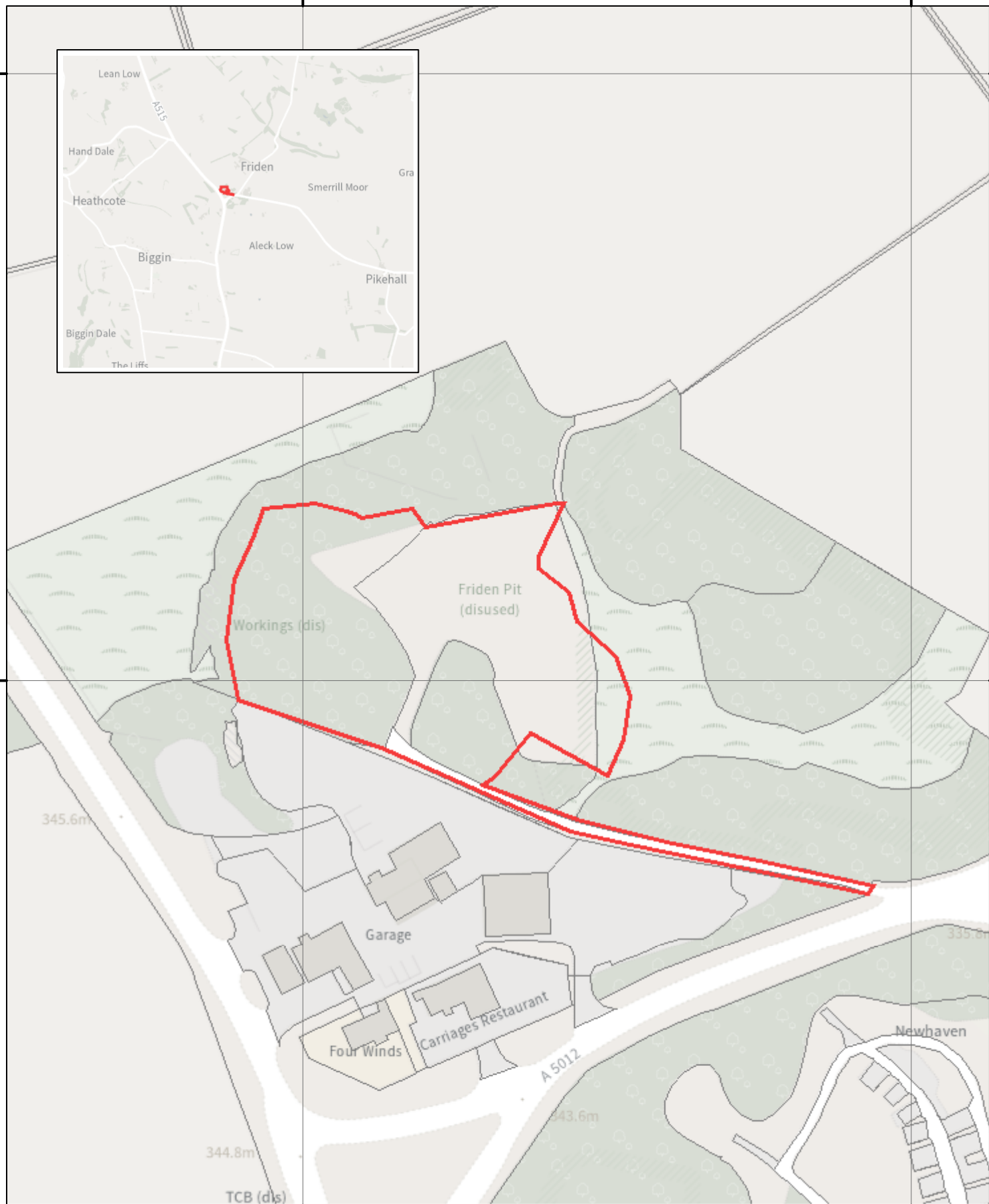
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### Friden Landfill Site, Newhaven, Nr Buxton

Item no. 6  
 Application no. NP/DDD/1022/1276  
 Committee date: 10/05/2024

Page 35  
 Scale: 1:1,654 at A4 pagesize  
 Map centre grid ref: 416,664 360,425



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**7. FULL PLANNING PERMISSION – PROPOSED HOLIDAY RETREAT WITH HOLIDAY ACCOMMODATION INCLUDING 2 STATIC CARAVANS, 1 YURT, 9 TOURING CARAVAN PITCHES, 17 CAMPING PODS, 5 CAMPING PITCHES AND ANCILLARY FACILITIES INCLUDING TOILET BLOCK, CONVERSION OF POLE BARN TO FLEXIBLE SPACE FOR EVENTS, CONVERSION OF DUTCH BARN TO CATERING AREA, CONVERSION OF OLD MILKING PARLOUR TO 4 HOLIDAY LETS, REPLACEMENT OF 2 STOREY STORAGE BARN WITH 2 UNDERGROUND SINGLE STOREY HOLIDAY LET STUDIOS, A POLYTUNNEL AND ASSOCIATED ACCESS AND ACCESS TRACKS, PARKING AND LANDSCAPING AT HOME FARM, SHELDON (NP/DDD/1223/1459, AM)**

**APPLICANT: MR HOUSSEIN AMIR KOHANZAD**

**Summary**

1. The application site comprises an existing guest house, former agricultural yard and fields on the eastern edge of Sheldon.
2. Planning permission is sought for recreation and tourism development as set out in the description above.
3. The proposed development is considered to be major development and would result in significant harm to landscape, cultural heritage and the character, appearance and amenity of the local area. This harm would not be outweighed by any public benefits and there are otherwise no exceptional reasons to justify major development in the National Park.
4. The application is recommended for refusal for the reasons set out in the report.

**Site and Surroundings**

5. Home Farm is located on the eastern edge of Sheldon and comprises a traditional former barn converted and occupied as a guest house.
6. To the rear is an agricultural yard with former agricultural buildings converted or partly converted without planning permission to holiday accommodation, workshop and uses associated with the is application. There is also a polytunnel, parking area and a number of timber pods located in the yard.
7. A number of pods, along with infrastructure including tracks, hardstandings, septic tanks, a stone circle and containers have been sited in the fields to the east. Two static caravans are sited to the north of the site.
8. The site is partly within the designated Sheldon Conservation Area and adjacent to the Grade II listed Church of St Michael and All Saints.
9. The nearest properties include the church and neighbouring residential properties.

**Proposal**

10. This application is retrospective and seeks planning permission for the retention of development carried out on site along with use of the land for a glamping, caravan and camping site as described in the application and shown on the submitted drawings.
11. The application was amended during the course of consideration to include the polytunnel erected on site and to be clear that the application does seek the retention of the tracks erected on site.

**RECOMMENDATION:**

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

1. The development would not be in the public interest and exceptional circumstances do not exist to justify the proposed major development. The proposal is therefore contrary to policies Core Strategy policies GSP1, GSP3 and DS1, Development Management policy DMC1 and the National Planning Policy Framework.
2. The development would involve the retention of new build holiday accommodation and the conversion and alteration of modern buildings of no historic or vernacular merit contrary to Core Strategy policy RT2 and Development Management policy DMC10.
3. The development would involve the retention and use of static caravans and is not an appropriate site for camping pods or the scale of touring caravans or camping proposed contrary to Core Strategy policy RT3 and Development Management policy DMR1.
4. The development would result in a significant adverse visual and landscape impact and would significantly harm valued landscape character contrary to Core Strategy policy L1, Development Management policy DMC1 and DMC3 and the National Planning Policy Framework.
5. Insufficient information has been submitted with the application to demonstrate that the application would enhance biodiversity or that the development would not harm trees, protected species or their habitat contrary to Core Strategy policy L2, Development Management policies DMC11, DMC12 and DMC13 and the National Planning Policy Framework.
6. The development would result in harm to the Sheldon Conservation Area and its setting and the setting of the Grade II listed Church of St Michael and All Saints contrary to Core Strategy policy L3 and Development Management policies DMC5, DMC7 and DMC8. The harm identified would not be outweighed by public benefits arising from the development contrary to the National Planning Policy Framework.
7. The development would result in harm to the character, appearance and amenity of the local area and neighbouring properties contrary to Core Strategy policy GSP3 and Development Management policy DMC3.
8. Insufficient information has been submitted with the application to demonstrate that the development would encourage behavioural change to achieve a reduction in the need to travel or reduce traffic movements. Visitors to the development would be largely or wholly reliant upon the private car and therefore would not be a sustainable form of recreation development contrary to Core Strategy policies GSP3 and T2.
9. Insufficient information has been submitted with the application to demonstrate that the development would be served by a suitable sustainable urban drainage scheme or that pollution from foul drainage associated with the development can be satisfactorily mitigated contrary to Core Strategy policy CC5, Development Management policy DMC14 and the National Planning Policy Framework.
10. The proposal would not deliver high quality design or the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy policies GSP3 and CC1,

**Development Management policy DMC3, the Authority’s adopted Supplementary Planning Documents ‘Design Guide’ and ‘Climate Change and Sustainable Building’ and the National Planning Policy Framework.**

**Key Issues**

12. Whether the proposal is major development and whether the development is acceptable in principle.
13. Impact of the development upon the landscape, biodiversity and cultural heritage.
14. Impact upon the local area and amenity of neighbouring properties.
15. Sustainable travel and the impact of the development upon highway safety.
16. Sustainable building and climate change.
17. Drainage
18. Whether the development is acceptable in all other respects.

**Relevant Planning History**

**Planning applications and subsequent appeals**

19. 2004 – planning permission refused for creation of wildlife observation room, erection of greenhouse and creation of car park.
20. 2009 – planning permission refused for house extension and demolition of concrete frame and block walls of a barn.
21. 2009 – planning permission refused for demolition of large corrugated steel barn and breezeblock store to be replaced with a residential courtyard development for the clients extended family. Twelve ensuite bedrooms will be divided amongst four single storey buildings. This application is for phase 2 of a comprehensive redevelopment of the site.
22. 2009 – planning permission granted conditionally for demolition of large corrugated steel barn, breezeblock store and concrete frame/breezeblock building. In total 3 disused outbuildings are to be removed.
23. 2009 – planning permission refused for installation of three LPG tanks. Change of use from meadow to LPG tank site.
24. 2009 – planning permission granted conditionally for change of use of dwelling house to a guest house.
25. 2010 – planning permission refused for erection of 4.27m by 18.29m poly tunnel for growing fruit and vegetables.
26. 2010 – planning permission refused for extension to guest house.
27. 2010 – planning permission refused for erection of 15.62m by 13.68m glass greenhouse for growing fruit and vegetables.
28. 2011 – planning permission granted conditionally for conversion of part of guest room to tea room.

29. 2011 – planning permission refused for erection of conservatory.
30. 2011 – planning permission refused for extension and alteration to guest house.
31. 2011 – planning appeal against the above refusal dismissed.
32. 2012 – planning permission refused for courtyard development of 10 rooms for the guest house - change of use from field and storage to guest house.
33. 2012 – planning permission refused for the erection of 2 lamp-posts.
34. 2014 – planning permission refused for re-cladding of the existing concrete frame.
35. 2014 – planning permission refused for change of use from C1 guest house to mixed use of guest house and tearoom.
36. 2014 – planning appeal against the above refusal dismissed.
37. 2014 – planning permission refused for ancillary accommodation, leisure accommodation, owners flat and greenhouse. Change of use from yard area and storage to guesthouse.
38. 2021 – planning permission refused for creation of self-contained ancillary accommodation to create 4 bedrooms in two units, to support the current 5-bedroom holiday accommodation.

#### Formal enforcement action and subsequent appeals

39. 2005 – Enforcement notice served in regard to the material change of use of the land to a mixed-use comprising agriculture and the storage of vehicles.
40. 2005 – planning appeal against the above enforcement notice dismissed.
41. 2009 – The owner (with another) was prosecuted for failing to comply with Enforcement notice, found guilty and ordered to pay £4000.00 which was paid.
42. 2008 – Temporary Stop Enforcement notice served in regard to the carrying out of an engineering operation consisting of the construction of a track and the deposit of stone, soil and other materials in connection with that operation.
43. 2008 – Enforcement notice served in regard to the carrying out on the land of an engineering operation consisting of the construction of a track and the deposit of stone, soil and other materials on the land in connection with that operation. The partially constructed track in in the approximate position edged blue on the attached plan.
44. 2009 – planning appeal against the above enforcement notice dismissed.
45. 2011 – Enforcement notice served in regard to the material change of use of the land to a mixed-use comprising agriculture, use as a guest house and use for the storage of caravans. Enforcement notice subsequently withdrawn.
46. 2011 – Enforcement notice served in regard to building operations consisting of the erection of a polytunnel in the approximate position hatched black on the attached plan. The polytunnel was subsequently removed.
47. 2011 – Enforcement notice served in regard to operational development consisting of the erection of two lamp posts on the Land in the approximate positions circled blue on the attached plan ("the Lamp Posts"). The lamp posts were subsequently removed.



48. 2013 – Enforcement notice served in regard to the excavation of land and the erection of a building.
49. 2013 – planning appeal against the above enforcement notice allowed subject to conditions.
50. 2013 – Enforcement notice served in regard to the material change of use of Land at Home Farm, Sheldon from a guest house to a mixed use of guest house and cafe and tea room. The alleged use has since ceased.
51. 2013 – Breach of condition enforcement notice served in regard to breach of conditions 1 and 2 imposed upon planning permission NP/DDD/0211/0066. The alleged breach of condition has since ceased.
52. 2020 – Enforcement notice served in regard to Engineering and building operations: namely the continued excavation of a void (in the location shown cross-hatched on the attached plan) immediately to the north (rear) of the guest house, the laying of a concrete base and construction of walls in the void, and any engineering or building operations carried out as part of that activity or associated with it.
53. 2021 – planning appeal against the above enforcement notice dismissed.
54. 2020 – Enforcement notice served in regard to (i) Without planning permission, the carrying out of engineering operations, consisting of the excavation of the land; and (ii) Without planning permission, the carrying out of building operations, consisting of the construction of foundations and the erection of walls. Both the engineering operations and the building operations are in the approximate position shown cross-hatched black on the attached plan.
55. 2021 – planning appeal against the above enforcement notice dismissed.

### 2023 Injunction Order

56. In 2023 the Authority applied to the High Court for an Injunction Order.
57. The Injunction Order was made on 06 December 2023. In summary it is ordered that:
  1. No development be undertaken on the land without the grant of planning permission.
  2. Cease the use of land for the manufacturing and/or sale of Eco Pods or timber buildings; and  
  
Cease to use specified buildings on the land for commercial and/or residential and/or holiday use.
  3. The requirements of the Enforcement Notices dated 1 December 2008 (as varied at appeal) and 16 October 2020.
  4. Remove the following developments from the land:
    - 4.1 track and associated works;
    - 4.2 single storey building;
    - 4.3 all shipping containers;
    - 4.4 any tipi-style tents;
    - 4.5 all wooden tents/eco pods, including any partly constructed units;
    - 4.6 the hardstanding for touring caravans;
    - 4.7 the car park next to the track;

- 4.8 any caravans sited on the land;
  - 4.9 any associated structures, items or materials.
5. Restore buildings under point 2 (above) to the condition they were in before the change of their use from agricultural/ guest house occurred; and

Restore the land to the condition it was in before the breaches of planning control set out under point 4 (above) occurred.

58. The Order requires the above to be completed by 8 March 2024 or within 3 months of the determination of a planning application submitted by that date (including any subsequent appeal or statutory or judicial review).

### **Consultations**

59. Parish Meeting: Objects to the development and makes the following comment:

*“We strongly object to the planning application made by Home Farm and would like to raise the following points / concerns with regard to that application:*

- *The application states that “The Applicants wish to offer a unique and varied family-friendly experience in the heart of the Peaks, with a range of accommodation options and activities on site”. Sheldon as a conservation area within the Peak Park is a completely inappropriate situation for a commercial development of this nature. It is neither in keeping with the quietness of the village or with the guidelines of the PDNPA.*
- *There is no mention in the application of the number of guests that can be accommodated, but based on 2 static caravans (8 people), 1 yurt (8 people), 9 touring caravan pitches (18-36 people), 17 camping pods (34-40 people), 5 camping pitches (10-20 people), the Long Barn / Old Milking Parlour (8 people) and the existing B&B (10-20 people), we’re talking an average of around 120 guests, but the number could be higher.*
- *In addition, if the proposal is to host events, then the day guests could take this number much higher.*
- *The parking of 41 spaces in total is completely inadequate.*
- *The overall objection to the proposal is that this is a completely disproportionately sized development for a village such as Sheldon which has a population of around 80 and just over 30 houses.*
- *Much of the development is within the conservation area. None of the development will enhance the conservation area.*
- *The buildings are completely out of character:*
  - *The 17 huts / pods are ugly, inappropriate buildings that cannot be improved simply by painting them green. Nearly all have white uPVC double-glazed doors and windows that stand out like a sore thumb. The proposal states that each pod will have a bed and a toilet, but many are not large enough to have any separation internally and how does this align with the statement that they are temporary structures when they’re connected to sewage pipes?*
  - *The proposal for a yurt is situated in a field that is in clear view of the road into Sheldon and will be a blot on the farmland.*
  - *The toilet block looks like a large container and is inappropriate.*
  - *The two static caravans are old and have been disposed of by a camp site which is replacing them. They are again an inappropriate eyesore on otherwise unspoilt open countryside.*

- *The camping pitches will again be highly visible and will impact the landscape.*
- *The Old Milking Parlour has been very poorly converted into accommodation in a style that is completely out of keeping with the area:*
  - *There are two colours / types of roofing material that has been used in the conversion.*
  - *Windows have been installed along the face that overlooks the churchyard of St. Michael's church which destroy the privacy and sanctity of the space alongside a Grade II listed building.*
  - *Solar panels have been installed without planning permission and planning permission does not appear to have been applied for in this application. They are visible from the land looking down onto Home Farm and again an inappropriate eyesore. The understanding is also that this installation has not been suitably certified and indeed has been deemed dangerous.*
- *There is no mention of the new build behind the farmhouse within the farmyard. This was subject to an Enforcement Order with which the owner has failed to comply. At the time of the Enforcement Order, this was just below the ground foundations, but this is now a single storey building referenced as the sunken apartments on some of the drawings.*
- *The application talks about preserving features of the historic field patterns, but substantial stone walls, especially along the boundary of the farmyard and within the conservation area have been removed and need to be reinstated. We have photographic evidence from pre-2010 that shows the layout of the ancient walls.*
- *The plans describe two entrances to the site. The pre-existing farmyard entrance and the track. The track is not a legal entrance to the site. It has been subject to an Enforcement Notice for many years and has been recently reinstated without planning and in contravention of the Enforcement Notice. Without this illegal access there is no way that touring caravans could get onto the site.*
- *The track is described on one of the plans as unsurfaced, this is not the case. The track is made has been excavated, filled with spoil and covered with tons of gravel. Last year, the owner covered it lightly in soil and then seeded it with grass seed to cover it over. Several members of the village observed this happening.*
- *Tons of spoil from outside the area was brought in to make this track and other hard standing areas.*
- *The road entrance to the track was considerably widened without permission and without consultation with Highways.*
- *The roads into Sheldon are completely unsuitable to carry large numbers of guests in and out of the village and certainly not cars towing touring caravans.*
- *It is suggested in the application that, over the past 40 years, the site has been gradually developed and the agricultural buildings replaced with lower impact units in keeping with the landscape. In response to this point, the Pole Barn had it's corrugated sides removed and replaced with a hotchpotch of used windows and doors; the Old Milking Parlour has been converted into dwellings without permission, had two types / colours of roofing used in its conversion, had inappropriate windows (including ones overlooking the churchyard) and doors fitted, and had solar panels installed all along its roof. Does any of this suggest*

*an improvement?*

- *A liquid gas storage area is marked on the plans. There are two ancient and corroded tanks that have been installed that cannot meet fire or H&S regulations.*
- *The field coloured green on page 1 of Design and Access Statement Part 3 is highlighted in the statement as being an “Important Open Space / Open space within the conservation area” and yet the plan shows pods and other pictures scattered across that field.*
- *The visual appraisal photographs have all been taken in the summer and when all the trees are in full leaf. The actual visual impact on the landscape is very significant and clearly visible from the highway and all around the site.*
- *The Heritage Statement suggests that the development that has been carried out and that is being proposed will enhance the conservation area. It suggests that the view from St. Michael’s church and from the village playing field will be improved by cladding buildings with timber and stone in keeping with the vernacular. The only evidence of the applicant trying to clad any buildings is with Indian limestone paving being glued around the windows of the Old Milking Parlour that face onto the churchyard. It also suggests minimal impact on the village itself, but that cannot be the case when the village has a surge of 120 holiday makers coming into it and possibly scores of event attendees.*
- *The section on Ecology and Trees suggests that native woodland has been planted. Actually, very mature trees have been chopped down without permission within the conservation area and trees have been planted across what has been open farmland for hundreds of years.*
- *Three huge septic tanks have been installed without planning permission and without any kind of environmental survey. The Environment Agency has not been engaged in their installation and there has been no inspection carried out. These are proposed as the sewage solution for the site, but they require planning approval in their own right. There is therefore a serious question over how sewage will be dealt with on site.*
- *The solar panels on the Old Milking Parlour are proposed as providing electricity for the whole site. However, as stated above, the understanding is that the contractors who installed them would not provide a certificate to sign them off and therefore this cannot presently be put forward as a solution.*

*The application uses the word ‘existing’ throughout. It should actually be made very clear that, apart from the farmhouse being used for accommodation as a B&B business, nothing else on-site is existing. Everything else is a change or addition which has been introduced without planning permission. All these works need to be put right under the terms of the injunction order and the enforcement notices. This is not necessarily an exhaustive list of everything that is not existing and should therefore be removed from the site or put back to its former state, but the list includes:*

- *The track – in line with the enforcement order, e.g. removal of materials, replacement of materials, grassing over and narrowing the entrance from the road back to the original field entrance (which was a standard 5 bar gate).*
- *The new build in the farmyard described as the sunken apartments – building and foundations removed.*
- *Old Milking Parlour – converted back to an agricultural building; the windows, doors, roofing and the solar panels removed.*

- *The Pole Barn – put back to its original state, i.e. corrugated iron clad.*
- *A very large polytunnel has been erected and is not mentioned in the planning application.*
- *A very large tipi has been erected and is not mentioned in the planning application.*
- *All hard standing areas (parking, pods, caravans etc.) removed and put right as per the restitution of the track*
- *The three septic tanks (and all the pipework that has been laid in) removed and the ground put back in order.*
- *All electrical works that have been laid in removed from the land.*
- *All pods removed from the site.*
- *The shower / toilet block removed from site.*
- *The two static caravans removed from the site.*
- *All historic stone walls put back in place as per the 2010 view of the farm.*

*Based on the above, we respectfully ask that the application is rejected in its entirety; that the injunction and the two enforcement notices are seen through to the letter; and that all other unauthorised development is rectified within the 3 month timeframe specified by the injunction.”*

60. Highway Authority: Makes the following comment:

*“The latest application is proposed to use an existing (adjoining) vehicle access point, but the amount of vehicles proposed will be greater for 2 static caravans, 1 yurt, 9 touring caravan pitches, 17 camping pods, 5 camping pitches, conversion of pole barn to flexible space for events, conversion of Dutch barn to catering area, and conversion of old milking parlour to 4 holiday lets than it would be for the creation of self-contained ancillary accommodation to create 4 bedrooms in two units, to support the current 5-bedroom holiday accommodation proposed under reference NP/DDD/1020/0958. Therefore, as the proposals will generate significant amounts of traffic movement, a Travel Plan (TP) and Transport Statement (TS) are required so that the likely impacts of the proposal can be assessed. Once in receipt of the TP and TS, the County Council should be in a position to provide a formal response to the above planning application.*

*However, due to the reliance of the use of vehicles accessing the site, the LHA note that the submitted a revised Design and Access Statement and Planning Statement (dated March 2024) in response to the above does not contain any information relating to a Travel Plan (TP) with section 6 of the Planning Statement stating: 'Accessing Sheldon's Retreat is therefore likely to be by car (typical of the rural nature of the Peak District National Park) or by bicycle.'*

*Therefore, all TSs should be prepared in accordance with guidance in the National Planning Practice Guidance (NPPG 2023 Paragraph 117) and although the NPPG presents a framework rather than detailed guidance, the LHA recommends that every TS must be accompanied by a TP, which is compliant with Derbyshire County Council's guidelines.*

*TP's are typically a package of practical measures to encourage residents, employees and visitors to consider their travel options or reduce the need to travel. Typical examples of measures include: personalised travel plans and welcome packs, the provision of showers, lockers and changing facilities, car sharing schemes, flexible working schemes etc.*

*TP's should be bespoke to the development and applicants should not replicate generic targets as they can be a valuable tool in mitigating traffic impact and can look at the wider environment rather than just traditional traffic compensation measures.*

*This means that proposals should be supported with a clear vision of the nature of the*

scheme and how future users are expected to travel. Trip rates should consider the number of all person trips the site will generate and what the historic trend is. It should then define what it wishes to achieve (by mode). Assessments must provide a base position which can be extrapolated to indicate what the impact would be with no interventions. Proposals should clearly define how the measures proposed will achieve the vision, over what time period and how the result will be reviewed. Where schemes are not achieving the required modeshift, the review report should also include a list of interventions as to how the poor performance will be rectified.

The County Council would wish to see this highway issue addressed prior to determination, however, should the LPA be minded to approve the application in its current form we would be grateful if the LPA could reconsult the Highway Authority so that consideration can be given to formulating an appropriate response.”

61. Environment Agency: Objects to the application for the following reasons:

“We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system. We recommend that the application should be refused on this basis.

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

This objection is supported by planning practice guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref ID 34-020-20140306).

Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. The foul sewer lies directly south and east of the site with potential for a gravity feed.”

62. Historic England: No comment:

63. Natural England: No objection.

64. PDNPA Policy: Makes the following conclusions:

“On the basis of the assessment provided above and our Core Strategy and Development Management Policies, we are concerned that:

- This development constitutes major development within a National Park;
- The development is in conflict with our first purpose of conservation and enhancement of the National Park;
- The development is contrary to a number of our existing planning policies.

Therefore, the application should not be permitted at its current scale and in its current form.”

65. PDNPA Conservation Officer: Makes the following comment:

“The application site, Home Farm does not contain any listed buildings but is partially situated in the Sheldon Conservation Area. The development also impacts the neighbouring Church of St Michael and All Saints, a grade II listed building (1334884, listed on 26-Jul-1984).

*The Sheldon Conservation Area was designated in 1995 and comprises the core of the village and some of the rear fields. The conservation area appraisal is fairly brief and out of date, but broadly speaking the character and special interest of Sheldon is derived from its built form and its well persevered historic landscape character.*

*Sheldon is a linear settlement, at the centre of a network of fossilised strip fields, mining remains, and later enclosure. This basic layout is typical of a medieval settlement, and indeed Sheldon appears in the Domesday book. The buildings of Sheldon consist mainly of farmhouses built along the street frontage, with historic and later agricultural buildings grouped closely behind, within the strip fields. The fine-grained development of the main street frontage, along with the undeveloped strip fields are key characteristics of the conservation area and contribute towards its high historic interest.*

*The Church of St Michael and All Saints was consecrated in 1864. Built by Samuel Rollinson of Chesterfield in the Early English Style, the church was built to replace a medieval chapel of ease that previously sat in the middle of the highway. The church is unusual in that it is situated at the back of one of the village strip fields.*

*The church's significance is derived principally from its high architectural interest. Its relatively isolated situated contributes towards its significance, although this has been impacted by late 20th century development on Home Farm.*

*The proposal is for the development of a holiday retreat, including camping pods, static caravans, tents, camping pitches, and the conversion of several agricultural buildings.*

*The application is largely retrospective, as the majority of this development has already taken place. It is not necessary to go into the details of the site's long history of unauthorised works and enforcement, but it is worth noting that the 'Existing site plan' submitted by the applicant is misleading, as it shows the site as developed. It is also worth noting that not all of the unauthorised works that have taken place over the years have been included in the application, and therefore won't necessarily be covered by these comments.*

*As the application affects designated heritage assets, it should be assessed against chapter 16 of the NPPF, and the Peak District National Park Authority's Development Management Policies DMC5 (Heritage Assets), DMC7 (Listed Buildings), DMC8 (Conservation Areas) and DMC10 (Conversions).*

*Part of the application is for consent to be granted for the conversion of three existing buildings, at least two of which are retrospective. These are the Milking Parlour, to be converted into holiday accommodation, and the Pole and Dutch Barns, to be converted to event spaces.*

*DMC10 states that the PDNPA generally only accepts the conversion of agricultural buildings if they are heritage assets (designated or not) and their conversion would contribute to the ongoing conservation of the heritage asset. At no point does the application mention this policy, but the planning statement does concede that the buildings are 'not of heritage merit'. All the buildings in question were constructed after 1960 and are modern agricultural sheds. There is no question that their conversion is contrary to DMC10.*

*The development has seen and will see a variety of camping pods, tents, and static caravans sprawled across the site both within and without the limits of the conservation area. The development the open strip fields is particularly harmful to the conservation area, and once finished will see an intensification of usage. This development is clearly visible from both within the site, and from important views from the track leading from*

*Magpie Mine down the spur of the hill between ancient and later enclosures (Sheldon FP 9). Much of the development is outside the conservation area, but the development of the strip fields still has an impact on the setting of the conservation area.*

*The development has also directly impacted on the built form of the Conservation Area. Historic Mapping and satellite imagery shows that historic drystone field boundaries, extant on all historic mapping (including the 1617 Senior Map) and satellite imagery as late as 2020 have been cleared away, and other field boundaries are in a precarious state. This directly harms Sheldon's fossilised medieval field system.*

*The intensification of development near the site will further harm the contribution to its significance made by its setting, by further encroaching on its isolated setting.*

*Overall, in the language of the NPPF, I would assess the harm to the conservation area as less than substantial, although at the higher end. The harm to the listed church is at the lower end of less than substantial.*

*According to local and national policies, any less than substantial harm to a designated heritage asset (such as a listed building or conservation area) should only be permitted where the harm is outweighed by the public benefits arising from the scheme."*

66. PDNPA Archaeology: No comment.

67. PDNPA Ecology: Object for the following reasons:

*"There is currently no ecological survey information or associated reporting to support this planning application that identifies what the current ecological interests of the site are and what potential impact the proposals may have on existing interests. The full extent of the application area identified on the plan seems to extend to several hectares (>5ha).*

*Ecological assessments should accord with policy DMC11 and consider the full extent of the development area and undertaken by an appropriately experienced ecologist.*

*The proposals should consider existing interests at the site and seek to conserve and enhance the site for biodiversity with demonstrable biodiversity net gain with a completed biodiversity metric, where appropriate, together with necessary supporting information."*

68. PDNPA Tree Officer: Object to the application on the grounds of lack of tree assessment information.

69. PDNPA Landscape: Object to the application and make the following comments:

*"Home Farm in the "Limestone village farmlands" LCT in the White Peak. It has a largely pastoral character dominated by stock rearing and dairying. A gently undulating plateau of pastoral farmland enclosed by drystone walls made from limestone with characteristic historic elements such field dew ponds and field barns.*

*This application includes the conversion of this pastoral farmland into a holiday retreat with multiple options for accommodation scattered among the landscape. It includes the conversion of two barns into permanent buildings for use as function rooms/catering rooms being the Dutch barn and the Pole barn. Further information on the existing milking parlour is required to comment on this aspect of the proposals.*

*I disagree with the statement 'older buildings are to be restored and clad in more appropriate materials in keeping with the local vernacular.' And with the claim that the project 'Protects and maintains historic field barns'. Precedent images for the Dutch Barn show a modern building which stands out in the landscape. Despite*



*similar/identical materials being proposed for the renovated buildings and the footprint/mass remaining unchanged, the nature and look of the buildings changes from being field barns with partially open sides used for farming purposes, to being watertight buildings with enclosed walls/windows to the full elevations which can house functions such as weddings, with their original purpose removed. The character of the buildings therefore is altered and no longer fits with the typical character of the Limestone Village farmlands LCT.*

*The scheme includes areas of rotationally grazed agricultural grassland, however all farm buildings from the farmstead will be converted to new use, so the scheme cannot be considered as farm diversification despite the retention grazed land. The areas of woodland planting which are already planted presumably don't form part of this planning application as no details have been provided.*

*Although some of the temporary structures to be used for holiday accommodation are neatly tucked into existing vegetation, some elements are not and these are not fully screened by proposed planting, when looked at accumulatively the proposals create visual clutter in the landscape.*

*I am not supportive of the application in its current form due to the reasons stated above. However if the scheme is approved I would suggest that aspects be conditioned to reduce the visual impact on the landscape character of the PDNP.*

*The additional proposed polytunnel (approximately 12m x 7m and 2.5m tall) would add to the visual clutter in the landscape in some views, for example in Viewpoint 2 in the Design and Access Statement which is taken from a public footpath entering Sheldon from the south west and from Magpie Mine (a sensitive heritage feature). The polytunnel would likely be visible from the churchyard of listed St Michael and All Angel's Church, and no planting proposals are included in the proposals to mitigate this potential impact.*

*The elevations for the underground single story holiday let studios are not shown in context, it is clear that some earthworks and recontouring is proposed to the north of the underground studios - this needs to be shown in elevations to explain how they sit in the landscape, along with drainage proposals for this subterranean space. Green roofs are noted on the elevations but no information is provided on these - further details are required on the design / specification and establishment maintenance proposals.”*

## **Representations**

70. The Authority has received a total of 112 letters of representation at the date this report was written. All the letters are in objection to the planning application. The material planning reasons given are summarised below.

- a) The proposed development is contrary to relevant policies in the Local Plan.
- b) The proposed development is inappropriate major development in the National Park.
- c) The scale and density of the proposed development is inappropriate.
- d) The buildings have not been built using environmentally friendly materials.
- e) The development would have a harmful visual impact.
- f) Lighting from the development would harm dark skies.
- g) The development would harm the local landscape and the landscape of the Peak District National Park.
- h) The development would harm the character and appearance of the local area / village.
- i) The development would harm the amenity of the local area / village.
- j) The development would result in overlooking, overbearing and loss of privacy to

- occupants of neighbouring properties.
- k) The development would harm the tranquillity of the local area / village.
  - l) The development would prejudice the use of the village playing fields.
  - m) The development would harm the safety of the local area / village.
  - n) The development would harm the setting of the church.
  - o) The development would harm the Sheldon Conservation Area.
  - p) The development may result in harm to archaeology on site.
  - q) The development would result in light pollution which would harm the landscape and character and appearance of the local area / village.
  - r) The development would result in smells from outdoor cooking across such a large site and potentially from waste.
  - s) The design of the proposed accommodation is not appropriate and is not in-keeping with the character and appearance of the local area / village.
  - t) The development would harm biodiversity and protected species.
  - u) A number of trees have been felled in relation to development already undertaken.
  - v) The access roads are not suitable for the levels of traffic that the development would generate.
  - w) The access roads are not suitable for use by touring caravans.
  - x) The traffic that the development would generate would harm the amenity of the local area / village.
  - y) The development would harm highway safety.
  - z) The development would have inadequate car parking provision.
  - aa) The traffic that the development would generate would result in noise and air pollution.
  - bb) There is no sustainable form of transport to the village.
  - cc) The proposed septic tanks are not approved are inappropriate and cannot be sited as the solution for foul waste disposal.
  - dd) Object to the retrospective nature of the application.
  - ee) Inaccuracies within the application.
  - ff) Planning permission has already been refused by the Authority and at appeal for elements of the proposed development.
  - gg) The Authority has issued Enforcement Notices against various elements of the proposed development.
  - hh) The application proposes to 'hold events' but there is no definition of what is proposed. Unrestricted events could have a severe impact upon the area.
  - ii) The development would double the residential population of the village.
  - jj) The development would result in crime or fear of crime in the local area / village.
  - kk) The development would harm the social stability and cohesion of the village.
  - ll) The development would deter other visitors to the local area / village.
  - mm) The development would disturb the dairy herds and sheep in the local area.
  - nn) Approval of the proposed development would set a precedent for further development in the local area / village.
  - oo) The water supply is insufficient to serve the proposed development.
  - pp) Mains sewerage is insufficient to serve the proposed development.

### **Main Policies**

- 71. Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, L1, L2, L3, RT1, RT2, RT3, CC1, T2 and T7
- 72. Relevant Development Management policies: DMC1, DMC3, DMC5, DMC7, DMC8, DMC11, DMC12, DMC13, DMC14, DMR1, DMR2, DMR3, DMT3, DMT6, DMT8 and DMU1

### **National Planning Policy Framework**

73. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
74. 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. There is no significant conflict between policies in the development plan and the NPPF.
75. Therefore, full weight should be given to policies in the development plan and the application should be determined in accordance with the Authority's policies unless material considerations indicate otherwise.
76. Paragraph 182 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.
77. Paragraph 181 states When considering applications for development within National Parks, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
78. 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. 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.
79. Paragraph 201 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.
80. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be considered 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.

#### Peak District National Park Core Strategy

81. Policy GSP1 requires all development to be consistent with the National Park's legal

purposes and duty and that the Sandford Principle be applied and the conservation and enhancement of the National Park will be given priority. Major development should not take place other than in exceptional circumstances and following rigorous consideration of the criteria in national policy.

82. Policy GSP2 states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Enhancement proposals must demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
83. Policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and buildings subject to the development proposal paying particular attention to (amongst other things) impact on character and setting, scale, siting, landscaping, building materials, design, form, impact upon amenity, highways and mitigating the impact of climate change.
84. Policy DS1 states that in the countryside recreation and tourism development is acceptable in principle.
85. Policies L1, L2 and L3 state that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, biodiversity and cultural heritage assets.
86. Policy RT1 state that the Authority will support facilities which enable recreation, which encourage the 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, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
87. Wherever possible, development must reuse existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.
88. RT2 states that proposals for bed and breakfast and self-catering accommodation must conform to the following principles. The change of use of a traditional building or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable impact in open countryside. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.

New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

89. RT3 states proposals for caravan and camping sites must conform to the following principles. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.

Static caravans, chalets or lodges will not be permitted.

90. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources and to achieve the highest possible standards of carbon reductions and water efficiency.
91. Policy T2. F says sustainable transport patterns will be sought that complement the development strategy (DS1). Travel Plans will be used to encourage behavioral change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel Plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.
92. Policy T7 says residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, considering environmental constraints and future requirements. Non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity.

#### Development Management Policies

93. Policy DMC1 says that in countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account: (i) the respective overall strategy for the following Landscape Strategy and Action Plan character areas.

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

94. Policy DMC3 sets out detailed criteria for the assessment of siting, design, layout and landscaping.
95. Policy DMC5 provides detailed criteria relevant for 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 applications.
96. Policy DMC7 provides detailed criteria relating to proposals affected listed buildings and / or their setting.
97. Policy DMC8 provides detailed criteria relating to proposals affected conservation areas and / or their setting.
98. Policies DMC11 and DMC12 set out detailed criteria to secure safeguarding, recording and enhancement of nature conservation interests and conservation of sites, features and species of importance. Policy DMC13 requires applications to be supported by sufficient information to understand potential impact upon trees and to retain and protect trees and hedgerows during development.
99. Policy DMC14 states that development that represents a risk of pollution (including soil, air, light, water, noise or odor pollution) will not be permitted unless adequate control measures are put in place to bring pollution within acceptable limits.
100. Policy DMR1 states:

- A. The development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.
  - B. Shopping, catering or sport and leisure facilities at camping and caravan sites will be permitted provided that they accord with the requirements of Part A and there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities.
  - C. Exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or a single shepherd's hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.
101. Policy DMR2. A states Where the development of a touring camping or touring caravan site is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person.
102. Policy DMR3 states that outside of settlements where self-catering accommodation is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person.
103. Policy DMT3 states development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it. Particular attention should be given to the need for the retention and where possible enhancement of hedges, walls and roadside trees.
104. Policy DMT6 states new or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown. Where planning permission is required, additional parking provision should be of a limited nature, whilst being appropriate to the size of the development and taking account of its location and the visual impact of parking.
105. Policy DMT8 requires off-street parking to be provided for residential development unless it is demonstrated that on-street parking is appropriate. Parking provision should meet the Authority's adopted standards.
106. Policy DMU1 permits new or upgraded service infrastructure for new development provided that it does not adversely affect the valued characteristics of the area and provided that services are provided before commencement of a new land use.

## **Assessment**

### **Whether the proposal is major development and whether the development is acceptable in principle**

107. The application proposes a total of 6 holiday lets, 17 camping pods, 9 touring caravan pitches, 5 camping pitches, 2 static caravans and 1 yurt along with additional associated development including a toilet block, event space, catering area, polytunnel, access tracks, parking area and landscaping over the 5.9 Ha site (14.57 acres).
108. The application site is a large and prominent area of land on the eastern approach to Sheldon and visible from a number of public vantage points nearby and in the wider landscape. The scale of the application site and its setting therefore makes it sensitive to impacts of a development of this nature.

109. As has been pointed out in representations the scale of the proposed development also has the potential to attract a large number of guests (likely between 58 – 160 at full occupancy, dependant upon party size). In the context of Sheldon which has a population of around 80 this becomes a significant scale in terms of impacts from visitors, traffic and noise amongst other matters.
110. Therefore, having had regard to policy DMC1. B and the National Planning Policy Framework (NPPF) it is concluded that the proposed development by reason of its nature, scale and setting has the potential to have significant adverse impact on the purposes for which the National Park has been designated. The application is therefore considered to be major development.
111. The policy tests set out by paragraph 181 of the NPPF are therefore relevant which states that permission should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
112. In general terms policy the site is outside of any designated settlement (Sheldon is not a designated settlement for the purposes of policy DS1 and therefore in open countryside. Nevertheless, policies allow recreation and tourism development in principle. Policy DS1 also allows the conversion of existing buildings to visitor accommodation in principle.
113. The application proposes the creation of 6 dwellings occupied ancillary to the existing bed and breakfast as self-service holiday accommodation. The 4 proposed units within the 'old milking parlour' have been created through the conversion and alteration of an existing modern agricultural building. The 2 proposed units within the 'underground studios' are new build.
114. Policy RT2 is relevant for the proposed holiday accommodation. The proposed 4 units within the 'old milking parlour' have been formed through the conversion of a modern former agricultural building. The former building was a modern, utilitarian agricultural building of no historic or vernacular merit and therefore its conversion and alteration as proposed is not acceptable in principle and contrary to RT2. A.
115. The proposed 2 units within the 'underground studios' are new build holiday accommodation which are also not acceptable in principle and contrary to RT2. C.
116. The application proposes a recreational use of the site with a mixture of glamping, caravan and camping pitches along with ancillary developments. Policies RT2, DMR1 and DMR2 are relevant for these elements of the proposed development.
117. Policy RT3 allows for small touring camping and caravan sites and backpack camping sites in principle but explicitly states that static caravans, chalets or lodges will not be permitted. The proposed static caravans are therefore not acceptable in principle and contrary to RT3. B.
118. The proposed camping pods and yurt would not be touring caravans or conventional tents. These would be more akin to caravans or permanent structures. Policy DMR1

sets out exceptional circumstances where structures like these can be accommodated in policy. DMR1. C says that the development of such structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact.

119. The development of glamping sites incorporating pods such as proposed therefore can be acceptable in principle as can the proposed touring caravan and camping elements. The key issue in considering these elements are the impact upon the landscape, biodiversity and cultural heritage of the National Park.
120. Overall, it is concluded that there are significant elements of the proposed development including the proposed 6 units of holiday accommodation and the 2 static caravans which are directly contrary to policies RT2 and RT3. These elements are not acceptable in principle.

#### Impact of the development upon the landscape

121. The application site consists of a former traditional barn now converted to a guest house, former agricultural yard to the rear and fields to the east and north. The site is prominent on the eastern approach to Sheldon and visible from a number of public vantage points nearby and in the wider landscape.
122. For the purposes of policies L1 and DMC1 the application site is located within the limestone village farmlands landscape character type (LCT). This landscape is characterised by a gently undulating plateau, pastoral farmland enclosed by drystone walls, repeating pattern of narrow strip fields, discrete limestone villages and clusters of dwellings, relic mining remains and localised field dewponds.
123. The landscape around the application site closely reflects the LCT. The application is supported by an assessment of landscape character effects within the design and access statement and concludes that: *“It is anticipated that there will be a low level of effect on the characteristics of the White Peak and Limestone Village Farmlands, with positive contribution of the development. Positive attributes of the development include renovation of existing building facades, maintenance and enhancement of the farm yard and agricultural grassland fields, as well as extensive areas of newly planted woodland. These proposals seek to protect the open setting of the village edge and Conservation Area, enhance the adjacent Natural Zone of the wooded dale and essentially avoid the potential dereliction of the farm.”*
124. This assessment conflicts with the response from the Authority Landscape Officer who considers that the buildings to be converted are modern buildings which stand out in the landscape and that the development would change the nature and look of these buildings from function agricultural buildings to being watertight buildings with enclosed walls and windows to the full elevations. Furthermore, not all the proposed structures to be used for holiday accommodation would be screened by proposed planting and when looked at accumulatively the proposals would create visual clutter in the landscape.
125. As set out above the proposed conversion of the ‘old milking parlour’ is not acceptable in principle. Additionally, however, the conversion and alteration including the stonework cladding and windows and doors have domesticated the appearance of the building resulting in a form of development which does not make a positive contribution to the landscape. The retention and conversion of the other modern buildings to the rear of the guest house would have a similar harmful impact.
126. The proposed glamping, caravan and camping site along with associated activity, lighting, parked cars, and infrastructure (hardstandings, car park and tracks), including the proposed car park and track would cumulatively result in a significant adverse visual impact which would be visible from public vantage points both in the local area



and in the wider landscape. The proposed static caravans are visually prominent in wider view from the north including from land above Monsal Head and the B6465 as it drops down into Ashford in the Water.

127. There is existing and proposed planting within the site. The existing planting in particular does offer some screening particularly for the pods closer to the guest house. However, the planting is not wholly effective in screening the pods which remain visible from a number of vantage points. Furthermore, the planting is not effective in screening the pods further from the guest house nor the proposed other pitches, yurt or static caravans.
128. The proposed planting would mitigate the impact to a degree but not effectively and would take a significant amount of time to establish during which time the unmitigated visual impacts would be experienced. Furthermore, and perhaps more fundamentally the proposed planting itself would compromise the open nature and character of the fields themselves which positively contribute to landscape character in their own right and are valued by the local community.
129. It is therefore concluded that the development would have an adverse visual and landscape and would harm valued landscape character contrary to policies L1 and DMC1. The Authority is obliged to give great weight to the conservation of the landscape of the National Park in accordance with the NPPF and statutory purposes.

#### Impact of the development upon biodiversity

130. The application was submitted before the recent biodiversity net gain (BNG) regulations came into effect. Nevertheless, policies L2, DMC11, DMC12, DMC13 and the NPPF require development to enhance biodiversity and demonstrate that there will be no adverse impact upon designated sites, features or species of biodiversity importance.
131. The application is not supported by any ecological survey information or reports nor a tree survey contrary to the requirements of policies DMC11 and DMC13. The Authority's Ecologist advises that the development has the potential to impact upon interest on and around the site. The Authority's Tree Officer advises that a tree survey is required to understand the potential impact of new built development upon trees within and adjacent to the site.
132. Given the nature and scale of the development and the potential impacts from activity, lighting and noise there is the potential for the development to impact upon protected species. Furthermore, without a baseline assessment of biodiversity value it is not possible to conclude that the development would result in enhancement in accordance with the requirements of policies L2, DMC11 and the NPPF.
133. Having had regard to advice from Natural England, the nature of the development and distance to designated sites it is concluded that the development would be unlikely to harm any designated sites.
134. However, in the absence of satisfactory survey and assessment the Authority cannot be satisfied that the development would not result in harm to protected species. Under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), the Authority is required to consider whether European Protected Species (EPS), such as bats, birds, mammals or reptiles would be affected by the proposed development.
135. Government advice at paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 says it is essential to establish the extent to which EPS may be affected by a proposal before granting planning permission. Without satisfactory survey or assessment, there is limited knowledge on the possible presence of EPS or the risk of

EPS being harmed by the proposed development. Additionally, the Authority is unable to assess whether any mitigation measures would be effective in addressing any harm that may be caused to EPS populations.

136. The imposition of a planning conditions to address this matter would not allow the Authority to carry out a proper assessment as required under the aforementioned regulations. Therefore, insufficient information has been provided to show that the proposal would avoid harm to biodiversity. Also, insufficient information has been provided to demonstrate that any harm could be appropriately mitigated contrary to policies L2 and DMC11. The Authority is obliged to give great weight to the conservation of biodiversity in the National Park in accordance with the NPPF and statutory purposes.

#### Impact of the development upon cultural heritage

137. The application site is located partly within the designated Sheldon Conservation Area (SCA). The field east of the guest house is designated as important open space within SCA. Broadly speaking the character and special interest of Sheldon is derived from its built form and its well-preserved historic landscape character.
138. The application is supported by a Heritage Statement which concludes that the development *“will have a low level of effect on the Conservation Area and Listed Building Church of St Michael and All Angel’s and the renovation of the farm as a whole will have a positive effect on the Conservation and setting of Sheldon village.”*
139. Sheldon is a linear settlement, at the centre of a network of fossilised strip fields, mining remains, and later enclosure. This layout is typical of a medieval settlement, and indeed Sheldon appears in the Domesday book. The buildings of Sheldon consist mainly of farmhouses built along the street frontage, with historic and later agricultural buildings grouped closely behind, within the strip fields. The fine-grained development of the main street frontage, along with the undeveloped strip fields are key characteristics of the SCA and contribute towards its high historic interest.
140. The development would result in a variety of camping pods, tents, and static caravans across the site both within and without the limits of the SCA along with the retention of the tracks, hardstandings and proposed parking areas. The development of the open strip fields is considered to be particularly harmful given their significance for Sheldon and the SCA. The development would be clearly be visible from both within the site and from important views including from the track leading from Magpie Mine down the spur of the hill between ancient and later enclosures (Sheldon FP 9). Much of the development is outside the conservation area, but the development of the strip fields still has an impact on the setting of the SCA.
141. It is also notable that the development carried out on site has impacted upon the built form of the SCA. Historic mapping and satellite imagery show that historic drystone field boundaries, extant on all historic mapping (including the 1617 Senior Map) and satellite imagery as late as 2020 have been cleared away, and other field boundaries are in a precarious state. This directly harms Sheldon’s fossilised medieval field system.
142. The site is located adjacent to St Michael’s and All Saints Church which is a Grade II listed building. The retained and converted ‘old milking parlour’, polytunnel and proposed converted ‘pole barn’ along with a number of pods are visible from within the church yard. The retention and conversion of these buildings and the activity and particularly noise associated with the proposed development will result in visual harm to the setting of the church and tranquillity experienced by those visiting the church yard.

143. The Authority's Archaeologist has confirmed that there are no objections in this regard.
144. It is therefore concluded that the development would result in harm to the Sheldon Conservation Area and its setting and harm to the setting of St Michael's and All Saints Church. The harm identified would be a moderate level of less than substantial harm. There is a presumption against harm in policies L3, DMC5, DMC7 and DMC8 and this harm must be weighed in the planning balance against any public benefits arising from the development.

#### Impact upon the local area and amenity of neighbouring properties

145. As set out earlier in the report the proposed development is of a significant scale both in terms of site area but also in terms of potential visitors to the development in the context of Sheldon. Significant concern has been raised by local people about the impacts of the development upon the local area for a number of reasons.
146. As set out earlier in the report the proposed development would result in a significant adverse visual and landscape impact both from built development, caravans and tents but also from activity on the site from visitors, vehicles, lighting and noise. This activity would be apparent from the site and from neighbouring properties and public rights of way.
147. It is considered given the scale of the development that noise, lighting and other disturbance from the occupants has the potential to harm the amenity of the closest neighbouring properties and the tranquillity of the local area, particularly from the church yard, playing fields and on the approach to Sheldon from the east.
148. The proposal would re-use existing buildings on site and therefore there is no concern that the development would result in any significant loss of light or be overbearing (in terms of light or building massing) to neighbouring properties. However, given the scale of the development and the location of proposed parking areas it is considered likely that neighbouring properties would experience noise and disturbance from vehicle movements, visitors, cooking music and activities on site which could significantly harm their residential amenity.
149. The application is not supported by any noise survey or management plan which could indicate how these impacts could be mitigated to an acceptable degree. It is therefore concluded that the development would harm the character and amenity of the local area and neighbouring properties contrary to policies GSP3 and DMC3.

#### Sustainable travel and the impact of the development upon highway safety

150. The application proposes to retain the track through the fields which would serve the proposed accommodation, pods, pitches, yurt and static caravans. In highway safety terms there is sufficient parking provided on site and visibility from the access. No objections from the Highway Authority have been received in this regard. The proposed amount of off-street parking is broadly comparable to adopted policy maximums.
151. Concern has been raised in regard to additional vehicle traffic which as set out above would be significant and could have the potential to harm the amenity of the area. However, in terms of highway safety vehicle movements, particularly movements of campervans or towing touring caravans would be limited (9 touring pitches are proposed). The remaining vehicle movements would likely be by private car.
152. It is therefore considered unlikely that the development would harm highway safety. Nevertheless, there are concerns about the use of what was a field access and the retention of the trackways to provide access which would result in significant harm contrary to policy DMT3.

153. The application is not supported by a Travel Plan which is a requirement of policy T7 F. The development has the potential to generate a high number of vehicle movements and given the location of Sheldon and the frequency and distance to public transport options most, if not all, visitors would likely arrive by private car.
154. Policy T7 and the NPPF require development to encourage behavioural change and reduce the need to travel by car. There would be opportunities on this site for an operator to encourage backpack camping, walkers and cyclists and potentially offer shuttle services to Bakewell, Buxton or Matlock where there are bus and rail connections.
155. Therefore, as submitted the application does not include sufficient information to demonstrate how it would achieve a reduction in need to travel or reduce traffic movements contrary to policy T7 and the NPPF. The development would otherwise be located in an unsustainable location where visitors would be largely or wholly reliant on the private car.

#### Sustainable building and climate change

156. The application does not propose any sustainable building measures, microgeneration or other means of conserving energy or water consumption of the development. Policy CC1 requires all development to minimise the consumption of natural resources and maximise opportunities for the conservation of energy and water in order to mitigate the impacts of climate change.
157. It is noted that solar panels have been installed to the roof of ‘the old milking parlour’ however insufficient information has been included with the application to demonstrate that the development would comply with the requirements of policy CC1. As set out above there would be opportunities to promote sustainable travel along with appropriate drainage, and conservation of heat and energy by users of the holiday accommodation, catering and toilet / shower facilities.

#### Flood risk and drainage

158. The whole site is located within Flood Zone 1 which is the lowest probability of flooding. A flood risk assessment (FRA) has not been submitted contrary to the requirements of the NPPF and planning practice guidance. Nevertheless, no objection has been received from the Environment Agency (EA) in terms of flood risk or potential to increase flood risk elsewhere.
159. The application is also not supported by a drainage strategy for surface water or a sustainable urban drainage scheme (SUDs). Policy CC5 requires development to include adequate measures such as Sustainable Drainage Systems (SuDS). This reflects the requirements of the NPPF for major development to incorporate SuDS schemes.
160. The application proposes to dispose of foul drainage to septic tanks which have been installed without planning permission on the site. It is not clear how chemical waste from touring caravans would be disposed of as this cannot be disposed of to septic tanks.
161. The EA have objected to the application in regard to foul drainage. Private sewage treatment facilities (such as septic tanks) should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

162. The objection from the EA is supported by planning practice guidance which advises

that the first presumption must be to provide a system of foul drainage into a public sewer. In this case the foul sewer lies directly south and east of the site with potential for gravity feed.

163. In the absence of a satisfactory justification for the proposed use of the septic tanks and the lack of information on chemical toilets it is concluded that potential impacts from foul drainage would not be mitigated satisfactorily and would be likely to result in pollution of the water environment contrary to policy CC5 and DMC14 and the NPPF.

#### Whether the development is acceptable in all other respects

164. Concern has been raised in regard to the potential impact of the development upon the safety of local residents and the potential for the development to increase crime or perception of crime in the local area. The proposal is for holiday accommodation which, notwithstanding the concerns over scale and impacts, is generally acceptable and a large proportion of the economy of the National Park.
165. Holiday accommodation, glamping and caravan sites are therefore generally acceptable in the National Park and there is no evidence to indicate that occupants of such development contribute significantly to crime or otherwise harm the safety of permanent residents. These concerns are understood; however, it is therefore concluded that the development will not be harmful in these regards.
166. Finally, concern has been raised that approval of the development could set a precedent for similar developments in the local area. This application has been assessed on its own merits and must be considered against the particular characteristics of the site, its location and the scale and nature of the proposals. Any proposal for recreational development such as this would be site specific and on its own merits it is therefore considered that approval would not set a clear precedent for other development.

#### Planning history and previous appeal decisions

167. Concern has been raised about the retrospective nature of the development and the history of the site and other development carried out by the applicant without planning permission. The written ministerial statement dated 17.12.2015 made intentional unauthorised development a material consideration.
168. In this case it is clear that intentional unauthorised development has taken place on this site. This is capable of being a material consideration for the Authority to consider as set out in the ministerial statement. However, Officers have assessed the submitted application on its own merits and have given little weight to this matter.
169. There have been a number of planning applications, enforcement notices and appeals at this site. There are two planning appeals particularly relevant to the application as these relate to enforcement notices issued in relation to development proposed in the current application.
170. Enforcement Notice ref AJC/P.11157 dated 01 December 2008 and the subsequent appeal was in relation to the track. The appeal was dismissed and the notice (as varied) upheld. The reasons given by the Inspector are material considerations in the assessment of the current application.
171. In dismissing the appeal the Inspector stated: *“My attention was drawn to nearby accesses and I saw that narrow lanes are part of this rural area. However, in comparison the development would appear dissimilar because of its scale. I agree with the Authority that the track would be a scar on the landscape, and it would encroach on the countryside due to the track’s positioning and significant distance.”*

172. *“I note that trees have already been planted along the edge of the track, but due to the area's topography the development is visible from various vantage points and footpaths. The track's avenue-like appearance is alien to this open setting because of its obtrusive siting. I consider that landscaping would not overcome these serious planning objections, due to the scale of the scheme. And so the track would not appear as a simple limestone roadway. I find that the proposal would substantially alter the area's character, due to the urban appearance, built-form and layout of the track.”*
173. *“I find that the proposal's large scale would have a negative effect on the quality of this part of the CA. The development fails to satisfy Planning Policy Guidance Note 15: Planning and the Historic Environment and policy 26 of RSS8 because, the scheme would not protect the region's cultural heritage and it conflicts with Local Plan policy LC5. On this main issue, I conclude that the proposal would not preserve or enhance the character or appearance of Sheldon's CA.”*
174. Enforcement Notice ref 19/0218 dated 16 October 2020 and the subsequent appeal was in relation to excavations and building operations in relation to the proposed 2 units of new building holiday accommodation. The appeal was dismissed and the notice upheld. The reasons given by the Inspector are material considerations in the assessment of the current application.
175. *“The unauthorised development is substantial in scale and form, and has a crude and unfinished appearance. The development does not respond to the locally distinctive design details which characterise the adjacent host property, and in this sensitive location it detracts from the valued characteristics of the area. I recognise that a condition could be imposed to require the walls to be finished in natural materials. However, the walls are not complete, the building has no roof and its intended use is unknown. As constructed, facing the walls in traditional local materials would not overcome the incongruous appearance of this substantial and only partially constructed building.”*
176. *“I conclude that the development does not preserve or enhance the character and appearance of Sheldon CA and has a harmful effect on the character and appearance of the host property and the National Park. It causes less than substantial harm to the significance of the CA as a heritage asset. The harm is not outweighed by any public benefit, including any intended improvements to existing holiday accommodation. The development is therefore contrary to policies in the Framework as set out above, including those which seek to conserve and enhance the historic environment. In addition, the development conflicts with the development plan as a whole and in particular with Policies GSP1, GSP2, and GSP3 of the Peak District National Park Core Strategy Development Plan Document, 2011 which, amongst other things, seek to ensure that all development conserves and enhances the valued characteristics of the NP. I also find conflict with the design and heritage aims of Policies DMC3 and DMC8 of the adopted Peak District National Park Development Management Policies, May 2019.”*

## **Conclusion**

177. The application is major development within the National Park. Furthermore, there are number of elements including the proposed holiday accommodation and static caravans which are unacceptable in principle.
178. There is no overriding need for the development and approval or refusal of the development would not result in any significant impacts upon the local economy. The development would provide additional visitor accommodation and result in some benefits to the local economy. However, these benefits would not outweigh the harm identified to the landscape, biodiversity or the local area.

179. There is scope for appropriate camping and caravan development in appropriate locations in the National Park and outside of the National Park. The need to provide suitable visitor accommodation can be met in other ways such as through the conversion of heritage assets or camping and caravan sites of an appropriate scale and location.
180. The development, as set out in the report, would result in significant harm to the landscape and cultural heritage of the National Park and there is insufficient evidence to demonstrate that the development would deliver biodiversity enhancement and not harm protected species.
181. It is therefore concluded that there are no exceptional circumstances in this case to approve major development in the National Park which would also be contrary to a number of policies in the Local Plan and the NPPF. In the absence of other material considerations, the application is therefore recommended for refusal.

### **Human Rights**

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

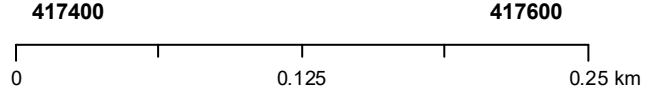
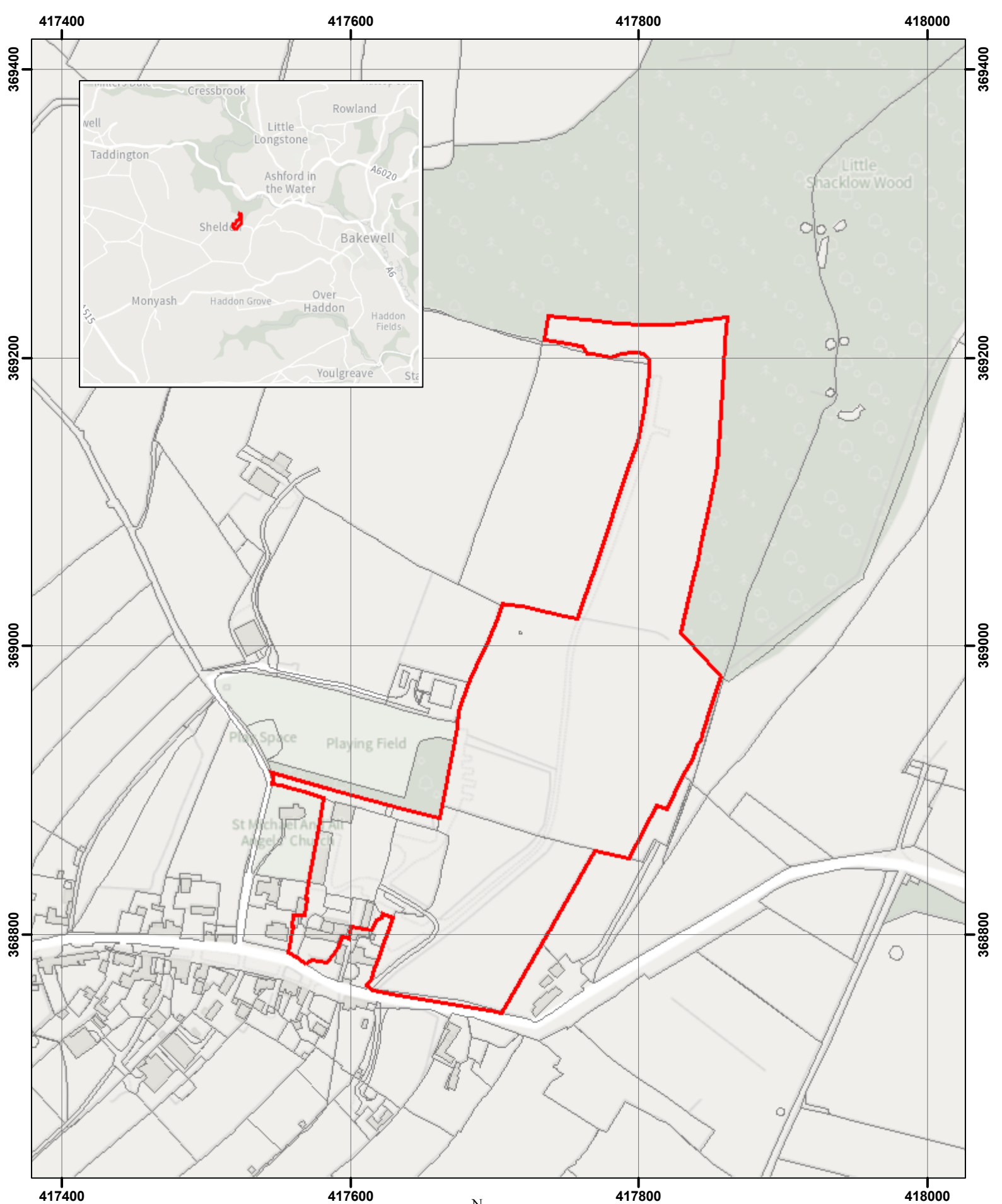
### **List of Background Papers** (not previously published)

183. Nil

Report Author: Adam Maxwell – Development and Enforcement Manager

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**Home Farm, Sheldon**

Item no. 7  
 Application no. NP/DDD/1223/1459  
 Committee date: 10/05/2024

Page 65  
 Scale: 1:3,307 at A4 pagesize  
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**8. FULL APPLICATION – CONVERSION OF BARN TO HOLIDAY ACCOMMODATION AT THE OLD BARN SMITHY LANE PARWICH (NP/DDD/0124/0037)**

**APPLICANT: MR AND MRS GOSLING**

**Summary**

1. The application seeks planning permission for the conversion of a traditional agricultural building to short term holiday accommodation at The Old Barn, Smithy Lane, Parwich.
2. The application proposes the conversion of the existing building and the creation of a new defined curtilage with parking area.
3. It is concluded that the proposed conversion would broadly conserve the significance and character of the building and surrounding landscape, with arising harm being outweighed by the benefits or bringing the building in to a viable use and promoting tourism in the locality, in accordance with National and Local Planning Policy and the statutory purposes of the National Park.
4. The application is recommended for approval.

**Site and Surroundings**

5. The site comprises the Old Barn, located on Smithy Lane, Parwich, c.600m north-west of the village centre.
6. The building comprises a single range situated on the north-east side of Smithy Lane and at the southern end of an open field bound to the east by Pike Hall Lane and to the west by a further field.
7. Opposite the road to the south of the site is Townhead House, a mid-18th century house, which is Grade II Listed.
8. The building is non-designated, identified on the Derbyshire HER as a constituent part of a Farmstead at Townhead House and is situated within Parwich Conservation Area.

**Proposal**

9. The application proposes the conversion of a barn to holiday accommodation.
10. Parking would be provided for two vehicles.

**RECOMMENDATION:**

11. **That the application is APPROVED subject to the following conditions:**
  1. **Statutory time limit**
  2. **In accordance with amended plans**
  3. **Conversion in shell only**
  4. **Agree landscaping scheme**
  5. **Agree external lighting**

**6. Agree biodiversity enhancement measures**

**7. Design details**

**8. Underground service lines**

**9. Removal of permitted development rights**

**10. Climate change mitigation measures**

**Key Issues**

12. The principle of the conversion to holiday accommodation; the impact upon character, appearance and significance of heritage asset; the impact upon landscape character; the impact upon residential amenities; the impact upon protected species, the impact upon highway safety and climate change mitigation.

**History**

13. There is no relevant planning history to this application.

**Consultations**

14. Highway Authority (Derbyshire County Council) – No objections

15. District Council – No response at time of writing

16. Parwich Parish Council – *At a meeting of Parwich Parish Council on the 17th of January it was agreed by a majority vote that this application should be supported on the grounds that it will preserve a historic building and compliment the housing stock in the village.*

17. PDNPA Archaeology – *I suggest that a revised scheme with a smaller number of bedrooms (1 or 2) would help to reduce both the number of rooflights and the glazing needed to the apertures on the front elevation, as well as the need to insert a second floor to the full length of the building. Such a revised scheme could work better with the structure of the building and I am mindful of the requirement of NPPF para. 201 to avoid or minimise conflict between the conservation of a heritage asset and any aspect of planning proposal.*

*Should the application reach a point where the level of harm is considered acceptable with respect to the planning balance, then a conditioned scheme of building recording is recommended to mitigate the harm identified above.*

18. PDNPA Ecology – *There is no protected species report submitted with this application. The Design and Access statement refers to our exemption categories ‘recently re-roofed buildings (last 10 years)’ as a reason for not providing a survey report. We can confirm that this is an exception category and a protected species survey is therefore not required. The photographs of the building indicate that the exterior elevations and roof are relatively well maintained.*

*Provision of bird nesting boxes at the site would be welcome. These would compensate for loss for any nesting opportunities associated with the conversion. This could be secured by a suitable condition:*

*Following completion of works two nest boxes shall be erected. The location and type*

*of nest box shall be agreed in advance with the Authority.*

### **Representations**

19. Five letters of representation from four individuals have been received to date in objection to the application. The reasons given are summarised below:
- a) Highway safety concerns
  - b) A proliferation of holiday lets in the area, despite a need for social affordable housing
  - c) Residential amenity from overlooking
  - d) Concerns regarding drainage and sewage
  - e) Ecological concerns

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

20. 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. These 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 park authorities 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.
21. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
22. 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.
23. Para 182 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.

### **Main Development Plan Policies**

#### **Core Strategy**

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

25. 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.
26. Policy DS1 details the development strategy for the National Park.
27. 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.
28. L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
29. Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail; policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
30. RT2 outlines development related to hotels, bed & breakfast & holiday accommodation. It states that the change of use of a traditional building of historic or vernacular merit will be permitted.
31. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.

### **Development Management Policies**

32. DMC3 - Siting, Design, layout and landscaping. Reiterates that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
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. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
34. DMC10 - Conversion of a heritage asset. Conversion will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding, and that any changes conserves or enhances the heritage significance and its setting in accord with policy DMC5.

35. DMT3 - Access and design criteria. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

### **Supplementary Planning Documents**

36. Peak District National Park Authority Design Guide (2007): The Design Guide states that, when considering a conversion, the building in question should be of sufficient historic or architectural merit to warrant its conversion. Factors such as location, size and character of the building and its means of access will all be assessed. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.
37. Peak District National Park Conversion of Traditional Buildings SPD (2022): The SPD provides detailed guidance on the principles to be considered when proposing the conversion of traditional buildings. This is set out as 6 key principles:
- a. Understanding the building and its setting
  - b. Working with the existing form and character
  - c. Following a conservation approach
  - d. Creating responsive new design
  - e. Using appropriate materials and detailing.
  - f. Conserving and enhancing the setting.

### **Assessment**

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

38. DS1 allows for the creation of dwellings and holiday accommodation, preferably by re-use of traditional buildings. Policy HC1 supports the conversion of valued vernacular buildings to open market housing if it is required in order to achieve conservation and/or enhancement of the buildings or enhancement within designated settlements. Policy RT2 specifically allows for the change of use of a traditional building of historic or vernacular merit, except where it would create unacceptable landscape impact in open countryside. The NPPF also supports the provision of sustainable tourist facilities in rural areas.
39. The building subject to the application is a traditional historic field barn building and considered a non-designated heritage asset. The broad principle of the conversion to holiday accommodation is therefore acceptable. Policy DMC10 supports conversion of heritage assets to residential uses providing that they are achievable without changes that would adversely affect their character, heritage significance or setting – including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding.
40. The application proposes a holiday let use. However, policy HC1 supports conversion of buildings such as this to market housing in principle. It does not require a sequential assessment of other uses where the use as unrestricted housing would achieve the buildings' conservation and be acceptable in other regards. Imposition of a holiday occupancy condition would therefore only be necessary if use as market dwelling was considered to have unacceptable adverse impacts. The following report assesses impacts of conversion as proposed on the building and its setting, as well as other material impacts.

## Design

41. Policy DMC10 relating to conversion of a heritage asset requires that works to the building to facilitate conversion conserve and or enhance the character and significance of the heritage asset.
42. The building to which the application relates is a one and a half-storey barn. The building is rectangular shaped, constructed with random rubble limestone walls sitting under a dual pitched roof covered with 'Staffordshire Blue' plain tiles.
43. The two end elevations are mostly plain, with 'pitching holes' at first floor level. The front (west) elevation has 4 door openings, 2 of which having been partially infilled to form window openings. The rear elevation has one central door opening and a small window opening which is blocked up. The building is not currently in use, but was originally utilised to house cattle and hay storage, with the cow stalls still present inside the building.
44. The building appears to have been altered at some point, including rebuilding of the south gable end with a differing arrangement of apertures than existed previously, with a single taking-in door within the middle of the elevation replaced with two 'window sized' openings. It is regrettable to have lost the original detailing of this gable, which reduces the significance of the building. As a result of the recent works to the building the southern bay of the building has two elevations internally lined with blockwork, a blockwork cross wall to separate from the northern room and a modern concrete floor. The roof of the structure is entirely modern, albeit generally reflective of the original pitch, roofline, and materials.
45. The building incorporates two lean-to out buildings, one on the north gable constructed of red brick walls and corrugated sheet roof and the other on the rear constructed of block walls with no roof. These would be removed as part of the scheme of conversion.
46. Minor amendments to the proposals have been sought and submitted during the course of the application. As amended, the scheme works within the shell of the existing barn. Proposed alterations to the building would consist of; the removal of the lean-to extensions, re-opening of infilled door openings, two new conservation style rooflights, both limited to the rear roof slope, a new flu pipe, and the provision of new timber doors and windows, finished with a grey/green paint.
47. The modern brick and blockwork structures that survive in a ruinous or semi-ruinous state to the north and rear elevations detract from the legibility of the original form of the building. The removal of these would be considered an enhancement to the building.
48. The other interventions listed above work within the buildings existing fabric, and would be sympathetic to its character.
49. Overall, it is considered the design of the conversion would conserve the character and appearance of the building and its setting within the surrounding landscape. Consequently, the scheme is considered acceptable in accordance with policies RT2, L1, L3, DMC3 & DMC10 in these respects.

## Impact upon Landscape Character

50. The existing building is a barn of traditional design and appearance. It occupies a roadside plot at a bend on Smithy Lane. There are open fields on all non-road sides, with sporadic tree cover. The ground rises to the north and west. The barn is located



outside of the village of Parwich, within the edge of the designated Conservation Area.

51. The barn sits opposite an occupied Grade II Listed dwelling, but is otherwise surrounded by fields, at a low ground level compared to the surrounding topography. There are other similar buildings along Smithy Lane. There is a public footpath running north west to the west of the barn. The building is clearly visible from this.
52. In the wider landscape the converted barn would only be visible from nearby due to the sloping topography of the site, obstructing longer range views.
53. The proposed development seeks to simplify the layout and material use at the site, removing later additions in materials which are out of keeping with the local vernacular style and character of the Conservation Area. The development of the land around the barn as curtilage would, inevitably have some domesticating impact on the setting of the barn and the rural landscape. However, that impact is lessened by virtue of the existing enclosure around the site, the position of the building at the edge of the settlement where other domestic and urban features also populate the setting, and the fact that the building is open only to short-range views. As such, the harm arising from the curtilage creation is relatively low, and would not harm the valued landscape character of the surrounding area to any significant extent.
54. It is considered reasonable and necessary to remove permitted development rights for alterations, extensions, outbuildings, boundary treatments and solar panels because it is considered that the conversion scheme is acceptable on the basis that it conserves the character of the traditional building. Uncontrolled alterations and extensions are likely to cause harm to the significance of the non-designated heritage asset.

#### Impact upon Residential Amenities

55. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property. This is to ensure that habitable rooms achieve a satisfactory level of outlook and natural daylight, there is adequate privacy and outdoor private amenity space and that no overbearing or harmful overshadowing of neighbouring property results.
56. The nearest neighbouring property is Townhead House, 10.5m to the southwest of the Barn. Concerns have been raised by the occupants of Townhead House with regard to overlooking.
57. The occupation of a field barn which has been uninhabited and unused for some time would likely give rise to a sense of being overlooked for nearby dwellings. However, given the location of the windows, the distance and orientation towards Townhead House and the thickness of the barn walls, which limit angles of view from within the barn, it is not considered that conversion of the barn to a dwelling would give rise to an unacceptable impact on the privacy or general amenity of Townhead House.
58. The proposals would not alter the size, scale or massing of the barn and therefore there would be no effect in terms of the structure being potentially overbearing or overshadowing.
59. Consequently, the proposal accords with policies GSP3 & DMC3 in respect of the impact on the residential amenity of neighbouring occupiers.

#### Impact upon Highway Safety

60. The Highway Authority has raised no objection to the proposal.

61. Access to the site would be made via the existing, partially surfaced, access track leading from road, past the northern end of the barn to the rear of proposed holiday unit. Level access into the holiday unit from the parking area will be created and to the ground floor areas.
62. The proposal would comply with Policy DMT3.

#### Impact upon protected species

63. The barn has been recently re-roofed and the Authority's Ecologist confirms on that basis a protected species survey is not required. The development is unlikely to have any adverse impact upon protected species or their habit or on designated sites in accordance with policies L2, DMC11 and DMC12.
64. There are however opportunities to incorporate enhancements for species through the provision of bat and bird boxes as part of the development and appropriate landscaping could provide enhancement to habitat on site. This can be secured by an appropriate planning condition.

#### Climate Change Mitigation

65. Policy CC1 requires that new development makes the most efficient and sustainable use of land, building and natural resources and achieves the highest possible standards of carbon reductions and water efficiency.
66. A sustainability statement has been submitted in support of this application outlining the relevant measures to be implemented.
67. The floor, walls and roof of the barns would be insulated to the increased building regulations levels, and thermally efficient glazing would be used. The existing doors would be replaced with glazed doors to allow natural light into the buildings and reduce the reliance on electrical lighting.
68. Materials used in the conversion of the barn would be sourced from local builders' merchants and local tradesmen would be used to carry out the works in order to minimise the transport implications of the conversion works.
69. The barn would be heated by an efficient oil-fired boiler and the applicants are considering the installation of solar panels on the roof to reduce the use of mains electricity. This does not form part of the current proposals however, and would likely be an inappropriate addition given the character of the building; the removal of permitted development rights for alterations to the dwelling if the application was to be approved would ensure such development remained under the Authority's control.
70. Low energy lighting would be installed internally and externally to reduce the use of electricity. Water butts would be provided to collect rainwater from the roofs to be used for irrigation of gardens.
71. With regard to the above, and given the limitations posed by the historic building, the proposals are considered acceptable in meeting the climate change mitigation and adaptation requirements of policy CC1 in these respects, subject to a condition to secure them.

#### Conclusion

72. Whilst there would be some minor harm to the significance of the non-designated heritage asset, the proposed scheme would retain the historic agricultural character

and appearance of the building, whilst proposing a viable and beneficial use, which in turn would provide some enhancement to the existing building, thereby making a positive contribution to the setting of the building in the wider landscape.

73. There would be no unacceptable impact on any nearby residential amenity, or highway safety.

74. In terms of the need to restrict the property to holiday accommodation, impacts on the building, its setting, highway safety, and residential amenity would be largely the same whether the building were converted to open market housing, or to holiday accommodation. Given conversion to open market housing complies with adopted policy a condition limiting occupation to holiday use only is not necessary to make the development acceptable in planning terms.

75. The application is therefore recommended for approval, subject to appropriate conditions.

### **Human Rights**

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

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

77. Nil

78. Report Author: Rachael Doyle – Assistant Planner: South Area.

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### The Old Barn, Smithy Lane, Parwich

Item no. 8  
Application no. NP/DDD/0124/0037  
Committee date: 10/05/2024

Page 77  
Scale: 1:413 at A4 pagesize  
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**9. FULL APPLICATION – CONVERSION OF STONE FIELD BARN TO CREATE A THREE-BEDROOM PROPERTY WITH INTEGRATED ONE-BEDROOM ACCOMMODATION FOR USE AS ANNEXE OR HOLIDAY ACCOMMODATION AT BARN OFF BROADWAY LANE, NR PRIESTLIFFE, TADDINGTON (NP/DDD/0223/0117)**

**APPLICANT: MISS ELLIE HENSBY**

**Update**

1. This application was considered by the planning committee in December 2023. Members resolved to defer the application to better address matters of conserving the interior layout, the extent of the curtilage, and matters of climate change mitigation. Members resolved to delegate a decision to officers if these matters could be negotiated to the satisfaction of officers.
2. Officers have since engaged with the applicant's agent to seek amendments in these regards.
3. In relation to the internal layout, the applicants agent advises that they are unable to make changes to this without sacrificing living quality, without providing any further detail of constraints. Officers do not agree with that assessment for the reasons set out in the report below (which are unchanged from the previous report), and in maintaining the arrangement the application fails to better address the conservation of the internal layout and heritage significance of the barn, as Members instructed officers to secure. This therefore remains part of the recommended reason for refusal on heritage grounds.
4. In relation to curtilage, it is proposed to reduce the curtilage to the north of the dwelling to enclose the southern part of the field abutting the barn, which is proposed to be enclosed with a wooden fence. The 'triangular' land enclosed to the south western corner of the application site is also omitted from curtilage, albeit this was previously proposed for use only as wild meadow or for vegetables. Officers have sought a boundary enclosure much tighter to the northern edge of the building.
5. However, the applicants agent maintains that due to the sun path, the proposed area is necessary to provide a garden that is not entirely shaded. Officers contest that the land to the west of the building and the large surfaced area that incorporates the parking area would remain available for amenity use, and therefore give this argument very limited weight. The garden area as proposed would remain highly prominent in public views of the site, and in the view of officers would not result in any meaningful betterment of the domesticating impact on the character of both the barn and the rural landscape. This therefore remains part of the recommended reasons for refusal on both heritage and landscape grounds.
6. In relation to climate change mitigation measures, an air source heat pump is now proposed. Other measures are proposed such as good levels of insulation, and rainwater harvesting. Whilst these remain unspecific, Officers are satisfied that they could be further defined and secured by planning condition. There are therefore no objections to the proposals as amended on grounds of conflict with policies CC1 or CC2.

**Summary**

7. The application proposed conversion of an historic field barn to a dwelling with integral annexe for occupation as a holiday let or ancillary accommodation.

8. The barn stands in an isolated and prominent countryside location, with the immediate area highly characteristic of the Limestone Village Farmlands landscape character type in which it sits.
9. The conversion would result in significant harm to both the historic agricultural character and significance of the barn and its setting through loss of features and domestication of setting.
10. It would also result in significant domestication of the landscape in this location, harming its rural agricultural character.
11. Other material considerations do not suggest that the application should otherwise be supported.
12. The application is therefore recommended for refusal.

### **Site and Surroundings**

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

### **Proposals**

16. Planning permission is sought to convert the barn to a single, three bedroomed, open market dwelling, with an annexe at the western end to provide either ancillary accommodation or a one bed holiday let (flexible). There would be an open plan living/dining/kitchen space on the ground floor, together with a living room/kitchen and en-suite bedroom for the holiday let. On the first floor would be three bedrooms and a family bathroom. The conversion would take place within the shell of the building.
17. Existing openings would be utilised. During the course of the application, amended plans have been submitted showing a large new opening for patio doors on the rear elevation omitted.
18. The plans show that an small enclosed area to the west of the barn would be an 'enclosed garden' with a further area to the south west now removed from the curtilage by way of amended plans received since the last committee meeting. The large paddock to the north of the barn would now be subdivided east to west with a timber fence, with the southern part being taken in to use as additional curtilage – again having been altered by amended plans received since the last committee meeting.
19. The existing vehicular access onto Bulltor Lane would be retained and parking and manoeuvring space provided on a gravel surfaced area to the south of the barn.



20. It was initially proposed to erect a new timber stable block approximately 35m to the north of the barn, in the north west corner of the field parcel, but amended plans have since been submitted, removing this element of the scheme from the proposals.

### **RECOMMENDATION:**

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

### **Key Issues**

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

### **History**

22. 2017 – pre-application enquiry submitted about the possibility of converting the barn to an open market dwelling. Enquirer advised that due to the isolated location of the barn, the impact of a residential use on the setting of the barn would cause harm to the landscape of the National Park and would be unlikely to be looked upon favourably.

### **Consultations**

23. **Highway Authority** – no highway safety objections subject to the provision of on-site parking and turning & manoeuvring area as shown on the submitted plans.
24. **District Council** – no response
25. **Parish Council** – Objects – *‘The barn occupies a prominent and exposed position in a landscape of exceptional value that should be safeguarded because of its intrinsic scenic beauty. It is felt that the current proposals fail to meet/ achieve this objective. In addition, the proposed residential conversion of the barn would spoil its character and setting. Also, in its current form, the application would not achieve conservation or enhancement of the barn given the significant amount of rebuilding required for its conversion and also the introduction of a domestic use, associated developments (stables) and no doubt equestrian facilities in this sensitive location.*

26. *The proposals would therefore be contrary to core strategy policies. In this case, by virtue of its remote and isolated location in open countryside and by virtue of the harmful impacts associated with the barn conversion, the benefits of granting planning permission for the development proposals would be significantly and demonstrably outweighed by the adverse impacts of doing so. Therefore the proposals are contrary to the principles of sustainable development set out national planning policies.'*
27. **Authority's Ecologist** – No objections subject to the measures set out in the submitted protected species report being followed, and to additional conditions to mitigate impacts and secure ecological enhancement.
28. **Authority's Archaeologist** – (in summary – full response available on file). The barn is a non-designated heritage asset of regional significance. The barn is an unusually unaltered late 18th or early 19th century cowhouse with hay loft over that function as a field barn, allowing and remote from the home farmstead to be managed efficiently by avoiding the need for stock or produce to be brought back to the main farmstead. Fieldbarns are a highly characteristic elements of the Peak District landscape and contribute strongly to local distinctiveness.
29. Its historic interest lies in external elevations, its apertures (legibility of historic function) high level of survival of historic layout, fixtures and fittings internally (legibility of historic function) including floorplan, 19th century hay cratches and boskins, open character of hayloft, reused historic timbers in the roof (mortice visible in one of the heritage statement photos), surviving original hayloft ladder. The historic layout of the barn and its historic features have survived the insertion of later upgrades including a concrete floor, some ceramic feed troughs and automatic water spouts.
30. Its landscape setting makes a positive contribution to its significance, particularly the historic dewpond and the relationship of the barn to its fieldscape on the boundary between the ancient enclosure with surviving features of medieval strip farming and post-medieval parliamentary enclosure and changing agricultural practice over time.
31. With regard to impacts, confirms that the scheme would cause some harm to the significance of the heritage asset. The revised scheme works well with external elevations, but does not work well with the internal features. The hayloft areas, currently open within the bays are proposed to accommodate most of the bedrooms and with the loft spaces proposed to be subdivided, and the groundfloor in the east-west range, currently subdivided by walls and boskins is proposed to become an open plan living space, and historic fixtures and fittings lost across the groundfloor.
32. Given the relatively rare survival of the 19th century internal features, fixtures and fittings and that in most Peak District barns they have largely been replaced by modern fittings and concrete floors, the Authority should be seeking a scheme that accommodates and retains at least some of these significant features. Historic England guidance and advice on Adapting Traditional Farm Buildings is that 'Machinery and internal fittings provide important evidence of a building's former use and some are now very rare.
33. The benefit of securing the future of this non-designated heritage asset is acknowledged, as is the way that the scheme has worked with the external elevations and apertures. But, I firmly believe a scheme that works more successfully to retain the planform on the ground floor (e.g. not creating an open plan living space; not wholly removing any walls but creating openings within them, or leaving stubs in places to retain legibility; retaining some boskin dividers); retaining the and the open character of the loft areas at first floor, and retaining elements of historic fixtures and fittings internally is possible, and would result in a conversion scheme that would more successfully conserve the significance of the heritage asset.

34. With respect to the historic landscape, in its current form and use the site is integrated within its surrounding agricultural landscape, and it owes its existence and position to the way this landscape, enclosure and farming practice has developed. The introduction of a residential and domestic use into this location within this historical landscape, with everything this entails (domestic curtilage and paraphernalia, parking, provision of services, light pollution, movement of vehicles, provision of a bin store, the stables etc.) would introduce elements that are out of place, incongruous and are harmful to this heritage asset, and given its location and position in the landscape this cannot be mitigated.
35. **Authority's Landscape Architect** – The application site is located within the Limestone Village Farmlands LCT in the White Peak LCA. It is not located in s3 land.
36. This is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls.
37. Its key characteristics are:
- A gently undulating plateau
  - Pastoral farmland enclosed by drystone walls made from limestone
  - A repeating pattern of narrow strip fields originating from medieval open fields
  - Scattered boundary trees and tree groups around buildings
  - Discrete limestone villages and clusters of stone dwellings
  - Relict mine shafts and associated lead mining remains
  - Localised field dewponds
38. Tree cover is largely restricted to small groups of trees and a scattering of trees along boundaries around village margins, often creating quite intimate rural scenes. Elsewhere the landscape is often more open, but even here more distant views are typically framed by surrounding hills, or rising ground.
39. The farmed landscape is characterised by a sub-regular pattern of small to medium sized fields enclosed by drystone walls built out of the local pale coloured limestone. Large areas of narrow fields exist in many places, reflecting piecemeal enclosure of strips in the former open fields from late medieval times onwards. Field pattern tends to be a fairly prominent element in this landscape, creating a strong sense of scale and visual unity.
40. The present settlement pattern is long established within this landscape, with origins before the Norman Conquest, and tends to be strongly nucleated, with most farmsteads and dwellings concentrated into a central village within each parish, reflecting historic townships.
41. There is a very distinctive and unified settlement character and isolated domestic properties are not a characteristic feature – and insensitive conversion has the potential to result in adverse effects on the special landscape character within the national park.
42. This is a relatively isolated field barn in a relatively open landscape, with some groups / lines of trees in the surrounding landscape.
43. No LVA is included with the application (so it's potential effects on surrounding landscape character and views have not been included in the application). There also is not a landscape plan included (which shows the outside treatment of the landscape within the red line boundary), so there is no mitigation or enhancement proposals included. Given the potential for adverse effects, these are a significant omission and I object to the application on the grounds of a lack of information.

44. The D&AS states 'the proposal will try not to incorporate a domestic garden' – this is too vague a statement and seems unenforceable? Where are washing lines etc to be located? The proposals show car parking within the gravel farmyard area, but for how many cars and how visible would they be? These domestic elements have the potential to create significant visual 'clutter' and their location needs to be defined, as does any potential mitigation (such as tree planting, drystone walls etc) to screen them.
45. The D&AS also states 'A wildflower and bat friendly planting scheme can be incorporated as recommended by the ecology consultants.' This needs to be defined and included within the submission.
46. There is no mitigation or enhancement defined within the application so I do not believe it complies with Policy L1 conserve and enhance valued landscape character, as identified in the Landscape Character Assessment and other valued characteristics.

### **Representations**

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

### **Main Policies**

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

### **National Planning Policy Framework**

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

### Core Strategy

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

59. 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.
60. Development Management policy DMC5 states that applications affecting a heritage asset should clearly demonstrate its significance including how any identified features will be preserved and where possible enhanced and why the proposed works are desirable or necessary. Development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed by public benefit.
61. Policy DMC10 states that the conversion of a heritage asset will be permitted provided that it can accommodate the new use without changes that would adversely affect its character (such changes include significant enlargement, or other alteration to form and mass, inappropriate new window spacings or doorways, major rebuilding); and the building is capable of conversion without compromising the significance and character of the building; and any new use conserve or enhancement the asset; and the new use of the building would not be visually intrusive in its landscape or have adverse impact on tranquillity, dark skies or other characteristics.
62. DMC12 states that with regard to protected species development will only be permitted where significant harm can be avoided and the conservation status of the species is maintained and the need for and the benefits of the development clearly outweigh any adverse effect.

63. Policy DMR4 allows for facilities for the keeping and riding of horses provided that the development does not detract from the landscape or valued characteristics of the area, is located adjacent to existing building or groups of building, is not likely to cause road safety problem and does not constitute a nuisance to neighbours.
64. Development Management Policy DMT3 states the development will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.
65. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

## **Assessment**

### **Principle of Development**

66. The relevant housing policy is Core Strategy policy HC1. This policy continues the Authority's long standing policy position that housing will not be permitted solely to meet open market demand. This approach is consistent with the National Park Circular and the NPPF.
67. Core Strategy policy HC1 sets out the exceptional circumstances in which new housing will be permitted in the National Park. The approach of allowing affordable housing and workers housing where there is an established need, and, of allowing market housing where it is required to achieve significant conservation and enhancement in accordance with policies GSP1 and GSP2 is considered to be a sustainable approach for providing housing within the National Park without undermining the landscape and valued characteristics.
68. The building is not listed. It is therefore necessary to establish whether the building constitutes a non-designated heritage asset. A heritage statement has been provided during the course of the application. This confirms that the building has archaeological, architectural and historic interest sufficient that it is considered to be a non-designated heritage asset. We agree with that assessment. The internal fixtures and fittings, together with the barn's setting contribute to its significance.
69. A structural survey has been submitted which confirms that the general condition of the structural fabric is reasonable and conversion can be carried out without any demolition and re-build. There are some obvious signs that the building has been repaired in recent years, e.g. the roof, the majority of which has been recovered with clay tiles. The roof supports have also been found to be in a generally sound condition.
70. Despite this sound general condition the longer term conservation of the building remains an important consideration. As such the conversion of the property to an open market dwelling is acceptable in principle and in accordance with HC1, subject to considerations of matters such as impacts on heritage significance, landscape impacts and ecological considerations.
71. Policy RT2 addresses holiday accommodation, supporting this in principle through conversion of buildings of historic and vernacular merit. The sometime-use of the proposed annexe for this purpose would therefore accord with adopted policy in principle.

72. For clarity, this application is not for an affordable house to meet an identified local need or for a farm workers dwelling, it is for an open market dwelling. A lot of weight has been given by third parties who have supported the application to the applicant's local connections, however it must be stressed that the application does not propose a dwelling that would have a local occupancy restriction. The Authority would have no control over future occupiers and whether or not they would have any local connection. In any case, with an internal floor area well in excess of the maximum permissible floorspace set out in policy for even for a 5 person affordable dwelling, the property would be very unlikely to remain affordable to those on low to moderate incomes anyway.

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

73. The submitted Heritage Assessment recognises the value of the barn as an early 19<sup>th</sup> century field barn. It states that its age, location and isolation are contributors to its heritage significance alongside its functional vernacular architecture and its internal fixtures.
74. The simple character and traditional utilitarian livestock shelter functionality remains intact with a strong prominence in the immediate landscape setting, separated in visual context from any other building. The building, whilst subject to some limited modern interventions and repairs (e.g a new roof covering in blue slate) remains of a simple, substantial, solid and undiluted upland field barn character.
75. Externally the proposals are largely sympathetic to the character of the barn. The submitted plans showed a large new patio doorway on the north elevation but this has now been omitted. The proposal as amended now wholly uses existing openings. Doors would be largely fully glazed but simple frame designs for all openings would reflect the functional character of the barn. The application form states that windows and doors would be either timber or upvc. Upvc would be wholly inappropriate in this setting and traditional timber frames would be required. If the application were acceptable in all other respects a condition would be required to ensure the use of timber and to agree the final finish. A flue pipe would extend up the north facing wall and above the roof at the eaves. It would be preferable if the pipe could be routed internally until it reaches roof level to reduce its impact on the character of the barn.
76. Internally, as described in the Heritage Assessment and by the Authority's Archaeologist, there are original 19<sup>th</sup> century fixtures. This is relatively rare, as in most barns they have been replaced by modern fittings and concrete floors. At ground floor level the historic timber stall dividers, hayracks and ceramic troughs, surviving hayloft ladder, all remain and are very attractive features. At first floor level the hayloft is open within each of the three bays. The proposals would see the removal of all of the historic features at ground floor level, in order to create open plan living accommodation. At first floor the open hayloft would be subdivided to create bedrooms/en-suite/bathroom spaces.
77. Officers concur with the Authority's archaeologist that a scheme that better conserves the internal character of the building is required, and is perfectly feasible. For example, the living accommodation could be reversed with the bedroom accommodation (which requires more subdivision) sited on the ground floor, and the more open plan living accommodation within the open lofts space above. This would better preserve the historic plan form of the building. And as advised by Historic England, with some ingenuity, at least some of the historic fixtures and fitting could be retained. As submitted however, the scheme would harm the character and significance of the barn in these respects and is contrary to policies HC1, DMC5 and DMC10.

### Landscape and Setting Impacts

78. The barn stands in an isolated and prominent plateau location. The immediate area is highly characteristic of the Limestone Village Farmlands landscape character type in which it sits. The protection of historic field barns is set out as a priority within the landscape strategy for this area.
79. The site is considerably removed from other settlement and has a tranquil, pastoral character. The adjacent Bulltor Lane, whilst being an adopted highway, appears to be little used by vehicular traffic. It is unsurfaced and has a rural character as a quiet green lane. The barn and its immediate setting are very prominent from both Bull Tor Lane and the public footpath adjacent to the site to the west. The barn and its fieldscape setting is an important historic element of the immediate landscape.
80. The Authority's Landscape Architect advises that the scheme has the potential to result in adverse landscape impacts and objects to the lack of an LVA being provided. They do however go on to make an assessment of the impacts of the development in so far as they are able, based on the information provided. They identify the barn as isolated within open landscape, and that the potential for harm arises from domestication of setting – querying whether the applicants intent to 'not integrate a domestic garden' appears vague and unenforceable.
81. Officers agree, and having visited and walked the area of the view that a full assessment of impact is possible without reliance on an LVA document in this instance. This is because the building is already present in the landscape, officers are familiar with the elements of domestication that would arise from the development, and because key views of the building are evident and accessible on the ground.
82. In looking at the building in its current form and use as part of that assessment, the site is integrated within its surrounding agricultural landscape, and it owes its existence and position to the way this landscape, enclosure and farming practice has developed. The introduction of a residential and domestic use into this location within this historic landscape, with everything this entails (domestic curtilage and paraphernalia, parking, provision of services, light pollution, movement of vehicles, provision of a bin store, etc.) would introduce elements that are out of place, incongruous and are harmful to the setting of this heritage asset.
83. Occupation of the barn would result in internal lighting being apparent in hours of darkness within an extensively open location away from other light sources. Internal lighting is likely to be visible in hours of darkness through windows in an otherwise dark landscape. This is not likely to be reasonably or effectively controlled by condition. External lighting would also cause harm.
84. The parking and garden areas, with their associated cars, domestic landscaping, timber fencing, and domestic furniture etc would be screened partially by the drystone boundary walls, but they would still be clearly seen in views over the walls from the adjacent rights of way. Such visibility should be considered against the existing lawful use of the barn as an agricultural building and curtilage, within which it would be expected tractors, trailer or other farm machinery and storage of wrapped bails etc. which would also be prominent. However these features are a more accepted part of an agricultural landscape and do not have the same impacts on the overall character of the landscape or the barn itself – as the domestic paraphernalia described above.
85. As noted by the Landscape Architect, landscaping mitigation proposals do not form part of the application. Nonetheless, it is difficult to see how such proposals could address the landscape and setting harm identified above. Notwithstanding that any scheme for planting would take a number of years to establish, the enclosure of the barn with



surrounding planting to screen it in the wider landscape would in itself be inappropriate; it would effectively remove the contribution the barn makes to the character of the landscape in this location. Further, given the relatively open character of the land and extent and grouping of planting that would be required to provide effective screening, the planting itself would likely appear out of place in this landscape, causing harm to its open character.

86. In conclusion the proposed scheme would cause harm to the landscape setting of the barn contrary to policies L1, L3, DMR3 and DMC10.

### Ecological Considerations

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

### Highway impacts

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

### Climate Change Mitigation

89. Following the committee resolution seeking further detail of climate change mitigation measures, the applicants agent has put forward the following outline proposals:

- Ensuring a highly insulated construction throughout, meeting (and potentially exceeding) the building regulation requirements and using eco-friendly insulation.
- Energy Efficient, windows and doors, again meeting building regulation requirements for U Values and ventilation.
- Ensure no thermal bridging to prevent drafts.
- Air-source heat pump (proposed to rear wall of barn) combined with under-floor heating
- Historically correct and breathable lime mortar and paints.
- Rainwater harvesting.

90. Whilst not sufficiently precise to ensure compliance with policy CC1 or to be enforceable, a condition requiring these proposals to be further detailed and for the approved measures carried out could reasonably be imposed, if the application was to be approved.

### Conclusion

91. The principle of converting the building to an open market dwelling and annexe/holiday let accords with policy in principle.

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

### **Human Rights**

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

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

96. Nil

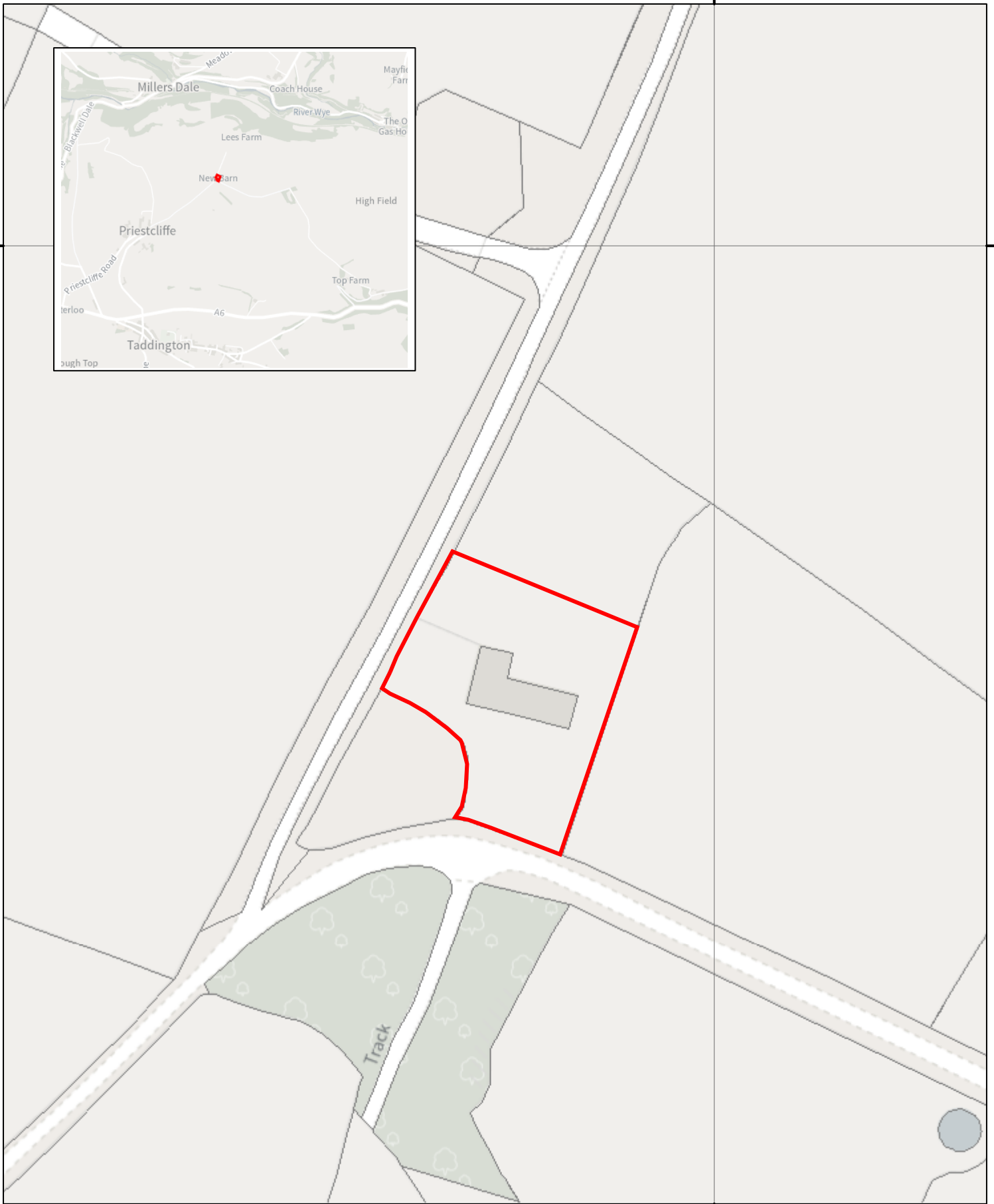
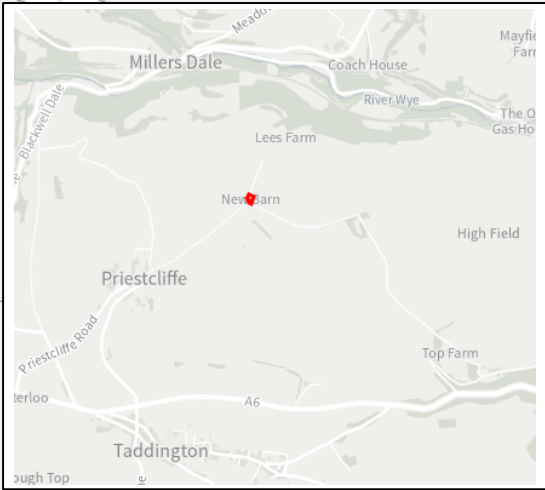
### **Report Author and Job Title**

97. Mark Nuttall – Principal Planner - South

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### Barn off Broadway Lane, Nr Priestcliffe, Taddington

Item no. 9  
 Application no. NP/DDD/0223/0117  
 Committee date: 10/05/2024

Page 91  
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**10. FULL APPLICATION – PROPOSED EXTENSION TO DWELLING AT THE ORCHARDS, MONSDALE LANE, PARWICH. (NP/DDD/0921/0990, SC)**

**APPLICANT: MR P KIRKHAM**

**Summary**

1. The application seeks permission to construct a two-storey extension to the front elevation of the dwelling at The Orchards, Monsdale Lane, Parwich.
2. The application was previously deferred by Members in June 2022 to allow for the Applicant and Officers to work together to find an improved design solution to reduce the impact of extension on the host building, and for the Applicant to provide a sufficient Heritage Statement which to allow a full assessment of impacts upon the building's heritage significance.
3. Considerable time has passed since the application was deferred. The applicant has recently provided a revised Heritage Statement and amended plans. Officers consider the Heritage Statement to be satisfactory and proportionate to the application.
4. However, the amended proposal still fails to address previous Officer concerns over scale and design and the impact of the two-storey extension on the character and appearance of the host dwelling and the valued characteristics of the Conservation Area.
5. As a result, the application is recommended to members for refusal.

**Site and Surroundings**

6. The Orchards is a traditional detached farmhouse dating from at least the 19th century, sited within a fairly large plot on the eastern edge of the village and within the Conservation Area.
7. The nearest neighbouring dwelling is Orchard Farm sited around 35m to the north. A public footpath runs in roughly an east to west direction adjacent with the northern boundary of the property.

**Proposal**

8. Planning permission is being sought to erect a two-storey extension to the front elevation of the property.

**RECOMMENDATION:**

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

1. **By virtue of its position, scale and design, the two-storey extension would harm the simple character and heritage significance of the existing dwelling and the valued characteristics of the Conservation Area within which it is sited contrary to Core Strategy policies GSP1, GSP3 and L3, Development Management policies DMC3, DMC5, DMC8, and DMH7, advice within the Authority's Design Guide and Alterations and Extensions SPD. The harm identified would not be outweighed by public benefits and therefore the proposal is contrary to the National Planning Policy Framework.**

### **Key Issues**

9. The potential impact on the character and appearance of the host property, the Conservation Area, the privacy and amenity of neighbouring dwellings and highway safety.

### **History**

10. 1989 - NP/WED/389/129 - Extension to dwelling – Granted.

### **Consultations**

11. Highway Authority - No objections, subject to sufficient parking provision being retained.
12. Parish Council – Supports this application on the grounds that it is a sympathetic improvement to the housing stock in the village.

### **Representations**

13. One letter of representation has been received from the occupant of Orchard Farm to the North. The representation makes general comments which are summarised below:
  - a) Requests modifications to make the proposal less visually intrusive and more sympathetic to the local built environment.
  - b) A single storey extension would be less intrusive including those that use the public footpath which runs along the boundary.
  - c) Alternatively could an extension be built away from the boundary and on lower ground.
  - d) Would it be possible for the windows on the north side to be deleted as occupants of Orchard Farm overlook and may be able to see inside.
  - e) Query if it is possible to improve parking provisions.

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

14. 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.
15. Paragraph 139 states, that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes.
16. In particular Para: 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.
17. Paragraph 203 in particular states, that the effect of an application on the significance of a non-designated heritage asset should be considered 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.

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

## **Main Development Plan Policies**

### **Core Strategy**

20. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
21. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
22. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
23. DS1 - *Development Strategy*. Supports extensions and alterations to dwellinghouse in principle, subject to a satisfactory scale, design and external appearance.
24. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions and water efficiency.

### **Development Management Policies**

25. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
26. 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.
27. DMC8 - *Conservation Areas*. States, that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.

28. DMH7 - *Extensions and alterations*. States that extensions and alterations to dwellings will be permitted provided that the proposal does not:

- (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- (ii) dominate the original dwelling particularly where it is a designated or non-designated cultural heritage asset; or
- (iii) amount to the creation of a separate independent dwelling; or
- (iv) create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic; or
- (v) in the case of houses permitted under policy DMH1, exceed 10% of the floorspace or take the floorspace of the house above 97m<sup>2</sup>.

29. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

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

## **Assessment**

### **Principle of the development**

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

### **Siting, design and materials**

- 33. The Authority's Design guidance states amongst other things, that it may be possible to add a well-designed extension provided it would be in harmony with the original building, subject to being appropriate in scale, design and external appearance, in accordance with good design principles.
- 34. In this case, there has been no reduction in the size and massing of the proposed extension, it still remains a two-storey extension. In justification, the agent has stated in their submitted Design Statement that, '*The height of the extension has not been lowered because retaining the original height is necessary to facilitate access from the existing stable into the proposed extension*'.
- 35. All other alterations to the originally submitted proposal are design grounded, these include:
- 36. On the west gable elevation, a set of French windows has been replaced with a traditional stable door opening, and a ground floor window, both these elements are considered an improvement as they better reflect the traditional character and appearance of the host dwelling. In addition, a first-floor window has been reduced in size and now appears more in keeping with the property.



37. To the front of the main dwelling, there is a large uncharacteristic porch extension, this would be removed revealing the traditional front door of the house, which is welcomed.
38. Further change has occurred on the rear elevation which backs on to a public grassed footpath and faces Orchard Farm to the north. Two additional windows are proposed at first floor level to the proposed extension and a further window in the existing gable.
39. The scale of the extension in proportion to the existing dwelling and the arrangement by extending beyond the architectural front of the dwelling, (which is seldom considered appropriate or acceptable in design terms) is still large and therefore still considered unacceptable in size and massing in relation to the host property. Furthermore, the extension would be off the former stable and would result in the loss of the fenestration to this element and a significant loss of character.
40. In terms of scale, the extent of projection from the wall of the building, along with a height equal to it and a wider gable than it would all serve to create a dominating extension that fails to be subservient to the parent building, as required by planning policy and design guidance and results in a significant harmful change to the linear form of the parent building.
41. Cumulatively these points make the extension appear unduly large in proportion to the host property, imposing on the original building and detracting from its character and appearance.
42. The proposed two storey extension would entirely undermine this simplicity of form, as well as resulting in significant harm to the buildings typical traditional appearance and would also harm its heritage significance in doing so.
43. Overall, the extension would be wholly out of keeping with the buildings character, as well as best practice in design as set out in planning policy and adopted design guidance. It therefore fails to accord with policies GSP1, GSP3, L3, DMC3, DMC5, and DMH7.
44. Further, the development is located within the village Conservation Area. As a result of the harm identified to the building itself, it stands that it would also harm the character of the Conservation Area, something compounded by its visibility from the footpath that passes the site to its immediate north. The development is therefore contrary to policy DMC8.

#### Potential amenity issues

45. Outlook, amenity, privacy and daylight are fundamental considerations when altering or extending a property.
46. This is to ensure that habitable rooms achieve a satisfactory level of outlook and natural daylight, there is adequate privacy and outdoor private amenity space and that no overbearing or harmful overshadowing of neighbouring property results.
47. The nearest neighbouring properties are Orchard Farm sited approximately 35m to the North and Trevarnley, around 50m to the west of the new development.
48. The development would include facing windows to this property which would overlook part of the extended garden area of Orchard Farm and look towards that residential property and its more private garden areas. The new window to the bathroom would be obscurely glazed, however, the additional bedroom windows would overlook this neighbouring property and cause a loss of privacy.

49. These windows have been added to the scheme and are secondary windows to each bedroom. The need for safe egress during fire is understood however, this could potentially be provided by the windows to the south elevation. If permission were granted planning conditions would be recommended to ensure that the new window to the bath room is obscurely glazed and the two bedroom windows be omitted for the reasons set out above.
50. Subject to the above the proposal would be in accordance with Policies GSP3 & DMC3 in respect of the impact on the residential amenity of neighbouring occupiers.

#### Highway matters

51. The Local Highway Authority raise no objections to the scheme, subject to it forming private, domestic, ancillary living accommodation for the existing dwelling and that sufficient parking associated with the site is available.
52. In this case, the extension would remain ancillary and there is ample space within the site to park and manoeuvre several vehicles. Subsequently, the scheme is acceptable in highway terms, according with policies DMT3 respectively.

#### Environmental Management and sustainability

53. The new development would have to meet current building regulations regarding heat and power. However, the submitted details state, that it is proposed to exceed the requirements of the building regulations in terms of the thermal efficiency of the new build elements.
54. The extension would be built using a modern insulated cavity wall construction, and constructed in an air tight manner. The ground floor and roof would be highly insulated reducing heat loss. The existing double-glazed windows would be replaced with modern gas filled double glazed windows to provide better thermal insulation. Low energy light fittings and A rated appliances would be installed to reduce energy consumption. All construction materials and finishes would be locally sourced and reusing materials such as stone and roof tiles where possible
55. With regard to the above, the proposals are considered acceptable in generally meeting the climate change mitigation and adaption requirements of policy CC1 in these respects.

#### Conclusion

56. By virtue of its position, scale and design, the two-storey extension would harm the simple character and heritage significance of the existing dwelling and the valued characteristics of the Conservation Area.
57. The scheme therefore conflicts with the Authority's Development Plan Policies GSP1, GSP3, L3, DMC3, DMC5, DMC8, DMH7, advice within the Authority's Design Guide and Alterations and Extensions SPD.
58. Consequently, the proposal is recommended to members for refusal.

#### Human Rights

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

60. List of Background Papers (not previously published)

61. Nil

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

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### The Orchards, Monsdale Lane, Parwich

Item no. 10  
 Application no. NP/DDD/0921/0990  
 Committee date: 10/05/2024

Page 101  
 Scale: 1:827 at A4 pagesize  
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**11. FULL APPLICATION – CHANGE OF USE OF BARN TO HOLIDAY LET, AND ERECTION OF SINGLE STOREY LEAN-TO EXTENSION ON NORTHERN GABLE AT BARN TO THE SOUTH OF HOLE CARR FARM, LONGNOR (NP/SM/1123/1403) (PM)**

**APPLICANT: MR GEORGE SHERRATT**

**Summary**

1. Planning permission is sought for the change of use of a barn to a holiday let including the erection of a single storey extension.
2. The barn is located approximately 3.5 km to the west of Longnor along Leek Road and is set back approximately 60 metres from the public highway.
3. It is considered that the hard surfacing of the access track, creation of a car parking area, domestic paraphernalia and lighting associated with the proposed use of the barn as a holiday let would cause significant harm to the landscape character of the area.
4. The public benefits arising from the development would not outweigh the harm that has been identified and therefore it is recommended that planning permission is refused.

**Site and Surroundings**

5. The application site is located in open countryside on the north side of Leek Road which runs between Longnor and the A53 at Royal Cottage. The site is located approximately 3.5 km west of Longnor.
6. The application site consists of a two-storey stone-built small field barn consisting of a single bay. It was likely used for cattle housing and with the storage of fodder crops over, allowing the management of livestock away from the main farmstead. It was in existence by the late 19th century when it appears on historic mapping.
7. The barn is set back approximately 60 metres from Leek Road. An existing access track leads to the barn from Leek Road through a field gate.
8. The building is in a state of disrepair having lost its roof within the last 15 years, and part of the south eastern corner of the building has subsequently collapsed.
9. The barn is not listed and is not within a conservation area. As a historic vernacular building the barn is considered to constitute a non-designated heritage asset.
10. The surrounding landscape is defined as falling within the upland pastures landscape character type within the wider south west peak landscape character area. The landscape is permanent pasture with dry stone walls and some scattered mature trees.
11. Land immediately to the north of the application site is defined as falling within the designated Natural Zone as defined by the authority's core strategy. Land falling within a defined Special Protection Area (SPA) (South Pennine Moors Phase 1) and a SSSI (Leek Moors) is located approximately 400 metres to the north west of the application site.
12. A public footpath shares the access track to the barn and passes along the western side of the barn before descending into the valley to the north. A further public right of way runs 300 metres to the east of the site. Another public right of way runs along the top of Blackstone Edge approximately 200 metres to the west of the barn.

13. The nearest properties to the site are Hocker Farm located approximately 200 metres to the south and Little Hocker located approximately 150 metres to the south west.

### **Proposal**

14. Planning permission is sought for the change of use of the barn to a holiday let, and the erection of a single storey lean-to extension to the northern gable of the barn.
15. As the building is in a state of disrepair it will be necessary to re-roof the barn and rebuild the south eastern corner of the barn.
16. A new stone wall is proposed to the south of the barn to form a tight curtilage with hard paving proposed to the east and south of the barn. The existing access track would be laid with hard surfacing, and 2 parking spaces for vehicles would be created to the south of the turning area.
17. A package treatment plant is proposed to be installed within the site for foul sewage.

### **RECOMMENDATION:**

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

- 1. The hard surfacing of the access track, creation of a car parking area, domestic paraphernalia and lighting associated with the proposed use of the barn as a holiday let would cause significant harm to the landscape character of the area, contrary to Core Strategy Policies GSP1, GSP2, GSP3, L1, L3 and RT2, Development Management Plan policies DMC3 and DMC10 and the National Planning Policy Framework. The public benefits arising from the development would not outweigh the harm that has been identified.**

### **Key Issues**

18. The principle of the conversion to a holiday let; the impact upon character and significance of the heritage asset; the impact upon the setting of the barn and wider landscape character; the impact upon residential amenities; the impact upon ecology and protected species, the impact upon highway safety and climate change mitigation.

### **History**

19. 2021 – Application ref NP/SM/0221/0162 - Barn conversion to holiday let with extensions to side and rear – Application withdrawn.

### **Consultations**

20. PDNPA Archaeology – (Summarised comments).

The barn is a non-designated heritage asset of local significance. Its core significance lies in its archaeological, historic and architectural interest: Its archaeological interest lies in its surviving historic fabric which has the potential to retain evidence and information about its past use and development. There is no known below ground archaeological interest beyond that related to the building itself. Its historic interest lies in its form, layout, its materials, its stonework; its external elevations, the size, location and relationship between the historic apertures which are the key to legibility of the building's historic function. Its architectural interest lies in its traditional materials, its vernacular form and agricultural character which is evidence of its historic use and function, and a reflection of the development of both farming practices and the landscape.



Its landscape setting makes a positive contribution to its significance, particularly the relationship to the neighbouring farmsteads, field barns and outfarms and to its fieldscape. The scheme has been significantly revised since the previous application, including a reduction in the number and size of proposed extension, reduction in new openings and removal of rooflights. The curtilage has also been reduced in size and reconfigured. The scheme is now a small single storey side extension, and one new window opening – both are contrary to the guidance in the conversion design guide that buildings be converted in their shell and ideally without new openings. The proposed new opening is a pitching hole opening in the side elevation, mirroring that in the other side elevation of the building and in terms of size and form it is not out of keeping with this kind of structure and would not harm the character of the building but does represent a departure from its historic form and a loss of historic fabric.

Overall, the proposed development represents minor harm to a heritage asset of local significance. Should the scheme reach a point that it is considered to be acceptable with respect to the planning balance, the then harm to the significance of the heritage asset needs to be addressed by a conditioned scheme of building recording and archaeological monitoring (structural watching brief).

21. Heathlee Parish Council – Supports the application with the following comments:

- The existing footpath should remain as is.
- The Parish Council would prefer this building to be made into a permanent residence rather than another holiday cottage.
- It should be noted that a neighbour's water supply runs through the field. There is a new water meter belonging to Severn Trent which is also located in the area of the planning application. The planning application and subsequent works should not affect the current water supply to neighbours.
- Has failure of the water treatment system for the application been considered and the impact that that may have?

22. Staffordshire Moorlands District Council – No response received.

23. Staffordshire County Council Highways – No objection subject to conditions requiring parking and turning areas to be in place prior to the development being brought into use and requiring the driveway to be surfaced in a hard-bound material for a minimum distance of 5 metres back from the site boundary.

### **Representations**

24. No representations have been received.

### **Main Policies**

25. Core Strategy: GSP1, GSP2, GSP3, DS1, L1, L2, L3, RT2, CC1

26. Development Management Policies: DM1, DMC3, DMC5, DMC10, DMC11, DMT3

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

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

28. 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: These 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 Park.
29. Paragraph 182 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

30. GSP1, GSP2 - Securing National Park Purposes and sustainable development & Enhancing the National Park. These policies jointly seek to secure national park legal purposes and duties through the conservation and enhancement of the National Park’s landscape and its natural and heritage assets.
31. GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
32. DS1 - Development Strategy. Sets out the forms of development that are acceptable in principle in all settlements and in the countryside outside of the Natural Zone.
33. 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.
34. L2 – Development must conserve and enhance sites, features or species of biodiversity importance and their setting. 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.
35. L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic assets and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
36. RT2 allows for the change of use of traditional buildings of historic or vernacular merit to self-catering holiday accommodation except where it would create unacceptable landscape impact in open countryside.
37. CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

### Development Management Policies

38. DM1 - When considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (2012). It will work proactively with applicants to find solutions that are consistent with National Park purposes: (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and (ii) to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
39. DMC3 - requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
40. DMC5 - Heritage assets include both designated and non-designated heritage assets. This policy states planning applications must consider the significance of any heritage asset. Including the extent of any harm to, or loss of, the significance, character and appearance of a heritage asset. The supporting evidence must be proportionate to the significance of the asset. It may be included as part of a Heritage Statement or Design and Access Statement where relevant. If applicants fail to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused.
41. DMC10 –addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquillity, dark skies, or other valued characteristics.
42. DMC11 Safeguarding, recording and enhancing nature conservation interests. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, features and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
43. DMT3 - a safe vehicular access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

### Supplementary Planning Documents

44. Peak District National Park Authority Design Guide (2007): The Design Guide states that, when considering a conversion, the building in question should be of sufficient historic or architectural merit to warrant its conversion. Factors such as location, size and character of the building and its means of access will all be assessed. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.
45. Peak District National Park Conversion of Traditional Buildings SPD (2022): The SPD provides detailed guidance on the principles to be considered when proposing the conversion of traditional buildings. This is set out as 6 key principles: 1. Understanding the building and its setting 2. Working with the existing form and character 3. Following

a conservation approach 4. Creating responsive new design 5. Using appropriate materials and detailing. 6. Conserving and enhancing the setting.

### **Assessment**

#### **The principle of the conversion to a holiday let.**

46. Core strategy policy RT2 states that the change of use of a traditional building of historic or vernacular merit to service or self-catering holiday accommodation will be permitted except where it would create unacceptable landscape impact in open countryside.
47. The barn is a traditional historic building of vernacular merit. The barn is a non-designated heritage asset of local significance. Its core significance lies in its archaeological, historic and architectural interest.
48. Therefore, it is considered that in principle the proposed conversion to a holiday let accords with policy RT2 and is acceptable in principle subject to the proposal not harming the significance of the heritage asset or the surrounding landscape character, issues which are assessed below.

#### **The impact upon character and significance of the heritage asset**

49. Policy DMC10 requires that the conversion of heritage assets conserves and enhances the character, setting and significance of the heritage asset.
50. The scheme has been significantly revised since the previous application (which was withdrawn in 2021) including a reduction in the number and size of proposed extensions, a reduction in new openings and the removal of proposed rooflights. The curtilage has also been reduced in size and reconfigured. The scheme now proposes a small single storey extension, and one new window opening. Both elements are contrary to the guidance in the conversion design guide that buildings be converted in their shell and ideally without new openings.
51. The proposed new opening is a pitching hole opening in the side elevation, mirroring that in the other side elevation of the building and in terms of size and form it is not out of keeping with this kind of structure and would not harm the character of the building but does represent a departure from its historic form and a loss of historic fabric.
52. Overall, the proposed extension and alterations would result in minor harm to a heritage asset of local significance. In reaching a decision this harm needs to be balanced against public benefits accruing from the scheme which will be considered in the Planning Balance section towards the end of this report.
53. The submitted structural report outlines areas of the barn which require rebuilding. These comprise part of the internal face of the front elevation, the corner between the front elevation and left-hand side elevation, three quarters of the left-hand gable elevation, the first floor and the roof. New foundations are also required for the rebuilt sections. The authority's archaeologist notes that whilst the rebuilding is required to secure the building structurally, it does represent a loss of historic fabric and reduction of the historic interest of the structure.
54. The submitted structural report is dated December 2020 and is therefore more than three years old. It is possible therefore that additional rebuilding of the barn could be required should the structural condition of the barn have deteriorated further since 2020.

55. Should planning permission be granted for the proposal, then the level of rebuilding permitted would be that shown in the submitted structural report. The structural report does not include a drawing showing the extent of rebuilding proposed (the extent of rebuilding proposed is described in written form). Should planning permission be granted it is considered reasonable and necessary to impose a condition requiring a drawing showing the extent of rebuilding proposed to be submitted to the authority, for the avoidance of doubt so that all parties are clear on the exact extent of rebuilding permitted.

#### Impact upon setting of the barn and wider landscape character

56. The existing barn appears isolated within the surrounding landscape, being located approximately 60 metres from the public highway. The surrounding landscape is largely open in character with limited vegetation. Long distance views are possible within the environs of the barn and the potential for views is exacerbated by the undulating topography with higher land located both to the east and west of the application site.
57. It is accepted that domestic paraphernalia is likely to be more limited for a holiday let than for a dwelling. Indeed, the converted barn would have a small area of outside amenity space with a tightly defined curtilage bounded by stone walls. These new stone walls would read as an extension to the existing stone walls in the vicinity and would therefore help to reduce the impact of the curtilage itself upon the surrounding landscape character.
58. However, it is also necessary to consider the impact of the hard surfaced access track including the hard surfacing for the car parking area, the impact of activity including car parking, the impact of lighting and the impact of domestic paraphernalia within the curtilage upon the landscape character of the surrounding area.
59. When viewed from the public highway in the vicinity of the access to the barn, the proposed curtilage and car parking area would not be prominent, with the car parking area located at a slightly lower level than the barn and road. However, the road climbs both to the east and west of this location and therefore from these more elevated positions there would be clear views of the converted barn and the surrounding curtilage, access track and car parking area.
60. Additionally, public rights of way within the surrounding landscape would offer sustained and elevated views of the converted barn including the curtilage, car parking area and access track including to users of the public right of way along Blackstone Edge when travelling south (located to the west of the application site) and to users of the public footpath descending in a south westerly direction from Barrow Moor towards Leek Road (located to the east of the application site).
61. Overall, it is considered that the cumulative impacts of the hard surfacing, domestic activity including domestic paraphernalia and lighting would result in a significant adverse impact upon the wider landscape. Accordingly, the proposal is considered contrary to Development Plan policies GSP1, GSP2, GSP3, L1, L3, RT2 and DMC10 and the NPPF.

#### Impact upon Residential Amenities

62. The proposed conversion would have no impact upon the residential amenities of neighbouring occupiers. Additionally, there would be an acceptable standard of residential amenity for future occupiers of the converted barn as a holiday let.

### Impact upon Ecology and Protected Species

63. The barn currently does not have a roof and therefore the building is exempt from requiring submission of a protected species survey with the application. The building is therefore considered to have a very low likelihood of being used by bats and birds. As such, no mitigation is required to offset the loss of the barn as a roosting or nesting location.
64. Given the nature and scale of the proposed development and distance to nearby designated sites it is concluded that the development would not have any adverse impacts upon designated sites.

### Impact upon highway safety

65. Vehicular access to the converted barn would be provided using an existing vehicular access from Leek Road.
66. The highway authority has no objection to the use of this existing track to serve the proposed converted barn subject to the use of conditions requiring parking and turning areas to be in place prior to development being brought into use and requiring the driveway to be surfaced in a hard-bound material for a minimum distance of 5 metres back from the highway boundary.

### Climate Change mitigation

67. An Environmental Statement has been submitted with the application which sets out how the proposal will reduce the need for energy and use energy more efficiently. The measures outlined within the statement are considered sufficient to meet the requirements of policy CC1.

### Planning Balance

68. The significant public benefit of securing a long-term future use for a historic building of vernacular merit, a non-designated heritage asset is acknowledged and given appropriate weight within the planning balance.
69. The minor harm as a result of the proposed conversion to the significance of the non-designated heritage asset is noted. Were this the only identified harm it is likely that the public benefits of the scheme would outweigh this minor harm.
70. However, the proposed scheme would also result in a significant adverse impact upon the established landscape character of the area.
71. It is considered that this significant harm to the landscape outweighs the public benefits of the scheme.

### Conclusion

72. The hard surfacing of the access track, creation of a car parking area, domestic paraphernalia and lighting associated with the proposed use of the barn as a holiday let would cause significant harm to the established landscape character of the area, contrary to Core Strategy Policies GSP1, GSP2, GSP3, L1, L3 and RT2, Development Management Plan policies DMC3 and DMC10 and the National Planning Policy Framework.

73. The public benefits arising from the development would not outweigh the harm that has been identified. In the absence of any further material considerations it is therefore recommended that planning permission be refused

**Human Rights**

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

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

75. Nil

76. Report Author: Peter Mansbridge - Planner - South Area.

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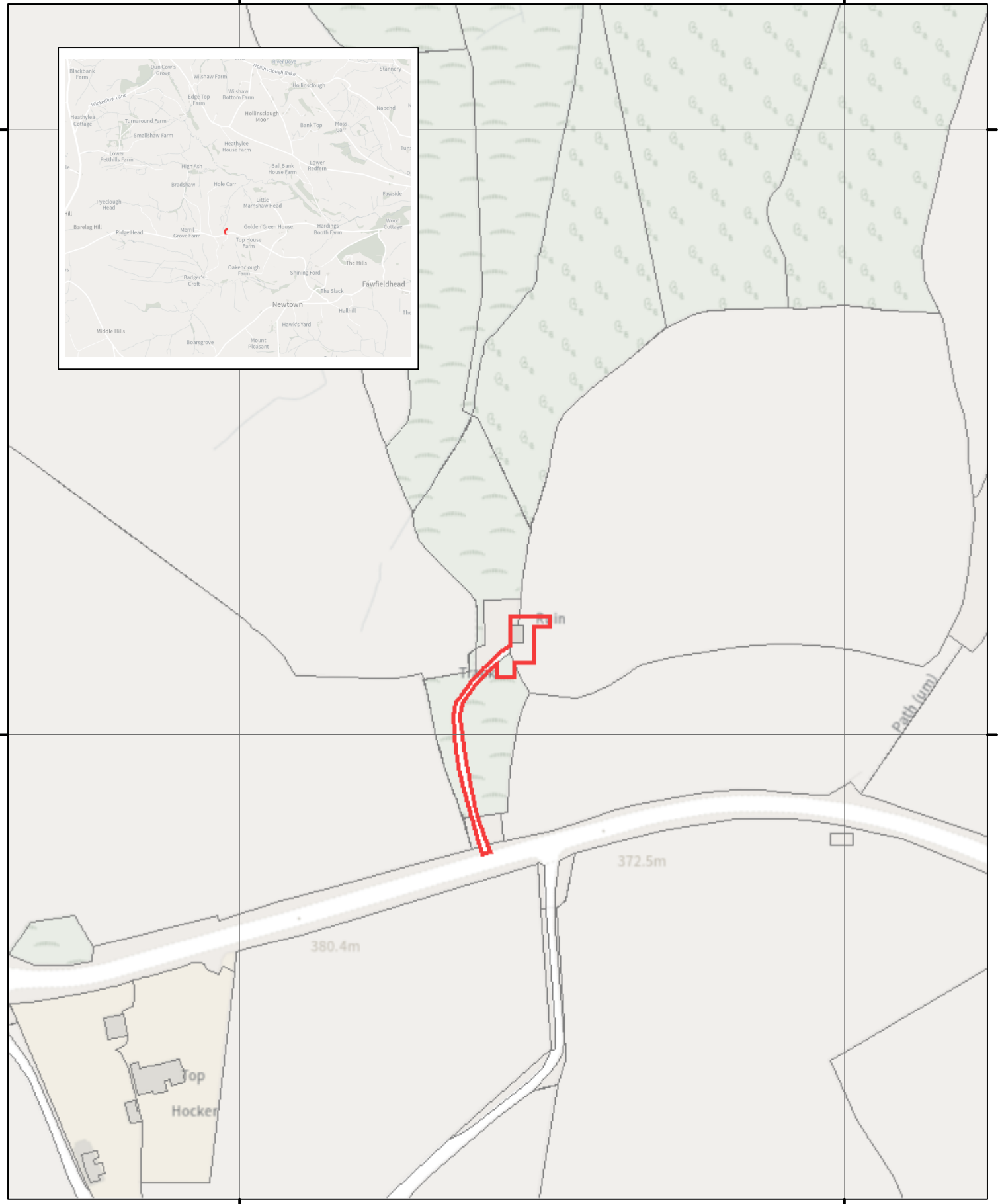
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### Barn to the south of Hole Carr Farm, Longnor

Item no. 11  
 Application no. NP/SM/1123/1403  
 Committee date: 10/05/2024

Page 113  
 Scale: 1:1,654 at A4 pagesize  
 Map centre grid ref: 405,285 364,444



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**12. FULL APPLICATION: S.73 APPLICATION FOR THE VARIATION OF CONDITION 3 FROM NP/DDD/0618/0562 TO OPEN ON MONDAYS AT IVY COTTAGE, DALE HEAD, LYDGATE, EYAM (NP/DDD/0224/0160, EF)**

**APPLICANT: MISS KATHLEEN HALL**

**Summary**

1. Ivy Cottage is a detached cottage located at Dale Head, Lydgate, Eyam and within the Eyam Conservation Area.
2. Within the garden is a detached single storey rendered outbuilding with a pitched slate roof and timber windows and doors. The outbuilding is situated to the far north of the front garden area, and has been operating as a tea room on Sundays only between 11am and 5 pm since permission was granted in October 2018.
3. Access to the property is only on foot via a track to the north of the site. The track can be approached from Eyam Square north of the site, from Lydgate to the east of the site, and also via Eyam Dale to the south west of the site. The property is surrounded by neighbouring residential properties.
4. The application seeks to vary condition 3 which control the opening hours of the café to open an additional weekday on Mondays.
5. The proposal is not considered to give rise to any adverse impacts upon neighbouring amenity and the application is recommended for approval in accordance with conditions.

**Proposal**

6. The application proposed to vary condition 3 imposed upon planning permission NP/DDD/0618/0562 which granted use of the premises as a tea room ancillary to Ivy Cottage.
7. Condition 3 states:

*The opening hours shall be between 11:00 and 17:00 on Sundays only.*

8. The applicant wishes to open on a Monday as an additional day with the same opening hours.

**Site and Surroundings**

9. Ivy Cottage is located at Dale Head, Lydgate, Eyam. It is a detached cottage, situated within the Eyam Conservation Area at an elevated position above the village centre. The tea room operates on Sundays only from within a single storey stone outbuilding in the garden. The property is surrounded by other residential houses and their gardens.
10. A front garden is situated to the north of the site, with planted areas and paving.
11. The access to the property is via a track to the north of the site. The rear of the property cannot be accessed via a vehicle, and access to the tearoom is only on foot. The track can be approached from Eyam Square to the north of the site, Lydgate to the east of the site, and Eyam Dale to the south west of the site.

### **RECOMMENDATION:**

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

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted details as amended by the following amended plans: Floor Plan of the Outbuilding dated 26.07.2018, Amended Floorplan of the External Seating Area dated 25.09.2018 and subject to the following conditions and/or modifications;
2. The opening hours shall be between 11:00 and 17:00 on Sundays and Mondays only.
3. The use of the premises hereby permitted shall be for a tea room ancillary to the residential use of Ivy Cottage.
4. There shall be no outdoor seating other than in accordance with details (comprising a plan showing the location of no more than 6 seats and associated table(s)) which shall have first been submitted to and approved in writing by the National Park Authority.

### **Key Issues**

1. The impact of the additional hours on neighbouring amenity.
2. Impact on amenity, character and setting of Eyam Conservation Area;
3. Any impact on the viability and vitality of Eyam;
4. Any highways impact.

### **History**

12. 2018 - NP/DDD/0618/0552 – Approval of advertisement consent for 5 signs.
13. 2018 - NP/DDD/0618/0562 – Approval for use of the outbuilding as a tea room and to use the garden to serve teas and cakes.
14. 2023 - NP/DDD/0223/0138: Refusal of S.73 application under delegated powers for the removal or variation of condition 3 - opening hours/days to allow opening of the café on Saturdays and Sundays together with a further three weekdays.

### **Consultations**

15. Highway Authority - No highways objections.
16. Eyam Parish Council - Objection based on:
  - Any extension to the opening hours of the business would have a significant and detrimental impact on neighbouring properties and their privacy.
  - The extension of business hours would add to the growing commercialisation of what is a residential area. An extension of business hours would lead to an increase
  - vehicles and parking. This part of Eyam is already busy and has limited parking.

### **Representations**

17. The Authority has received 47 representations in support of the application raising the

following material planning considerations:

- a) Improved visual appearance of the lane;
- b) Improved vitality of the town centre;
- c) No loss of amenity for neighbouring property;
- d) Improved amenity for visitors on a Monday;
- e) Improved local community.

18. The Authority has received 18 representations in objection to the application raising the following material considerations:

- a) Over-commercialisation of a residential area
- b) Loss of amenity for neighbouring property
- c) Lack of parking facility
- d) Highways and pedestrian safety
- e) Potential for encroachment to further days/ intensification of use
- f) Noise
- g) Overlooking
- h) An existing lack of privacy on the opening days
- i) Loss of character
- j) The scale of the development
- k) Issues of viability
- l) Negative impact on the vitality of Eyam

### **Main Policies**

Relevant Core Strategy policies: GSP1,GSP3,DS1 and HC5

Relevant Local Plan policies: DMC3, DMC5, DMC8, DMT3 and DMS1

### **National Planning Policy Framework**

19. In the National Park the development plan comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'

20. Para 182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.

### **Core Strategy**

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

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

- A. *impact on the character and setting of buildings*
- B. *scale of development appropriate to the character and appearance of the National Park*
- C. *siting, landscaping and building materials*
- D. *design in accordance with the National Park Authority Design Guide*
- E. *form and intensity of proposed use or activity*
- F. *impact on living conditions of communities*
- G. *impact on access and traffic levels*
- H. *use of sustainable modes of transport*
- I. *use of sustainable building techniques*
- J. *ground conditions including any land instability from former mining, quarrying or industrial uses*
- K. *adapting to and mitigating the impact of climate change, particularly in respect of carbon emissions, energy and water demand.*

22. DS1 – *Development strategy*. It names settlements following an analysis of their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development.

23. HC5 - Shops, professional services and related activities

This policy states that in towns and villages related activities such as professional services, and premises for the sale and consumption of food and drink, will be permitted provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

#### Development Management Policies

24. DMC5: *Assessing the impact of development on designated and non-designated heritage assets and their settings*. Heritage assets include both designated and non-designated heritage assets. This policy states planning applications must consider the significance of any heritage asset. Including the extent of any harm to, or loss of, the significance, character and appearance of a heritage asset.

25. DMC8 - *Conservation areas*. Relevant for development affecting heritage assets (and specifically conservation areas). These policies require applications to be supported by heritage assessments and for development to be of a high standard of design that conserves the significance of heritage assets and their setting. We have an adopted conservation area appraisal for the area and this is a material consideration in the determination of the application.

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

27. DMS1 - Shops, professional services and related activities in Core Strategy policy DS1 settlements. Policy DMS1 notes that shops, professional services and premises for the sale and consumption of food and drink within settlements listed in Core Strategy policy DS1 will be encouraged provided that: (i) there are adequate facilities and access for the storage and disposal of goods, waste and delivery of stock.

## **Assessment**

### **Principle of the Development**

28. The principle of the tearoom is in accordance with policies DS1 and DMS1 which states in principle that shops and business should be encouraged in DS1 settlement areas provided they have adequate facility for goods and waste. The tearoom is within Eyam and has been operating as an ancillary business since 2018.
29. Policy HC5 states that business activities will be permitted provided that there is no harm to the role or character of the area, including its vitality and viability.

### **Impact upon amenity**

30. The proposal is for a variation of the condition and proposes the tea room be allowed to open on Sunday and Mondays. The proposal would result in an additional day of potential noise and disturbance for neighbouring properties.
31. Visitors to the tea room need to make use of the access track which passes neighbouring properties. The extra days use would result in a modest increase in the potential level of noise and disturbance, although the level of impact caused would be low due to the restricted hours of service and small-scale nature of the business.
32. In this respect it is noted that the small dimensions of the outbuilding limit the number of customers to 10 seats only, and the existing level of outdoor seating at 3 small tables already limits the number of visitors that could be accommodated at any given time.
33. Furthermore, the hours of operation (to between 11am and 5pm) would on a typical weekday be within normal working hours where neighbouring properties would be less likely to be impacted.
34. The site is located close to neighbouring properties but it was considered at the time of approval that the proposed use subject to its limited scale would not give rise to any significant issues in terms of disturbance from customers. The Authority has not received any complaints about the permitted use since it was granted planning permission.
35. The issues raised by neighbouring properties are understood and with additional opening there is the potential for additional and more pre-longed impacts. However, the use would remain very limited in scale and impacts would therefore be limited. The proposal is therefore considered to be acceptable in terms of impacts upon amenity subject to planning conditions to control the use.

### **Highways Impacts**

36. The Highway Authority have raised no objections to the proposal based on highway safety. The village has ample public parking and the tearoom offers no additional customer parking.
37. There is no evidence of the current use causing highway safety issues and with visitors

arriving on foot only the additional weekday with its restricted hours would be unlikely to cause any significant impact.

38. Concerns have been raised over the safety of existing footpaths within the village however this objection is not considered to be directly related to the ongoing operation of the tearoom. There is no evidence that customers using the footpaths to visit the site would cause safety issues.

#### Impact on Eyam village vitality.

39. Representations in objection, and representations in support, have been received on behalf of this application stating the impacts, both negative and positive, to the village as a result of this proposal.
40. The proposal for a further opening day on the Monday. It is not considered to have a negative impact other business operating within the village, particularly as many businesses are closed on this day. In any case competition between business is not a planning matter. The additional opening hours would be a modest enhancement to the vitality and viability of the village.

#### Heritage Issues

41. Objections have been raised over the additional opening day and the effect on the character and setting of the Eyam Conservation Area. The proposal is for additional opening hours and the setting of the site and the Conservation Area would not be materially affected by the proposal which could conserve the Conservation Area in accordance with policies DMC5 and DMC8.

#### Conclusion

42. It is concluded that the proposal would conserve the character and appearance of the locality and not give rise to unacceptable harm to neighbouring amenity, highway safety nor the vitality of Eyam village. Furthermore, the setting and significance of the Eyam Conservation Area would be conserved
43. The proposal is therefore considered to be in accordance with relevant policies and in the absence of any further material considerations the application is recommended for approval subject to conditions.

#### Human Rights

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

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

Nil

#### Report Author and Job Title

Ellie Faulder – Assistant Planner



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### Ivy Cottage, Dale Head, Lydgate, Eyam

Item no. 12  
 Application no. NP/DDD/0224/0160  
 Committee date: 10/05/2024

Page 121  
 Scale: 1:413 at A4 pagesize  
 Map centre grid ref: 422,005 376,318



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**13. FULL APPLICATION – PERMISSION TO CHANGE LOW LEVEL BOLLARD LIGHTING TO MOORLANDS HOUSE REAR CARPARK ENTRANCE FROM BACK LANE AT MOORLAND HOUSE STATION ROAD HATHERSAGE (NP/DDD/0124/0112, EF)**

**APPLICANT: MR PHILIP MCGREAVY**

**Summary**

1. Moorland House a large detached property in the middle of Hathersage constructed with a natural stone walling and blue slate roofing.
2. The application seeks permission to replace two bollards off Back Lane for bollards of similar design.
3. The proposed bollards represent an improvement in terms of design, and likewise an improvement for the amenity of neighbouring property.
4. The application is recommended for approval.

**Proposal**

5. The application seeks permission to replace two existing bollards located to the Staff Car Park off Back Lane for a similar design bollard.
6. The existing bollards are the subject of an ongoing enforcement case under no. 23/0059 as they were installed without planning permission.
7. The proposed bollards are of low height (0.5m) and have been designed to cast light downwards as they are fitted with directional shielding.

**Site and Surroundings**

8. Moorland House is a large stone-built detached property in use as a care home, located in the middle of Hathersage fronting onto Station Road.
9. The property has two access points. There is an access to a visitor car park directly from Station Road and there is also access to the rear via Back Lane where there is a staff car park.
10. Both means of access to the property are well lit with existing lighting approved in 2011 under planning permission NP/DDD/0211/0085.
11. To the rear of the building, to the east and in a slightly elevated position, there is a row of semi-detached dwellings on Roslyn Road that back onto the site, and there are more residential properties adjacent to the north and south sides.

**RECOMMENDATION:**

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

1. **Statutory 3-year time limit.**
2. **In accordance with specified approved plans and specifications and subject to the following conditions or modifications**

- 3. Within 3 months of the date of this permission the two existing bollards adjacent to the access to the car park off Back Lane shall be removed.**

**Key Issues**

12. Impact on amenity, character and setting of the property and neighbouring properties.

**History**

13. The most relevant planning history is below:

2011: NP/DDD/0211/0085 - Remove existing lighting and provision of new directional bollard lighting in the grounds. Approved conditionally.

**Consultations**

14. Highway Authority – No Highways objection.
15. Hathersage Parish Council – Objection to the proposal based on concerns over neighbouring amenity and design.

**Representations**

16. The Authority has received 5 representations to date. The reasons for objection are summarised below:
- a) The design of the proposed bollard does not comply with the original permission;
  - b) The impact on neighbouring amenity.

**Main Policies**

Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1 and T3

Relevant Local Plan policies: DMC3 and DMT3

**National Planning Policy Framework**

17. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'
18. Para 182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.

**Core Strategy Policies**

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

20. GSP3 – *Development Management Principles*. sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
21. DS1 – Development strategy. The development strategy (DS1) indicates what types of development are acceptable in principle in settlements and in the countryside. It names settlements following an analysis of their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development.
22. T3 – Design of transport infrastructure. In Particular, T3 (A) concerning signage and furniture. Requires that transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, will be carefully designed and maintained to take full account of the valued characteristics of the National Park.

#### Development Management Policies

23. DMC3 – Siting, design, layout and landscaping. This policy states that where development is acceptable in principle, its detailed treatment will be of a high standard that respects, protects and enhances the area's natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage whilst contributing to the distinctive sense of place.
24. DMT3: Access and design criteria & DMT8: Residential off-street parking. Policies DMT3 and DMT8 require safe access and adequate off-street parking.

#### Assessment

25. The application proposed to replace two bollards located off Back lane to the Staff Car park at Moorland House, Hathersage.
26. The two existing bollards are unauthorised and are not in accordance with the existing planning permission (NP/DDD/0211/0085). The existing bollards do not have the approved directional shielding and therefore there is concern in regard to light glare to neighbouring properties. This application proposes to replace these with bollards of a similar design to those approved with the original 2011 permission.
27. For clarity the applicant has confirmed no other bollards have been replaced since the 2011 permission.

#### Design

28. The application is to install replacement bollards to resolve the current situation. The proposed bollards would be 0.5m high of alloy construction and finished black. The bollard would have 25W LED lights. The light itself is encased in the 'mushroom' style head that only allows the light to be emitted downwards only, to prevent light pollution, so no louvers are required.
29. The bollards are considered to be an improvement to the design of those approved in 2011 and would include mitigation in the to prevent light glare to neighbouring properties.

### Amenity Impacts

30. Neighbouring property have raised objections to the proposed bollards based on their design and their impact on neighbouring property.
31. As noted, the design of the proposed bollard is considered to be acceptable and in some regards an improvement to those previously approved. The bollards would be low level with low output 25W LED lights shielded by the design. The bollards would effectively only down light due to the design.
32. The bollards are therefore an acceptable replacement which would not harm the amenity of any neighbouring property.

### Conclusion

33. It is considered that the proposed bollards will not have an adverse impact upon the reasonable enjoyment of neighbouring properties as a result of the use of low-intensity, low-level, directional lighting and appropriate design.
34. It is concluded that the replacement bollards and are in accordance with relevant policies and in the absence of any further material considerations the application is recommended for approval.

### Human Rights

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

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

Nil

### Report Author and Job Title

Ellie Faulder – Assistant Planner



159.7m

Moorland House

Dene Cott

Thornleigh

Hawthorne Dene

Ash Meadow

Bowling Green

Swimming Pool

The Gables

Derwent House

Roslyn Road

Roslyn Co

El Sub Sta

Little

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### Moorland House, Station Road, Hathersage

Item no. 13  
Application no. NP/DDD/0124/0112  
Committee date: 10/05/2024

Page 127  
Scale: 1:827 at A4 pagesize  
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**14. FULL APPLICATION – PROPOSED ERECTION OF A SINGLE GARAGE AND STORE AT 15 EYAM WOODLANDS, GRINDLEFORD (NP/DDD/0224/0208, WE)**

**APPLICANT: MR WILLIAM WATSON**

**Summary**

1. This application seeks permission for the construction of a garage and store which would be located in front of the host property. It is a resubmission of a previous application (NP/DDD/0523/0496) which was refused through delegated powers in August 2023.
2. The garage/store would be built into the existing sloping garden in front of the property and project into the existing parking area. It would be constructed from natural gritstone, coursed and faced to match the dwelling. It would feature a green-roof, and a vertically boarded garage door with lintel stone above.
3. The garage would have a hexagonal, flat-roofed form.
4. It is considered that by virtue of the proposed garage's form, scale and height it would appear incongruous in its setting and have a detrimental impact on the character and appearance of the property, in addition to the street-scene. The application is therefore recommended for refusal.

**Site and Surroundings**

5. The application site relates to 15 Eyam Woodlands, a semi-detached property located on Main Road in Grindleford. The house is built out of squared stone rubble. The property features a single storey lean-to timber structure to the side (north) elevation.
6. The property stands at an elevated position, approximately 15m back from the road behind an area of hardstanding, retained by a stone wall (approximately 1m in height) which holds back a raised terrace. The application site is separated from the back edge of highway by a stone-built boundary which reaches approximately 800mm in height. The application site shares vehicular access with the neighbouring property, 16 Eyam Woodlands, which adjoins to the south.
7. The properties on the eastern side of Main Road are set back 12m from the highway, while Goatscliff Cottages, the run of terraced cottages opposite the development site, front directly onto the highway with small walled yard in front of them. This presents a contrast between the open character of the eastern side of the road with the more enclosed, historic eastern.

**Proposal**

8. This application seeks consent for a garage/store on the land directly in front of the dwellinghouse. It would feature a hexagonal form, with approximately half the structure integrated into the sloping terrace in front of the property, with the front half extending onto the parking area.
9. The structure would be flat-roofed and feature a green roof. The structure would measure 8m in width and 2.95m in height. It would be faced in natural gritstone, coursed to match the host dwelling.
10. The garage door would be vertically boarded and be located on the face which is diagonal to the host house.

11. The submitted plans show that there would be planting northern and eastern section of the building.

### **RECOMMENDATION:**

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

1. **The design, siting and scale of the proposed garage would have a harmful impact on the character and appearance of the property and the street-scene contrary to policies Core Strategy policy GSP3, Development Management policies DMC3 and DMH8 and the adopted Alterations and Extensions Supplementary Planning Document.**

### **Key Issues**

- Principle of development
- Design
- Amenity and Highway safety

### **History**

12. 2021 – NP/DDD/0721/0732 - Proposed extension of dwelling granted conditionally.
13. 2023 – NP/DDD/0523/0496 - Erection of a single garage and store. Refused on design and amenity grounds.

### **Consultations**

14. Derbyshire County Council Highway Authority – No highway objection.

*“I note the Local Highway Authority (LHA) response to refused application NP/DDD/0523/0496 was as follows: The proposal seeks the construction of a single garage / store, located on an existing area of hardstanding off Main Road (B6521). The existing area of hardstanding appears to accommodate the off-street parking of 2no vehicles. The proposed garage is of adequate dimensions for the parking of a single vehicle, and a parking space will be retained adjacent to the garage, therefore, the level of off-street parking will be un-altered. In view of the above, the Highway Authority has no objections to the proposal, however, as the retained parking space is bound on either side by the garage / boundary wall it is recommended the width of the parking space is increased to a minimum of 3.0m to ensure car doors can be opened free of obstruction.*

*The submitted Planning Statement has responded with the following:*

*'Furthermore, according to the Highways Authority, the parking bay that is set to be provided between the southeast elevation of the garage and the boundary wall (located at the back edge of the highway) is not of sufficient width to ensure car doors can be opened without obstruction. In the event the space was widened in accordance with the Highway Authority's recommendations (to 3m), there would result a knock-on impact on the position of the garage and the positioning of the garage doors, such that said doors and the opening would have to sit tight to the existing retaining wall making the prospect of manoeuvring [sic] into and out of the garage even more difficult.'*

*Therefore, as the previous LHA response was just a request and not recommended as a Condition and the refused Decision Notice (NP/DDD/0523/0496) makes no reference to this request, I can confirm that there are no highway objections to the above planning application.”*

15. Grindleford Parish Council – Support.

*“After sharing/further study of the online application and plans, there was a general discussion around what would be considered acceptable in this instance. With advice from Councillors as to PPP Guidance on suitable outbuildings, it was felt this particular proposal had worked within the bounds of the Detailed Design Guide Supplementary Planning Document for Alterations and Extensions. Given the property owners considerable efforts to add environmental innovation to the property, the 'new' garage proposal, in light of the previous refusal, would appear to answer those concerns. We were able to access this image (below). This assisted greatly with our majority vote in favour. We felt the sightlines were acceptable, given the elevated position of the main house, the imaginative hexagonal design would minimise visual impact and maximise storage, and the use of sympathetic materials (gritstone) and careful planting to soften impact. In short, we approved the proposed development, as the proposals Planning Statement Conclusion asserts, it; 'meets the objectives of the NPPF and the three dimensions of sustainable development. The design of the building will minimise the impact on the setting of the site and will ensure that the development does not have an unacceptable impact on the host building or the wider street scene.’”*

**Representations**

16. No representations have been received to date.

**National Planning Policy Framework (NPPF)**

17. 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.

18. 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.

19. 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.

**Relevant Development Plan Policies**

**Core Strategy**

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

21. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
22. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
23. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies

24. DMC3 – *Design*. Siting, Design, layout and landscaping. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
25. DMH8 – *New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses*. Deals with outbuildings in the curtilage of a dwelling house. It states that the erection of new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character.

#### Supplementary Guidance

26. The Alterations and Extensions Detailed Design Guide SPD (2015) (the "SPD") provides guidance on designing new garages at paragraphs 3.24-3.27 stating that often the best approach is to design the garage as a separate building, possibly using a traditional outbuilding as a starting point. The SPD continues, at paragraph 3.27, that an appropriate alternative is a 'non-building' approach where the garage is located underground or concealed behind high walls. This is one of the few situations where a flat roofed solution is more appropriate.

#### **Assessment**

##### Principle of Development

27. The principle of erecting an outbuilding in the location proposed is considered to be acceptable in accordance with the provisions of Policy DMH8. It outlines that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage.

##### Design

28. 15 Eyam Woodlands is a semi-detached property constructed from coursed gritstone. Its principle elevation is atypical in form, featuring a broadly horizontal frontage with a catslide roof on the northern extent of the building. Immediately in front of the property is a raised garden comprised in two terraces with drystone retaining walls. Policy DMH8 outlines that new outbuildings should be of an appropriate scale, mass, form and design which conserves the immediate dwelling and curtilage. The adopted Alterations and

Extensions SPD advises that garages should be designed in sympathy with the property they serve, with materials and roof pitches reflecting those of the house.

29. The proposed form of the garage is considered to be at odds with the host property and the wider locality. The properties fronting onto Main Road typically feature a form wherein the principal elevations front directly onto the highway. The unusual hexagonal form of the garage would be visible from the highway, with the angles of the proposal contrasting the largely rectangular and solid form associated with the Peak District vernacular.
30. In addition to its irregular form, the structure would also feature a flat-roof. It is acknowledged that this would decrease the overall scale of the structure; however, it is considered that the flat-roof, coupled with the form of the structure, would result in the garage having a bulky and squat appearance when viewed from the street-scene as a result of its fairly large footprint and relatively low height.
31. At present, the property features a raised front garden which is split into two levels with drystone retaining walls. This application seeks to build the garage approximately 3.6m into the front garden with the other half of the garage projecting from the raised garden and the lower retaining wall. The green roof of the garage would sit just above the floor-level of the ground floor of the property. The rationale of the design is understood and acknowledged; it seeks to incorporate the structure into the existing retaining wall to try and assimilate it into hard landscaping of the property.
32. Officers consider that the proposed design would not achieve this. The green roof would go above the height of the top raised garden, and extend eastward some 3.6m from the lower wall. The proposed garage would not sit comfortably on the site, and would be a visible extension of the property's built-form directly in front (albeit below) the property's principal elevation.
33. It is therefore considered that the proposed development fails to conserve the character and appearance of 15 Eyam Woodland and the wider street-scene. The squat and irregular form of the garage would be at odds with the largely traditional form found in this section of Grindleford, and the projection of the garage from the raised garden would introduce additional built-form in front of the property's principal elevation which would have a poor visual appearance when viewed from the highway.
34. On this basis, it is considered that the proposed development is contrary to policies DMC3, DMH8 and the guidance contained within the National Park Authority's adopted guidance.

#### Residential Amenity and Highway

35. As noted, 15 Eyam Woodlands is a semi-detached property which shares an access point and parking area with its immediate neighbour. Included within the previous reason for refusal was concern that the proposed garage *would have an adverse effect on the amenities of adjoining residents and their ability to access and park freely within their property.*
36. The garage proposed through this application is smaller than the one proposed through the previous planning application. In addition to this, the form of the garage has been amended which pulls the front of the garage away from the area reserved for parking by 16 Eyam Woodlands, which would result in the garage having a less dominating influence on the parking area.

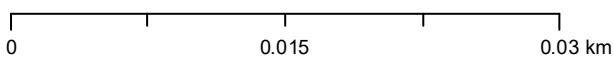
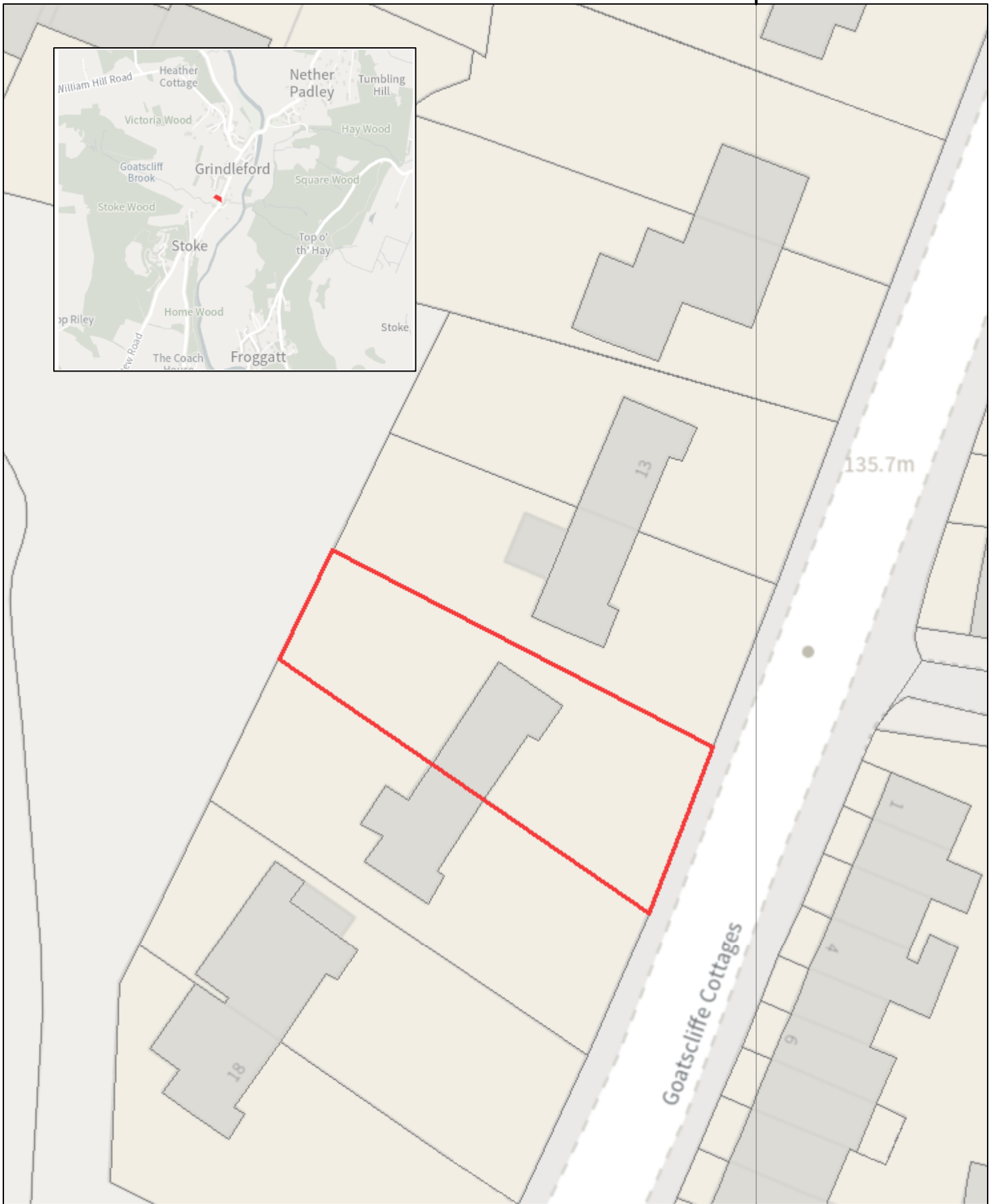
37. The Highway Authority has been consulted on this application and raised no highway safety concerns. Therefore, the proposed development is considered acceptable on highway safety grounds.
38. The proposed development would extend the built-form of the host property forward into an area previously reserved for carparking. Notwithstanding this, it is considered that the proposed development would not have a harmful effect on the residential amenity of neighbouring properties. The garage would be set below the finished floor levels of the adjacent properties, and would therefore have no impact on privacy, light, or other enjoyment of the properties.
39. The submitted plans show that the garage would have a green-roof. There's no indication that the roof would be used as an extension to the garden; however, if this application is approved it is considered that the Authority would have limited powers to restrict its use as such. Should the roof be used a form of garden terrace, this would have an unacceptable impact on the visual appearance of the garage byway of exacerbating its flat-roof style. It would appear as a raised terrace which would be at odds with the uniformity of the properties along Main Road.
40. Notwithstanding this, it is acknowledged that the development site is currently a front garden, and the proposed siting of the garage would mean that it would not contribute to a loss of privacy or have an overbearing impact. On this basis, it would not have an unacceptable impact on the residential amenity of neighbouring properties.

### **Conclusion**

41. The proposed design of the garage is considered to be at odds with the character and appearance of the host property and the street-scene. The garage would extend the built-form of the property forward from the host property's principal elevation. While it would be set below the frontage of the property, it would still appear incongruous with the relatively uniform frontages found on the eastern side of Main Road in this section of Grindleford.
42. The proposed form and height of the garage would also result in a structure which appears squat and unusually bulky with a flat-roof, which would result in an inappropriate contrast between the proposed garage and the prevailing built-form on Main Road.
43. The proposed development would fail to conserve the character and appearance of 15 Eyam Road. It is therefore considered to be contrary to policies DMC3, DMH8, and adopted design guidance. In the absence of any further material considerations the application is recommended for refusal.

### **Human Rights**

44. Any human rights issues have been considered and addressed in the preparation of this report.
45. List of Background Papers (not previously published)  
  
Nil
46. Report author: Will Eyre, North Area Senior Planner



### 15 Eyam Woodlands, Grindleford

Item no. 14  
 Application no. NP/DDD/0224/0208  
 Committee date: 10/05/2024

Page 135  
 Scale: 1:413 at A4 pagesize  
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## **15. PLANNING PERFORMANCE UPDATE (BJT)**

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

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

#### **Key Issues**

- **Whether performance is above nationally prescribed standards**

### **2. Recommendation:**

- 1. That the report be noted.**

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

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

#### **Background Information**

4. Planning statistics are reported quarterly to the Department for Levelling Up, Homes and Communities (DLUHC), and the performance of planning authorities is judged against criteria related to:
  - The speed of determining applications for major development;
  - The quality of decisions made by the authority on applications for major development;
  - The speed of determining applications for non-major development;
  - The quality of decisions made by the authority on applications for non-major development.
5. The speed of determination thresholds for 2023 below which a local planning authority is eligible for designation are: a) For applications for major development: less than 60 per cent of an authority's decisions made within the statutory determination period (13 weeks) or such extended period as has been agreed in writing with the applicant; b) For applications for non-major development: less than 70 per cent of an authority's decisions made within the statutory determination period (8 weeks) or such extended period as has been agreed in writing with the applicant.
6. On 10th January 2024 the Secretary of State advised the Chief Executive that the National Park Authority might be liable for designation under section 62A of the Town and Country Planning Act 1990 due to its performance around its determination of applications for non-major developments in the defined assessment period. The determination period considered performance over a 2 year period up to the end of September 2023. At that time this showed an average performance level of 65.1% (up from 61% from the previous year). At this time the Authority was able to respond and demonstrate that quarterly performance had been above the 70% standard for the previous 4 quarters and that the improvement trajectory was well on-track to resolve and exceed national standards.
7. Government officials replied on 5<sup>th</sup> March stating that they were content that exceptional circumstances had been demonstrated and that there was recognition of the work the Authority had already commenced. Furthermore, Government wished to support our performance improvement and not therefore designate the Authority.

8. Since the recorded designation period (up to September 2023) the Authority has now recorded 2 further quarters above the national threshold and our data now demonstrates a 2-year average of around 75%. This moves the Authority out of the risk of designation.
9. By way of update it is important to acknowledge suggested changes to the designation regime. Government has indicated its intention to discount figures related to agreed extensions of time, meaning that only data relating to performance within 8 weeks will be considered, albeit with a reduced threshold of 60%. With this in mind officers are maintaining efforts regarding performance improvement and have begun discussions with the Planning Advisory Service regarding further initiatives to bring more decisions within the 8-week determination period.
10. A critical element in achieving better performance will be the resumption of our charged for pre-application advice service as of the 1<sup>st</sup> March 2024. This came on the back of a successful Forum with over 20 local agents where we discussed bringing back the service, improving our communications, and getting involved in future design review. These additional actions add real value to the way we engage with communities and local businesses

### **Proposals**

11. To maintain our performance improvement commitment and development further actions in discussion with the Planning Advisory Service.

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

#### **Financial:**

12. There will be a need to monitor the update of pre-application advice during the financial year and ensure sufficient cost recovery to sustainable the Planning Service budget.

#### **Risk Management:**

13. Moving consistently above national standards for the speed of planning decision making removes a significant corporate risk. .

#### **Sustainability:**

14. The recent improvements in staff capacity, allied to the return of pre-application advice and income generation are all positive indicators that the Planning Service is reaching a sustainable state once more. This will then impact positively on the services and quality we can offer the outcomes this brings for the National Park.

#### **Equality, Diversity and Inclusion:**

15. Recent changes to the way we recruit have brought about a more diverse staffing structure to the planning service with a balance of gender and age profiles allied with new opportunities for career progression, all of which we hope will be an attraction and strength to new and existing staff in the Service.

#### **Climate Change**

Maintaining a sustainable caseload with a positive approach to decision making is a key means of delivering our policy objectives for climate change, including energy efficiency, transport and biodiversity gain.

#### **Background papers (not previously published)**

None

18. **Appendices**

NONE

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

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**16. AUTHORITY SOLICITOR REPORT - PLANNING APPEALS (A.1536/AE)**

**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/S/1123/1421 3338478	S.73 application for the removal of condition 24 on NP/S/0708/0571 at Norfolk House, Manchester Road, Sheffield	Written Representations	Delegated

**2. APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/SM/0523/0507 3331494	Extension to ancillary accommodation within the grounds of a listed public house at Ye Olde Rocke Inn, Upper Hulme	Written Representations	Dismissed	Delegated

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The Inspector considered that the proposal would over dominate the original character of the subject property, and would contribute to an unacceptable massing when viewed in the context of the character and appearance of the building. The extension would also be detrimental to the character and appearance of the Upper Hulme Conservation Area and would be in conflict with the Development Plan as a whole as well as the heritage guidance set out in the Framework. The appeal was dismissed.

NP/CEC/0522/0645 3324250 NP/CEC/1221/33242 49	Renovation of farmhouse glass linking to change of use of the outbuildings and replacement of the Nissan hut to ensure protection of the heritage and the farm's long-term viability. Rebuilding of the stables in keeping materials at Wrights Farm, Kettleshulme	Written Representations	Dismissed	Committee
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The Inspector considered that the proposal, due to its scale, massing and design would introduce residential accommodation of a significant nature that would undermine the listed farmhouse, nor preserve any features of special architectural or historic interest. The nature of the link, including the extended accommodation due to the scale, would be imposing across

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the site and the topography and rights of way would clearly not result in hidden views of the site due to the imposing resultant mass and height of the conversion of outbuildings. The proposal would also harm the character and appearance of the National Park. The appeal was dismissed and a related appeal for costs was also dismissed.

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NP/DDD/0223/0124 3333479	Small single storey side extension over existing garage to extend accommodation at first floor level at 12 Eyam Woodlands, Grindleford	Householder	Allowed	Delegated
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The Inspector considered that the proposal would successfully integrate with the host property, resulting in a subordinate addition, that would not adversely harm the simple form and massing of the existing house. The proposal would have an acceptable effect on the character and appearance of the host property and street scene and would accord with DMC3 and DMH7 of the Development Management Policies. The appeal was allowed.

4. **RECOMMENDATION:**

**To note the report.**