

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

Our Ref: A.1142/4696

Date: 4 July 2024



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 12 July 2024**

Time: **10.00 am**

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

PHILIP MULLIGAN
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting held on 14 June 2024** *(Pages 5 - 8)*
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 Interests**
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 - Replacement dwelling at Keepers Cottage, Moorside Lane, Pott Shrigley (NP/CEC/0324/0285, WE)** *(Pages 9 - 22)*
Site Plan
7. **Full Application - Sub-division of existing dwelling to create two dwellings at Newfold Farm, Unnamed Road from Stonecroft to Grindslow House, Grindsbrook Booth, Edale (NP/HPK/0424/0401, HF)** *(Pages 23 - 36)*
Site Plan
8. **Full Application - Erection of local needs dwelling at Land at Ridge View, Taddington (NP/DDD/1123/1417, MN)** *(Pages 37 - 46)*
Site Plan
9. **Monitoring Report (AM)** *(Pages 47 - 80)*
Appendix
10. **Monitoring & Enforcement Quarterly Review - July 2024 (A.1533.AJC)** *(Pages 81 - 106)*
Appendix
11. **Authority Solicitor Report - Planning Appeals (A.1536/AE)** *(Pages 107 - 108)*

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.

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

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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 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 14 June 2024 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr P Brady

Present: 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 and Mr K Smith

Apologies for absence: Cllr K Richardson and Cllr J Wharmby.

66/24 MINUTES OF PREVIOUS MEETING HELD ON 10 MAY 2024

The minutes of the last meeting of the Planning Committee held on the 10th May 2024 were approved as a correct record.

67/24 URGENT BUSINESS

There was no urgent business.

68/24 PUBLIC PARTICIPATION

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

69/24 MEMBERS DECLARATIONS OF INTERESTS

There were no Declarations of Interests

70/24 FULL APPLICATION - DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF NEW, THREE-BEDROOM DWELLING, INCLUDING NEW RETAINING WALL STRUCTURE AT THE BUNGALOW, MACCLESFIELD ROAD, KETTLESHULME (NP/CEC/1023/1278, WE)

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

The proposal is for the demolition of the existing house and for the construction of a larger new three bedroom dwelling, including the repair of the retaining wall structure to the rear of the house. Previous planning approval had been granted in 2021 pertaining to alterations and extensions of the existing property.

The Planning Officer made an amendment to the wording of the Recommendation in the report in order for it to better reflect the wording of the policy.

The paragraph on page 18, Recommendation 1 was amended to the following wording:

1. The design of the proposed replacement dwelling does not enhance the valued character of the site itself and the surrounding built environment and landscape, reflecting guidance provided in adopted guidance and therefore does not meet the high design standards necessary to justify the demolition and replacement of the existing dwelling. It is therefore contrary to policies GSP1, GSP2, GSP3, DMC3, DMH9 and the National Planning Policy Framework.

The following spoke under the public participation at meetings scheme:

- Mr Matt Hurst – Agent

It was noted that the retaining wall at the rear of the house is failing and is why the building needed to be moved by 2metres. It was noted that it may be more cost effective and appropriate to demolish the existing building rather than undergo major engineering and structural works.

This is a completely different type of development as it is a replacement dwelling and therefore requires a different set of policies to be applied which require significant enhancement is achieved to the landscape and the built environment. It does comply to CC1 as did the original extension. This application was submitted prior to the new BNG regulations.

There was a question as to why the fenestration was not acceptable on this design however it had been acceptable on the previous application and this was clarified by the Planning Officer.

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

The Planning Officer outlined some suggested conditions which would be imposed on the application if Members were minded to approve it.

A motion for approval subject to conditions was moved, seconded, put to the vote and carried.

RESOLVED:

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

1. **Standard time for commencement**
2. **Define approved plans**
3. **Prior to works taken place, submit for agreement a demolition and construction management plan**
4. **Prior to works taking place, submit for written agreement precise levels of the dwelling**
5. **Sample panel for external walling including retaining wall**
6. **Agree details of windows and doors**
7. **recess of windows and doors**
8. **Agree sample of blue-slate**
9. **Agree details of air source/ground source heat pump**

10. **Agree details of packaged sewage treatment plant**
11. **Written verification that the development has been carried out in strict compliance with the Sustainability Statement**
12. **Omission of glass balustrade and replacement with metal railings**
13. **No external lighting unless in agreement with approved scheme including design, location and candela**
14. **Prior to occupation, at least one single Mode 3 compliant electric vehicle charging point**
15. **Black rain water guts attached to stone work, no fascia/projecting or exposed rafters**
16. **Roof verge to be flush cement pointed**
17. **Remove PD rights**

Also see United Utilities informative note

71/24 FULL APPLICATION - FOR THE REPLACEMENT OF AN EXISTING AGRICULTURAL BUILDING WITH A NEW DWELLING AT HOPE FARM, ALSTONEFIELD (NP/SM/1123/1405, GG)

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

Members were reminded that this application was deferred at the March 2024 meeting to allow for a discussion between the Applicant and Officers regarding design which could result in enhancement.

The Planning Officer made an amendment to the wording of the recommendation in the report in order for it to better reflect the wording of the policy.

Paragraph 11 on page 28, recommendation 2 was amended to the following wording:

2. In this instance, there are no exceptional circumstances as required by HC1 and would not provide significant enhancement as required by GSP2 nor any other material planning consideration that would justify a departure from the Authority's adopted housing policies.

It was noted that a late committee statement had been received from the Agent on behalf of the Applicant which is a re-statement of the case and this is available to view on-line.

The following spoke under the public participation at meetings scheme.

- Mr Hambling - Applicant

Members understand and have some sympathy with what the Applicant is trying to achieve but there was concern over the character of the development. Local housing policy covers very significant enhancement to the valued characteristics of the local area which does not appear to be happening here. What is needed is an innovative design of high architectural standing that reflects the local vernacular and it is felt that the design here does not meet the standards required to be treated as an outstanding design.

Members enquired as to what attempts have been made to work with the Applicant and Agent to submit an acceptable design. The Planning Officer confirmed that contact had been made with the Agent however the amended plans still do not meet the required

standard by a significant amount. Members requested that Officers further work with the Agent to find an acceptable design for this site.

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 Applicant does not have an eligible local need for new housing within the National Park and the current application is therefore contrary to policy HC1(A) of the Core Strategy.**
- 2. In this instance, there are no exceptional circumstances as required by HC1 and would not provide significant enhancement as required by GSP2 nor any other material planning consideration that would justify a departure from the Authority's adopted housing policies.**

72/24 ANNUAL REPORT ON PLANNING APPEALS 2023/2024 (A.1536/BT/KH)

The Head of Planning introduced the report which summarised the work carried out on Planning Appeals over the period 2023/2024.

Members asked if it was possible to receive an annual report on the number of applications received in the year, the number of applications approved and the number of applications refused. The Head of Planning agreed that it would be possible to produce such a report.

RESOLVED

To note the report.

73/24 AUTHORITY SOLICITOR REPORT - PLANNING APPEALS (A.1536/AE)

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

RESOLVED:

To note the report.

The meeting ended at 11.05 am

6. FULL APPLICATION – REPLACEMENT DWELLING AT KEEPERS COTTAGE, MOORSIDE LANE, POTT SHRIGLEY, SK10 5RZ (NP/CEC/0324/0285), WE

APPLICANT: MR AND MRS JOHNSON

Summary

1. This application seeks consent for the demolition of the existing dwelling on site and replacement with a significantly larger, four-bedroomed property.
2. The existing dwelling is a non-designated heritage asset being an early to mid-19th century gamekeeper's cottage historically associated with the nearby grade II* listed Shrigley Hall and Lyme Park.
3. Development Management Policy for replacement dwellings, DMH9, advises, among other criteria, that the replacement of a dwelling will be permitted provided that the dwelling to be replaced does not have cultural heritage significance, and is not considered to contribute positively towards the valued landscape character or built environment in which it is located.
4. Keepers Cottage is a non-designated heritage asset whose historic relationship with Shrigley Hall and Lyme Park makes a positive contribution to the built-environment of this section of the Peak District National Park. Therefore, this application is not acceptable in principle.
5. The proposed replacement dwelling is also significantly larger than the existing. DMH9 requires larger replacement dwellings to demonstrate significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built-environment and landscape. The design of the proposed replacement dwelling would not contribute to any enhancements to the locality. It would result in a dwelling which has a more dominant impact on the landscape with a design relates poorly to its immediate setting on the edge of moorland.
6. On this basis, the application is contrary to policies DMH9, GSP2, L3, and DMC5 and is recommended for refusal on this basis.

Site and Surroundings

7. Keepers Cottage is a relatively isolated dwelling, on Moorside Lane, off Bakestonedale Road, Pott Shrigley. It is close to the western boundary of the National Park. The house is adjacent to Moorside Lane and fronts on to it.
8. The exact age of the property is unknown; however, it is believed to date from between 1840-1848 identifying it as an example of an early Victorian gamekeepers' cottage and a non-designated heritage asset historically associated with the nearby grade II* listed Shrigley Hall and Lyme Park.
9. The house is a low two storey stone cottage with a stone slate roof. It has a whitewashed front elevation and is of a traditional design and appearance featuring a central doorway with 3 light windows either side on the first and first floor. There are chimneys at either side of the property of differing design and size.

10. The property has been altered over time and now features a side extension on the southern elevation (which is unpainted), and a rear extension. Both of these features are natural stone faced with matching stone roof tiles. All windows are modern 3-light uPVC casements.
11. The property is immediately adjacent to footpaths 244/FP10/2 and 244/FP/03 which follow the route of Moorside Lane, in addition to 244/FP2/1 which runs past Keepers Cottage to the east.
12. The property is in close proximity to the boundary of Lyme Park, which is grade II* listed park and garden and conservation area.

Proposal

13. This application seeks full planning permission for the demolition and replacement of the existing dwelling.
14. The replacement dwelling would be larger in height, length and volume than the original building. It would be faced in natural gritstone walls under stone slate roof with gritstone detailing.
15. The proposed property would feature a pitched roof porch on its principal elevation. The window frames would be composite comprised of 2-lights on the windows either side of the porch, and 3-light windows on the southern extent of the property. All windows would feature a horizontal glazing bar.
16. The property would feature a large rear pitched roof element. To the rear of this would be a single-storey lean-to.
17. The submitted Climate Change Statement advises that the building would feature sustainable building materials, in addition to utilising sustainable and highly efficient fixtures. It makes a cursory reference to what renewable energy technology *could* be installed, but does not propose any.

RECOMMENDATION:

That the application be REFUSED for the following reason;

- 1. The proposed development would result in the loss of a non-designated heritage asset which is characteristic of the local building tradition and cultural heritage of the locality. There are no material planning considerations which outweigh the harm resulting from the loss of the asset. It is therefore contrary to policies GSP2, L3, DMC5, DMH9 and the National Planning Policy Framework.**
- 2. The proposed replacement dwelling would be of a scale, form and detailed design which does not respect the local building tradition and which is contrary to the Authority's policies, notably policies DMC3 and DMH9, and the Authority's design guidance.**
- 3. The proposed dwelling would be of a form and scale that would have a harmful impact on the character of the site and its setting, including views from the nearby footpaths. It is therefore contrary to Core Strategy policies GSP1 and L1.**

- 4. Notwithstanding the submitted details, the proposal does not adequately address the requirements of policies CC1 and DMH9 in respect of climate change and sustainable design.**

Key Issues

- Principle of development;
- Impact on heritage assets;
- Design and impact on the landscape;
- Other matters.

History

18. 2022 - Erection of Agricultural Building, Creation of Yard Area, Alterations to Access. Erection of Retaining Walls, and Rebuilding of Store (NP/CEC/0222/0213) – Granted conditionally June 2023.
19. 2023 - Demolition of existing house and construction of a new dwelling (NP/CEC/0122/0080). Refused April 2023 due to loss of a heritage asset, inappropriate design, impact on landscape and insufficient climate change and sustainability mitigation.

Consultations

20. Pott Shrigley Parish Council – No objections
21. Cheshire East Strategic Transport – No objection
22. Cheshire East Amenity – No comments
23. Cheshire East Air Quality – No objection subject to a condition requiring an Electric Vehicle Infrastructure plan to be submitted and agreed in writing which requires the installation of a single Mode 3 compliant Electrical Vehicle Charging point.
24. Cheshire East Contaminated Land – No objection subject to conditions on testing materials to be used in the garden/soft landscaping, and the reporting of any previous unidentified contamination on site to the Local Planning Authority.
25. Cheshire East Environmental Health – No comments to make.
26. PDNPA Tree Conservation Officers – No comments to make.
27. PDNPA Ecology – No objection following receipt of the update Protected Species Survey. Suggested bat crevice boxes in the building fabric, rather than separate boxes.
28. PDNPA Built Environment – Objection. The building is certainly of local importance and forms an important part of the historic moorland landscape. Its demolition would equate to the total loss of a non-designated heritage asset. This would be contrary to planning policies and contrary to the first purpose of the national park. Therefore, the application should be refused.

Representations

29. 7 representations were received during the course of the application. 6 representations supported the application citing the following reasons:
- The property is in need of works, particularly due to the bowing front wall;
 - The sustainability benefits of re-building the property with modern insulation and fixtures;

- The design and materials are in keeping with the landscape;
 - Property has already been heavily altered over time and question whether it has heritage value at all;
 - Issues around damp and mould;
 - Similar design to the existing dwelling.
30. One representation was received by the Campaign for Rural England which objected to the proposed development for the following reasons:
- The applicant agrees with the Authority's position that the property is a non-designated heritage asset. The proposed development would result in substantial loss of the asset, and the contribution it makes to the local character and distinctiveness;
 - The design of the replacement would not constitute an improvement, being large, pastiche and bulky;
 - No overall enhancement to the valued character and appearance of the site or surrounding environment and landscape;
 - No material planning considerations are appropriately demonstrated in detail;
 - Recommends that if the Authority are minded to support the development, a re-design is submitted which is the same scale and massing of the existing dwelling;
 - Requests that PD rights would be removed, and measures are taken to ensure that the development is carried out should the heritage asset be demolished.

National Planning Policy Framework (NPPF)

31. 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.
32. 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.
33. 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

34. 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.

35. 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.
36. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements.
37. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
38. L2 – *Sites of biodiversity or geodiversity importance*. Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
39. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. Development must conserve, and where appropriate, enhance or reveal the significance of historic assets and their setting, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest.
40. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

41. 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.
42. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. 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.
43. Policy DMH9 – *Replacement dwellings*. States that the replacement of a dwelling will be permitted provided that the existing dwelling is not of heritage or local landscape value. All proposed replacement dwellings must enhance the valued character of the site itself and the surrounding built environment and landscape, reflecting guidance provided in adopted guidance. Larger replacement dwellings should demonstrate significance overall enhancement to the valued character and appearance of the site itself, the surrounding built environment and landscape. In all cases the replacement dwelling must not create an adverse impact on neighbours' residential amenity. In all cases the replacement dwelling must exhibit high sustainability standards.

44. Policy DMT8 – *Residential off-street parking*. States off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere.
45. Policy DMC8 – *Conservation Areas*. Applications for development in a Conservation Area, or for development that affects its setting of important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved and enhanced.
46. Policy DMC9 – *Registered parks and gardens*. Planning applications involving a Registered Park and Garden and/or its setting will be determined in accordance with policy DMC5.
47. Policy DMC12 – *Sites, features or species of wildlife, geological or geomorphological importance*. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
48. Policy DMC14 – *Pollution and disturbance*. Outlines that development will only be permitted where, upon cessation of a permitted use, the appropriate removal of any pollutants arising from development can be assured.

Assessment

Principle of Development

49. Development Management policy DMH9 allows for the replacement of a dwelling subject to specific criteria. In all cases, policy DMH9 requires the replacement dwelling to achieve an enhancement. DMH9 allows for dwellings which are larger than the ones they replace but there is a requirement that the replacement dwelling results in a significant enhancement of the site, surrounding built environment and landscape. The principle of a replacement dwelling is therefore acceptable, but only if the proposal meets the criteria set out in policy DMH9 and in other relevant local policies.
50. Assessing policy DMH9 in detail, Part A says that the replacement of a dwelling will be permitted provided that the dwelling to be replaced is not listed individually or as part of a group listing, is not considered to have cultural heritage significance and is not considered to contribute positively towards the valued landscape character or built environment in which it is located.
51. This application has been submitted with a Statement of Significance which provides an overview of the site's history, occupants and evolution over time, in addition to providing an overview of the author's interpretation of the building's historic significance.
52. The submitted Statement of Significance outlines that Keepers Cottage was likely built between 1857-1861 as part of the Shrigley Estate. It also advises that the property is not depicted on the 1848 Tithe map. However, your Officers contest these points, as the property is apparent on the 1848 Tithe map, and potentially even the 1840 OS map. The property was owned by Thomas Legh, who also owned Lyme Hall, indicating a connection to Lyme Park. Notwithstanding these points, it is accepted by both parties that the property is early-mid 19th century and has a historic tie to either the grade II* Shrigley Hall, or the grade II* Lyme Hall/Lyme Park and their associated moorland and parkland.

53. The Statement of Significance explicitly acknowledges that the property is a non-designated heritage asset, with its setting being identified of “high significance” *as it is located within an historic estate landscape that has remained largely unchanged from at least the early nineteenth century.*
54. As such, Keepers Cottage has an identified cultural heritage significance, and makes a positive contribution towards the landscape and built environment in which it is located. On this basis, the proposed development is not acceptable in principle as advised by policy DMH9.A. The presumption is therefore to refuse this application.
55. Notwithstanding the above, this report will go on to assess the impact of the proposed development on the heritage assets and the landscape, in addition to identifying any potential material planning consideration which may outweigh the presumption for refusal of this planning application.

Impact on heritage assets

56. Keepers Cottage is a traditionally built early 19th century gamekeepers’ cottage and is identified as being both valued vernacular and a non-designated heritage asset which derives its significance from its aesthetic value, in addition to its historical relationship with the wider moorland landscape setting in connection with the nearby landed estates.
57. This application seeks planning permission for the complete demolition of the non-designated heritage asset, and the construction of a new dwellinghouse in its place. This would result in the complete loss of a heritage asset.
58. Policies L3 and DMC5 provide the overarching policy principles relating to heritage assets, with policy L3 advising that development should conserve, enhance and reveal the significance of heritage assets.
59. Policy DMC5.F advises that development of a non-designated heritage asset will not be permitted if it would result in any harm to, or the loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting); unless:
- for non-designated heritage assets, the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
60. The supporting Statement of Significance advises that the property is of low historic significance due to it being much altered with the original plan form lost, the principal elevation of the frontage facing Moorside Lane remodelled and almost all original fixtures and fittings removed.
61. The application is also supported by a Structural Report, which advises that the front elevation of the building is bowing, and there is no easy way to tie the wall back to the floor joists, and the roof lacks triangulation and the purlins are over-spanned by a significance margin. The Report concludes that given the size of the roof, and the magnitude of the lean in the front wall, combined by the lack of foundations under the main walls, there is no other option than to rebuild the front wall in its entirety and remove the main roof covering, rafters and purlins.

62. The Statement of Significance advises that the building is of low historic significance with all original fixtures stripped, with heavy emphasis placed on the fact that the building is a modest worker dwelling from the early 19th century. Responding to this, officers note the Statement of Significance shows a largely intact planform to the main range, as well as historic floors and doors. In such a humble and utilitarian dwelling, it would be unlikely to find much more.
63. With regard to the Structural Report, it is noted that the report has not been carried out by a CARE-accredited structural engineer, so the ongoing conservation of the building's significance has not been a key consideration in the preparation of this report. In addition to this, whilst there may be some defects in the building, the proposed complete demolition of the building appears disproportionate to the defects identified.
64. Notwithstanding the above, policies L3, DMC5 and DMH9 make no explicit reference to the structural stability of heritage assets as a justification for their complete loss.
65. Consequently the points raised by the Statement of Significance and the Structural Report are considered to hold very little weight in the determination of this application. The low level of historic significance identified within the Statement of Significance, in addition to the finding of the Structural Report, provide no mitigating factors to justify the complete loss of the heritage asset.
66. In addition to the significance of the heritage asset itself, it is also important to consider the impact of the proposed development on the setting of Lyme Park, which is both a grade II* park and garden and designated conservation area. As such, policies DMC8 and DMC9 are engaged as well as those in the NPPF.
67. While the site is not located in the designated parkland, it nevertheless lies within its setting being sited approximately 330m west of the designations. The parkland is bound by a drystone wall; however, the parkland characteristics extend beyond this wall, so while it has a set boundary, its influence extends beyond it. There are several rights of way which provide access to Lyme Park, in addition to a large swath of open access land immediately to the north of the site which extends into Lyme Park.
68. As already mentioned, the current property makes a positive contribution to this edge of moorland setting, with its scale and design being representative of an early 19th century gamekeepers' cottage.
69. The loss of the former gamekeepers' cottage would have a small but harmful impact on the setting of the adjacent parkland designations through the loss of a building which is culturally and historically tied to its history.
70. The loss of the property would also amount to less than substantial harm to the setting of Lyme Park grade II* park and garden and Lyme Park Conservation Area. These are both designated heritage assets. Paragraph 208 of the NPPF advises that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use.
71. The following section of this report will assess the design and impact of the development on the landscape, and then go on to assess any public benefits or material considerations which weigh in favour of the development.
72. Should no material planning considerations or public benefits be identified, then the proposed development should be refused due to conflict with policies L3, DMC5, DMC8, DMC9 and the National Planning Policy Framework.

Design and impact on the landscape

73. The proposed replacement dwelling would be a two-storey structure constructed from natural gritstone under a stone slate roof. The principal elevation would measure 13m , the height to eaves would measure 4.85m, the height to ridge would measure 7.4, and the width of the gable would measure 7m. This is compared to the host property which measures 12.7m in width (~Original front - 9.8m when excluding the side extension), 3.75m to the eaves, 5.3m to the ridge and features a gable width of 5.4m (excluding the catslides and rear extensions).
74. The existing property, whilst small, is characteristic of its former function as a workers dwelling in a remote, moorland setting. In contrast, the design of the proposed replacement dwelling is considered inappropriate and contrary to design guidance. The proposed detailing on the primary elevation is inappropriate, appearing to utilise a symmetrical double-fronted property, but with an elongated frontage to the south featuring 2 large, 3-lighted windows. This gives the property both an inappropriate asymmetrical appearance and an inappropriate contrast between the square 2-light window, and the larger, more horizontal 3-light windows.
75. The rear projecting gable element is also overly long, being as wide as the gable of the proposal, and would dominate the property. It would also result in the property having an inappropriate massing and form, with the extent of roofing being visible on the landscape.
76. Overall, the scale of the replacement dwelling is concluded to be inappropriate. It would appear as an overly-large rendition of a farmhouse which could be found anywhere in the National Park, and does not relate to its immediate surrounding in any capacity beyond its building materials. On this basis, it is considered that the proposed development fails to comply with design policies DMC3, in addition to supporting design guidance.
77. Crucially, as the replacement dwelling is substantially larger than the current property, part C of policy DMH9 is engaged which requires the replacement dwelling to demonstrate significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape.
78. As already noted, the proposed development would not be compliant with DMH9C as it would not represent an enhancement to the site itself through the siting of an inappropriately designed and scaled property. The loss of the existing building on site would result in harm to the built environment of the area.
79. With regard to landscape, the proposed dwelling would have a negative impact on its valued characteristics. The site sits within the enclosed gritstone upland, an area of the Dark Peak landscape which is characterised by:
- High rolling upland with some steeper slopes;
 - Permanent pasture and rough grazing enclosed by gritstone walls;
 - Straight roads with wide verges of grass and, in some places, heather;
 - Scattered gritstone farmsteads with stone slate roofs and some relict quarry and coal mining sites;
 - Trees grouped around farmsteads for shelter.

80. Whilst not a farmstead, the existing property does feature a stone slate roof, and is surrounded by trees. As such, it provides a positive contribution to the landscape character it sits within.
81. It is acknowledged that the proposed dwelling would retain these features; however, as noted, the proposed dwelling would be significantly larger than the existing. This would invariably have a larger and more dominating impact on the landscape, particularly by the elongated frontage and large spans of roofing.
82. By virtue of its more dominating impact on the landscape, the proposed development would not conserve, nor contribute towards an enhancement of the landscape. Accordingly, it falls very short of the requirement for a 'significant enhancement' to the valued character and appearance of the site itself, and the surrounding built environment and landscape.
83. Therefore, the proposed development fails to comply with policy L1 and DMH9. C.

Other matters

84. Policy L2 and DMC12 requires development to enhance the biodiversity interest of the site and requires development to comply with legislative provisions relating to protected species.
85. This application has been supported by a Protected Species Survey which includes several bat emergence surveys. The surveys identified that bats are present on site for foraging and commuting, but found no roosts. On this basis, the report concluded that there is no requirement for the development to be carried out under a Natural England License, nor require any mitigation.
86. The Survey recommends that crevice boxes be installed on trees surrounding the site.
87. The PDNPA Ecologist has reviewed the survey and confirmed that the findings are suitable. They advised that should permission be granted, crevice spaces should be provided within the building itself, as opposed to installed on surrounding trees. If this application is recommended for approval, a scheme for crevice spaces within the fabric of the building will be conditioned.
88. Policy CC1 requires all development to make the most sustainable and efficient use of land and buildings. This is expanded upon in policy DMH9.E which states that replacement dwellings must display high sustainability standards.
89. As noted, the proposed replacement dwelling would be constructed using sustainable construction methods with high efficiency fixtures. While the Climate Change Statement makes a reference to the potential for solar equipment, ASHP, and grey water recycling, none of this is actually proposed within the application.
90. The lack of renewable infrastructure, coupled with the carbon intensive process of knocking down an existing property, including its embodied carbon, indicates that the proposed development does not exhibit 'high sustainability standards', as required by part E of policy DMH9.
91. Therefore, the proposed development is contrary to policy CC1.
92. The nearest property to Keepers Cottage is Park Moor Cottage, approximately 300m to the north. The proposed development does not propose any alterations or extensions to

the curtilage of the property. On this basis, there would be no detrimental impact on the residential amenity of nearby properties.

93. The property has sufficient space for off-street parking. It is therefore compliant with policy DMT8.

Planning Balance

94. Paragraph 209 of the NPPF and policy DMC5 require the effect of development on a non-designated heritage asset to be taken account of in determining planning applications. It states that applications directly affecting non-designated heritage asset should make a balanced judgement on the harm to the asset, taking into consideration the scale of harm or the loss and significance of the heritage asset.
95. As noted, this development would result in the total loss of a non-designated heritage asset. As such, consideration to any material planning considerations which weigh in favour of the development needs to be balanced against the total loss of the asset.
96. This report has assessed the proposed development, and has identified that the proposal would not result in significant enhancements to the National Park's special qualities. It would result in a poorly designed property which is inappropriately scaled, massed and detailed. In addition to this, the proposal would have a harmful impact on the valued characteristic of the Dark Peak landscape through the loss of a feature of valued character and historic merit. Accordingly, there are no material planning considerations which weigh in favour of the scheme.
97. In addition to this, the proposed development would result in less than substantial harm to the setting of the adjacent grade II* listed park and garden and conservation area. Paragraph 208 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits arising from the scheme. As noted, this application would not result in any public benefits. As such, great weight should be given to the designated asset's conservation.
98. Accordingly, the proposed development would result in a high degree of harm via total loss of a non-designated heritage asset, in addition to a small degree of harm to the setting of two designated assets. There are no public benefits, nor material planning considerations which would outweigh the harm to the significance of these assets.
99. The proposed development would harm the cultural heritage of the National Park. This is in direct conflict with the first statutory purpose of the National Park, which is *to conserve and enhance the natural and cultural heritage of the area*.
100. It is therefore in conflict with policies GSP1, GSP2, L1, L3, DMC5, DMC8, DMC9, and DMH9, in addition to the National Planning Policy Framework.

Conclusion

101. This application seeks planning permission to demolish and replace the property known as Keepers Cottage. The property is an example of early 19th century architecture, and is historically tied to the landed estates in this section of the National Park. As such, it has been recognised by the Authority and applicant as a non-designated heritage asset.
102. The replacement of dwellings is permitted in principle, subject to the proposal not having historical significance. As such, the proposed development is not acceptable in principle.

103. The proposed development would lead to harm to the cultural heritage of the National Park, in addition to the siting of an appropriately designed and scale dwelling in the open countryside, which would have a harmful impact on the valued characteristics of the National Park landscape. It would therefore not result in significant overall enhancement the valued character and appearance of the site itself, and the surrounding built environment and landscape.
104. There are no material planning considerations, nor public benefits, which would outweigh the harm to the special characteristics of the National Park. On this basis, the proposed development would be in direct conflict with the National Park’s first statutory function.

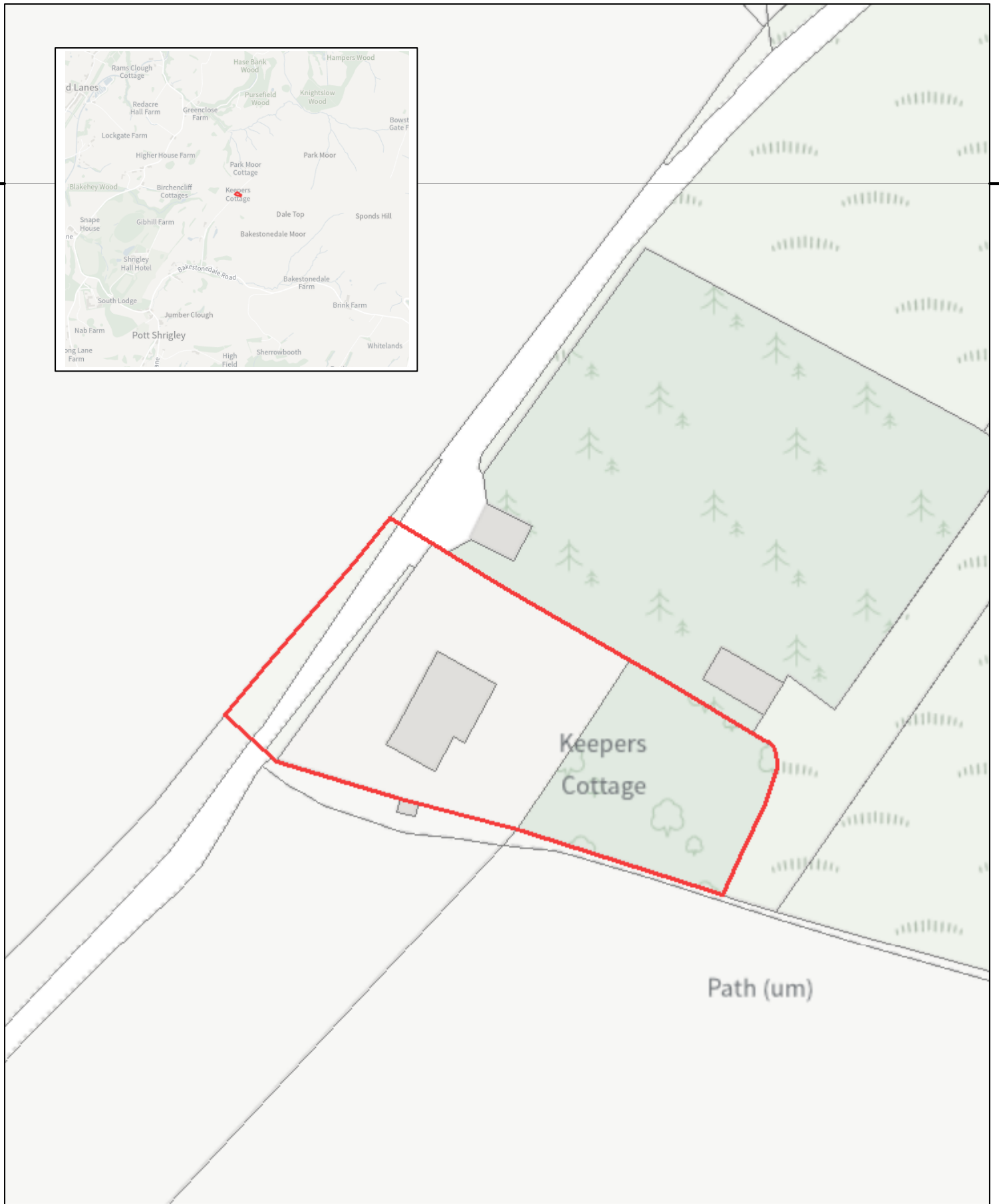
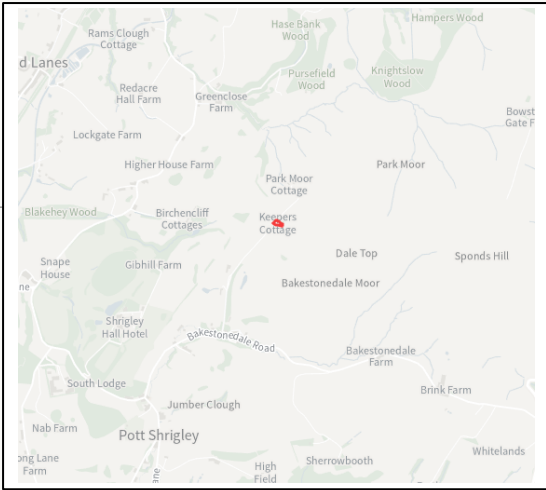
Human Rights

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

Report author: Will Eyre, North Area Senior Planner

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Keepers Cottage, Moor Lane, Pott Shrigley

Item no. 6
 Application no. NP/CEC/0324/0285
 Committee date: 12/07/2024

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7. FULL APPLICATION – SUB-DIVISION OF EXISTING DWELLING TO CREATE TWO DWELLINGS AT NEWFOLD FARM UNNAMED ROAD FROM STONECROFT TO GRINDSLOW HOUSE GRINDSBROOK BOOTH EDALE S33 7ZD (NP/HPK/0424/0401) HF

APPLICANT: MR MORGAN JACKSON

Summary

1. The application seeks consent for the sub-division of Newfold Farm House, which is currently a single 4-bedroom dwelling used to provide accommodation for staff working at the Newfold Farm campsite.
2. The proposal would create a 3-bedroom dwelling and 1-bedroom dwelling respectively which would be achieved through a number of minor internal and external alterations to the existing building.
3. Due to the limited physical works required to achieve sub-division, the development would not harm, and would achieve a modest enhancement to the character and appearance of the building or its surrounding context, which forms part of the Edale Conservation Area.
4. Car parking would continue to be provided to the east of the building, where there is an existing gravelled area enclosed by walling.
5. The proposal is considered to be in accordance with the policies of the development plan and the National Planning Policy Framework, which supports sub-division of existing dwellings.

Site and Surroundings

6. The existing dwelling is a 2-storey property constructed with gritstone walls. Internally, the building features two lounges, along with kitchen, lobby and bathroom at ground floor, whilst on the first floor there are 4 bedrooms and a further bathroom.
7. To the east of the building is a gravelled area for car parking, enclosed by low walling. Refuse bins associated with the property are also stored here.
8. The building is understood to have originally been a barn and was converted to a house in the 1970s. The house is currently used as service accommodation for key members of staff working at Newfold Farm Campsite, which lies to the south west.
9. To the west of the site is the Newfold Farm Café and general store / post office.
10. To the north is the Grade II Listed Lea House and Nags Head Public House, with the Grade II Listed Warren Cottage to the north east. The Grade II Listed K6 telephone kiosk is to the south east. The site lies within the Edale Conservation Area.
11. Public rights of way are located to the north and south of the building, with the start of the Pennine Way situated to the north.

Proposal

12. The application seeks to sub-divide the existing 4-bedroom dwelling, leading to the creation of 1x 3-bedroom dwelling and 1x 1-bedroom dwelling.
13. The application states the house is currently too large for purpose, and the proprietor wishes to avoid staff having to share housing and therefore seeks to sub-divide the house to achieve this.

14. Both houses would be used to provide further staff accommodation and where needed for additional income, the smaller house may sometimes be used for visitor accommodation.
15. The application does not seek to alter the footprint or external shell of the building, and requires limited internal alterations to accommodate the development through the infill of a number of internal doorways, addition of stud partition walls and acoustic separation between the two dwellings.
16. Limited external alterations include window replacements and the addition of a new door to facilitate access to the 1-bedroom dwelling.
17. Car parking to serve both properties would be located at an existing gravelled area positioned to the east of the building.

RECOMMENDATION:

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

1. **Standard time limit.**
2. **Accordance with approved plans.**
3. **Replacement windows and doors to be of timber construction. Full details of the precise design of door and window frames, including details of their external finish to be submitted prior to their installation.**
4. **All stonework, including any lintels or sills, shall be natural gritstone to match the existing building.**
5. **Recess of replacement windows and doors.**
6. **Parking space for each dwelling to be made available prior to occupation of each dwelling, and shall remain for use as shown on the approved plans throughout the lifetime of the development.**
7. **Permitted development rights restricted for extensions, porches and boundary treatments**

Key Issues

- Principle of the sub-division of the dwelling;
- Impact of the development on the character and appearance of the building, the Edale Conservation Area and nearby Listed Buildings;
- The impact of the development on residential amenity;
- Highways considerations.

History

19. 1970 – Approval for change of use of barn to dwellinghouse.

Consultations

20. Derbyshire County Council (Highways): There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.

21. High Peak Borough Council: No response received to date.

22. Edale Parish Council: Support the application. Strongly support the creation of smaller dwelling units within the parish to provide affordable housing.

Representations

23. A total of 9 representations have been received in respect of the application, totalling 4 letters of support and 5 letters of objection. A summary of all material considerations raised by the representations is outlined below.

Support

- Affordable Housing: Support for the provision of more affordable housing and for housing for younger people, which may ease pressure for other new housing.
- Housing for local workers: Support for key worker housing for locally employed people. Sufficient information required, and controls put in place to ensure the proposals comply with HC2. The proposals would support a family resident on site already employed by the applicant and would negate the current arrangement of having shared accommodation.
- Highways: Provision of local housing means there will be fewer cars driving up the village to work.

Objection

- Design / Landscape: Concerns including the east gable which does not fit the local vernacular, the arrangement of openings, addition of a door and the solid to void ratio of the elevation, which is in a prominent location within the Conservation Area, near to the Listed Lea House and Nag's Head Public House and close to the start of the Pennine Way.
- The submission does not include sufficient details showing context / existing photographs and it is difficult to see access routes. Request to see how the application would sit in the overall landscape and how it links to the campsite.
- Scale: The size of the Newfold Farm campsite is too large for the scale of the area. Concerns raised by nearby residents due to proximity and associated impacts relating to amenity (noise, visual, scale, parking). Further incremental increases in development disguise the overall scale of the operations at the campsite, and applications should be considered together, including the overall impact on the landscape, before the current application is determined.
- Sustainability: Sub-division would not add further sustainable / social value to the locality and would increase operational and embodied carbon.
- Highways: Concerns including an increase in cars and parking issues in the locality. There is no indication of proposed parking with the application and there are concerns the site cannot accommodate further parking. Concerns the dwelling is being used as holiday accommodation with visitors arriving with multiple cars, creating parking issues locally.
- Car parking on the main campsite, currently subject to a separate S73 application, should be resolved before any further applications are made on the wider Newfold Farm site.

- Refuse: Additional bin storage would be required.
- Heritage: No heritage statement or design and access statement submitted to allow residents to understand how the proposal alter the surrounding context within the village and landscape of the wider campsite. A Conservation Management Plan for the landscape is required to protect Grindsbrook.
- Drainage: No indication of proposed drainage and whether Lea House or the driveway to the rear will be impacted.
- Private Access: The applicant does not have a right of way along Peat Lane. Concerns raised regarding storage of gas bottles on Peat Lane and blocking of the right of way by delivery vehicles with the back door being used by deliveries, with storage and use of Peat Lane likely to increase through development.
- Amenity: Use of table outside the site boundary on Peat Lane used by tourists during early morning hours, generating noise and disturbance to residents.
- Health & Safety: Concerns with storage of gas bottles on Peat Lane to north of building. Concerns with holiday makers walking out of Newfold Farm's current parking area and with location of east gable exterior doorway near vehicles.
- Sustainable Development: The cumulative impact of the overall concerns associated with the development results in a development which is unsustainable overall.

Main Policies

24. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3, HC1
25. Relevant Development Management policies: DMC3, DMC4, DMC5, DMC8, DMC10, DMT8
26. 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.

National Planning Policy Framework

27. The National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date.
28. The development plan for the National Park comprises the Core Strategy (2011) and Development Management Policies (2019). Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for determining this application. In this case there is not considered to be a significant conflict between prevailing policies in the development plan and the NPPF.

29. Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless a number of listed circumstances apply. Criterion (d) includes where the development would involve the sub-division of an existing residential building.
30. Paragraph 182 states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these matters. The conservation and enhancement of wildlife and heritage are also important considerations and should be given great weight.

Peak District National Park Core Strategy

31. GSP1, GSP2 – These policies set out the broad strategy for achieving the National Park’s objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park’s landscape and its wildlife and heritage.
32. GSP3 – All development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to impact on the character and setting of buildings, scale of the development and design in accordance with the National Park Authority Design Guide.
33. DS1 – Forms of development in all settlements and in the countryside which are acceptable in principle include conversion or change of use for housing, preferably by re-use of traditional buildings.
34. L3 – Development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings. Proposals which harm the significance of such assets will be refused other than in exceptional circumstances.
35. HC1 – Sets out exceptional cases where new housing may be accepted in the National Park. This includes where housing addresses eligible local needs, provides for key workers in agriculture, forestry or other rural enterprises, or where development is required to achieve conservation/enhancement of valued vernacular or listed buildings, or conservation/enhancement in DS1 listed settlements.
36. However, this does not include the provision in Development Management Policy DMH10 to allow for sub-division of existing dwellings. In that sense DMH10 in combination with paragraph 84 of the NPPF are therefore the lead policies for the principle of subdivision of dwellings.

Peak District Development Management Policies

37. DM1 – Sets out a presumption in favour of sustainable development in the context of National Park Purposes.
38. DMC3 – Where developments are acceptable in principle, design is required to be of a high standard which where possible enhances the natural beauty, quality and visual amenity of the landscape. Design and materials should all be appropriate to the context. Accessibility should also be a key consideration.
39. DMC5 – Planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate:
 - i) its significance including how any identified features of value will be conserved and where possible enhanced; and
 - ii) why the proposed development and related works are desirable or necessary

40. DMC7 – Planning applications for development affect a Listed Building and / or its setting should be determined in accordance with DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development and related works are desirable or necessary.
41. DMC8 – Applications for development in a Conservation Area should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved and enhanced.
42. DMH10 – The subdivision of a dwelling and the creation of new dwelling units will be permitted provided that the subdivision would not prevent or undermine:
 - (i) the quality of the landscape and immediate setting of the building in line with conservation policies;
 - (ii) the residential amenity of any nearby residential properties; or
 - (iii) the use of the original dwelling where that is already subject to a condition or legal agreement restricting:
 - (a) use as an affordable house for eligible persons in housing need; or
 - (b) use as an ancillary dwelling;
 - (c) use as an essential worker dwelling; or
 - (d) use by those either requiring or providing care; or
 - (e) joint use of the building for residential and business use; or
 - (iv) the use of any outbuilding as an ancillary dwelling where it is already subject to a condition or legal agreement restricting its use.
43. DMT8 – Off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards.

Supplementary Planning Documents

44. Building Design Guide: Gables were traditionally left blank and doors are rarely found on gables. Windows on gables tend to be small and narrow.
45. Alterations & Extensions SPD: The sub-division of one dwelling unit to two or more dwelling units provides an option to increase numbers of dwelling units without building new houses. This is a benefit to the National Park in itself, provided the building subject of the proposed sub-division, and its setting would be conserved or enhanced by such alteration. Any heritage significance of the building including the role of existing openings and subdivisions is an important factor in this determination. Where no such significance exists, it is still important that any proposed changes improve that which currently exists and does not detract from the building's setting

Assessment

Principle

46. Newfold Farmhouse is an existing market dwelling. It was converted from a barn to dwellinghouse under 338NP/CHA7/70/9 in the 1970s and that permission was not subject to any restriction on the occupancy of the dwelling.
47. Policy DS1.C confirms that the conversion or change of use of traditional buildings for housing will be acceptable in principle.

48. Core Strategy (2011) Policy HC1 'New Housing' outlines that housing solely to meet open market demand is not appropriate in the National Park and new housing is only acceptable in specified exceptional circumstances. This includes the provision of housing to meet local eligible needs, for key rural workers, or where development is required to achieve conservation and / or enhancement of valued vernacular or listed buildings, or conservation or enhancement in settlements listed in DS1.
49. Since the adoption of the Core Strategy, the NPPF has been revised and now confirms at paragraph 82 that circumstances where housing in the countryside will be permitted includes through the sub-division of existing residential dwellings.
50. This change is reflected in the Authority's Development Management Policies document which was adopted in 2019, with Policy DMH10 'Sub-division of dwellings to create multiple dwelling units' supporting the sub-division of dwellings in the National Park subject to a number of criteria listed earlier in the policy section of the report.
51. Considering DMH10(i), the sub-division requires limited alterations, such that the development itself would not be considered to undermine the landscape or setting of the building. There are nonetheless opportunities for enhancements, discussed under the 'Design' section of this report.
52. Turning to DMH10(ii), it is not considered the proposals would harm residential amenity. This is discussed later in the report under 'Residential Amenity'.
53. In respect of DMH10(iii) and (iv), the original dwelling is not subject to any restriction in relation to its occupancy or use as an ancillary dwelling.
54. The development is therefore considered to comply with Policy DMH10.
55. Supporting paragraph 6.126 to DMH10 also confirms that: *"Subdivision of a dwelling will only be subject to an occupancy restriction if an existing occupancy restriction would otherwise be lost. Additional dwelling units created through the subdivision of the dwelling would not be subject to such a restriction."*
56. In respect of HC1.A and B, the sub-division of the building to create two dwellings would not provide housing to meet a local eligible need in accordance with HC1.A.
57. The proposal does seek to provide accommodation for workers at the Newfold Farm campsite, avoiding the need for shared accommodation. However, the applicant has also confirmed the property may sometimes be used as holiday accommodation. The proposals would therefore not fall under HC1.B.
58. However, in line with Development Management Policy DMH10 and supporting text, as the existing dwellinghouse converted under 338NP/CHA7/70/9 is a market dwelling not subject to any occupancy restriction, an occupancy restriction such as those required by HC1.A and HC1.B is not necessary to make the development acceptable in policy terms.
59. Whilst representations received in respect of the proposals and the Policy HC2 (new housing for key workers) are noted, it is not necessary to apply HC2 in this case as the existing dwelling is not subject to an occupancy restriction, and no occupancy restriction for the two dwellings created by this application is required by DMH10.
60. The provision for market dwellings is given by HC1.C which says that in accordance with GSP1 and GSP2 market houses will be permitted if required to achieve conservation and/or enhancement of valued vernacular or listed buildings. HC1.C II covers development required in order to achieve conservation or enhancement in settlements listed by Policy DS1 which includes Edale (Grindsbrook).

61. GSP2.B confirms proposals intended to enhance the National Park will need to demonstrate they offer a significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
62. As outlined later in the report, the application building was previously a barn and was present on historic mapping during the 19th Century. Therefore, whilst not listed it is of some historic interest although the character of the building has been substantially diminished as part of its conversion to a dwelling in the 1970s.
63. There is scope for some modest enhancements through replacement of the existing windows which are considered to be unsympathetic in proportions and glazing bars.
64. The applicant is agreeable to a number of changes through introducing casement windows with vertically proportioned window panes. Whilst this would achieve some enhancement of the building, the changes would not be wholly reflective of the building's original character. Therefore, due to the extent of enhancements proposed, the proposals would not be strictly in accordance with HC1 and GSP2.B, with the latter requiring 'significant' benefits to the Park's cultural heritage.
65. However, following the revisions to the NPPF and the adoption of Policy DMH10 the sub-division of the dwelling is acceptable in principle provided the development does not undermine the landscape, the residential amenity of nearby properties, the use of the original dwelling or an outbuilding used as an ancillary dwelling where that is already subject to legal agreements or planning condition restricting occupation. DMH10 does not trigger the requirement to address GSP2.B.
66. The policy position has therefore shifted following the adoption of HC1 in 2011, and the requirements of DMH10 (adopted 2019) are in addition to that policy, in reflection of the revised NPPF. DMH10 allows for the sub-division of homes and does not outline a requirement for the development to achieve conservation or enhancement.
67. As such, whilst the proposal is not considered to be in strict accordance with HC1, the application is considered to be acceptable in principle due to its compliance with DMH10 and the revised NPPF which reflects the later policy position in respect of sub-dividing dwellings.
68. Permitted development rights for extensions were restricted through the conversion of the building under 338NP/CHA7/70/9. As the development would result in the creation of 2 dwellings, it is considered necessary to restrict permitted development rights for extensions, porches and boundary treatments to both dwellings as part of this permission to respect the character of the area.
69. Representations raise concerns regarding determination of this application before a Section 73 (variation of condition) application (NP/HPK/1123/1343) awaiting determination on Newfold Farm campsite, which relates to the orientation of a small area of car parking on the campsite. Representations suggest this application should have consideration to other developments at the campsite in terms of overall impact.
70. As assessed in this report, the development subject of this application is considered to be acceptable in terms of its design and impact on landscape and the built environment, and from a highway's perspective. Therefore, the Authority does not consider there to be any reason preventing the determination of this application.

Design

71. The proposals seek to accommodate sub-division within the existing shell of the building, with very minimal changes to the internal layout achieved through the building up of internal doors, acoustic separation and limited new stud partition walls.

72. Externally, the application seeks to utilise the existing window openings although proposes changes to the glazing bar arrangements to provide vertical casement windows, rather than the existing unsympathetic windows with small top opening lights and un-subdivided horizontally proportioned window sections.
73. A number of representations have raised concerns over the original plans submitted, which included the addition of a door to the east gable elevation. That has now been removed. There were also concerns over the void to solid ratio of the building and compliance with the Authority's design guidance which confirms gable elevations are traditionally blank.
74. Amended plans have been provided by the applicant to remove the gable elevation door, alongside changes to a number of the window details.
75. In respect of GSP2.D the applicant has acted on an opportunity to remove undesirable window features on the building, with more sympathetic vertically proportioned casement windows, leading to a modest enhancement. Whilst the changes do not strictly reflect the character of the original barn, it is recognised that character was largely eroded through the 1970s conversion.
76. However, the alterations proposed seek to work largely within the extent of existing window openings, meaning there would be no change to the window layout across the building.
77. Whilst the alterations would therefore not fully address the concerns raised by a number of representations in terms of the design, the Authority recognises the windows to the existing dwelling, whilst unsympathetic, are already in place.
78. As limited alterations are required to achieve sub-division, the 'design' of the development itself would not give rise to additional harm and would not harm the landscape or immediate setting of the site in accordance with DMH10 (i), or conflict with GSP3 or DMC3.
79. Whilst a representation raises concerns over additional refuse storage associated with the development and its appearance, there is an existing area for refuse storage to the east of the building to the side of the gravelled parking area. This area would continue to be used and the development would not harmfully alter that context.

Heritage Considerations

80. The site lies within Edale Conservation Area and lies near to the Grade II Listed Lea House and Nag's Head to the north, Warren Cottage to the north east and the Listed K6 Telephone kiosk to the south east.
81. A number of representations have raised concerns around the absence of supporting heritage information, due to the building's location and surrounding heritage assets.
82. The proposals require limited external alterations such that the scope for any impact is considered to be limited. Nevertheless, due to the age of the building itself and in recognition of the surrounding historic context, the applicant has provided an updated Planning Statement which includes a proportionate section on heritage.
83. The report confirms the building was originally a barn, dating back to at least the 19th Century, previously having a large centred arch barn doorway.

84. Whilst the building therefore has the potential to be of some merit, the building was converted during the 1970's following the grant of 338NP/CHA7/70/9. That permission led to a number of unsympathetic alterations to the building, including the introduction of the existing windows with small top hung opening lights.
85. Those changes are considered to have eroded the agricultural character of the building and the existing windows are considered to contribute poorly to the character of the building and surrounding Conservation Area.
86. The application proposes to replace a number of windows and doors to the property and whilst modest, the changes to the windows are considered to offer a minor enhancement to the character of the building and the surrounding designated heritage assets through introduction of vertically proportioned casement windows and the removal of small top hung opening lights. There are also opportunities to provide a better recess to the depth of the window frames.
87. The proposals are therefore considered to offer a minor enhancement to the character and appearance of the site, the Edale Conservation Area and the setting of nearby Listed Buildings. The proposal therefore accords with Policies DMC5, DMC7 and DMC8.
88. A condition requiring details of the replacement doors and window frames and finish is necessary to ensure the design respects the character and appearance of the building, Conservation Area and the setting of nearby Listed Buildings.

Highways

89. A number of representations have been received both in support and objection to the application in respect of highways, which consider the application could lead to both an increase and decrease in vehicle movements into the village respectively. There are also concerns regarding the availability of parking in the locality and that the proposals could exacerbate those issues.
90. The application confirms that car parking would be provided in the existing gravelled area to the east of the dwellings, where there is space for 3 vehicles.
91. The Highways Authority have confirmed there are no objections in respect of highways or parking and the application would provide sufficient parking for the site. The proposals are therefore considered to be acceptable from a highway's perspective.

Residential Amenity

92. The application would sub-divide the existing dwelling into two units. Residential uses are considered to be compatible with the surrounding uses in the village. The application does not seek to introduce additional window openings to the building. It is therefore not considered that the proposals would harm neighbouring amenity.
93. Meanwhile, the sub-division would see the creation of 2 good sized dwellings providing the occupants of both properties with a good standard of living.
94. Whilst a number of representations have raised concerns around amenity associated with visitors using facilities nearby on Peat Lane and due to the scale and proximity of Newfold Farm to surrounding dwellings, this application relates to an existing dwelling that would be sub-divided.

95. Those matters are therefore not considered to be of relevance to the determination of this application, which does not relate to the facilities on Peat Lane and does not seek to expand the campsite, but intends to manage existing staff accommodation associated with the campsite.

Other

96. The application site is not located in an area at risk of flooding and therefore raises no concerns in this respect.
97. Whilst one representation queries drainage from the site, the application forms confirm the development seeks to utilise the existing property connection to the main sewer.
98. Representations raising concerns regarding the use of Peat Lane and the storage of gas bottles on Peat Lane are noted. Rights of access across Peat Lane are not a planning matter. No gas bottles were being stored on Peat Lane during the site visit.

Conclusion

99. The proposals would sub-divide an existing dwelling to create 2 dwellings. Whilst the proposals for sub-division is not in strict accordance with Policy HC1 of the development plan, it accords with Policy DMH10 and paragraph 82 of the NPPF (2023) and is therefore considered to be acceptable in principle.
100. The proposals would not harm the character or appearance of the site, the Edale Conservation Area or surrounding designated heritage assets, and would provide a number of minor enhancements through the replacement of existing windows. The application is also considered to be acceptable in respect of highways and amenity.

Human Rights

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

List of Background Papers (not previously published)

Nil

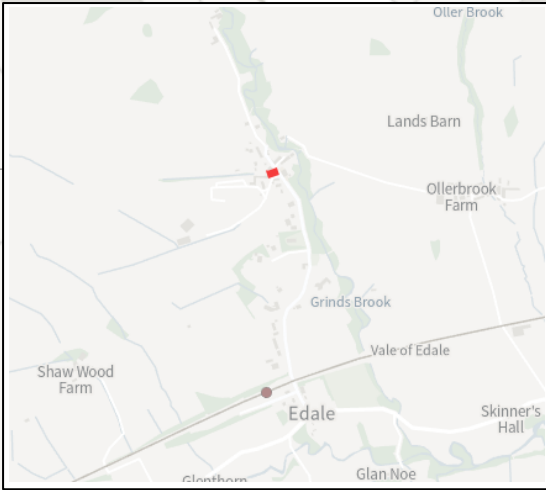
Report Author

Hannah Freer – Planner – North Area

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Newfold Farm, Grindbrook Booth, Edale

Item no. 7
 Application no. NP/HPK/0424/0401
 Committee date: 12/07/2024

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8. FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING AT LAND AT RIDGE VIEW, TADDINGTON (NP/DDD/1123/1417, MN)

APPLICANT: MISS KIRSTY ALLEN

Summary

1. The proposal is to erect an affordable dwelling to meet an identified need in Taddington.
2. The construction of new build affordable housing in Taddington accords with planning policies DS1 and DMH1 where there is an identified need for such housing.
3. The applicant has demonstrated that they are in housing need, and based on the need identified the proposed dwelling is of a size complying with the requirements of policies DMH1 and DMH2.
4. The property would be of simple design and constructed from materials traditional to the locality, and would conserve the surrounding built environment, according with policies GSP1, GSP3, DMC3, and DMH1.
5. There are no other policy or material considerations that would indicate that planning permission should be refused. Accordingly, the application is recommended for approval.

Site and Surroundings

6. The application site is within the garden of the dwelling of Ridge View.
7. Ridge View is located immediately north of Main Road, towards the north western edge of Taddington village. The property has a large garden, situated predominantly to the west of the house but also extending to the north and south of the house.
8. To the east, west, and south lie other dwellinghouses. Glen Lea is the immediate neighbour to the southeast, and Woodhays to the northwest, on the other side of the public footpath. Two properties – Edgemoor and Croft Cottage – directly face the site from the south, from the other side of Main Road.
9. To the north, a field separates the site from the A6 beyond. A public footpath leaves Main Road at the north western corner of the site and travels east along the northern boundary of the site, through the adjacent field.
10. The site is outside of any designated conservation area.

Proposal

11. The erection of a local needs dwelling. This would be a two storey detached house.

RECOMMENDATION

12. **That the application be APPROVED subject to prior entry into a planning obligation under S.106 to secure the affordable housing in perpetuity and subject to the following conditions:**
 1. **2 year time limit for implementation**
 2. **Adopt submitted plans**
 3. **Removal of permitted development rights for extension, and for any new openings in either the east or west elevations**
 4. **Design details, including window materials and details**

5. Landscaping scheme to be agreed
6. Parking and turning areas provided prior to occupation
7. Tree protection measures
8. Scheme of climate change mitigation measures to be agreed

Key Issues

13. The main planning issues arising from the proposals are:

- Whether the provision of an affordable dwelling in the proposed location is acceptable in principle
- Whether there is an identified need for the affordable dwelling proposed, and whether the proposed occupant would meet the local occupancy criteria
- Whether the proposed dwelling is of a size to meet the identified need
- Impacts on the character and appearance of the built environment
- Impacts on the amenity of neighbouring properties

Relevant Planning History

14. 2019 – Planning application submitted for outline for permission for the construction of 4 No dwelling houses – withdrawn prior to determination

Consultations

15. Derbyshire County Council - Highways – No objections anticipated.

16. Derbyshire Dales District Council – No response at time of writing.

17. Taddington Parish Council – *First and foremost, the Parish Council would like to point out that we fully recognise and appreciate the applicant's connection to Taddington, both from being born and raised in our village and coming from family of the same. We empathise with their difficult position in trying to secure affordable housing in a village where this can be scarce and at a most formidable time in terms of the wider housing crisis and also the current financial climate, both of which present serious challenges for many families right now. We are most saddened to hear the family are experiencing and affected by these issues, which are no doubt affecting their everyday lives.*

In terms of the application that has been made, unfortunately, the Parish Council feel that to build a house on the proposed site at Ridge View would not be appropriate and so we must object to this element of the application. In keeping with adjacent and surrounding properties, it is felt most profoundly that a single storey property would be the most appropriate development should an additional property be built on the proposed site. To place a house in such a small space, would impair view for surrounding residents, having implications for their privacy. It would also be completely out of proportion with existing properties. Should the completed development differ in any way from the drawn nature of the planning, then indeed, the proposed property may well be taller in life than drawn and so these impacts more prominent. Taddington is a beautiful and remarkable place to live, and it is our duty to try and preserve its natural aesthetic qualities and ensure any developments are in keeping with these.

Given the circumstances highlighted by the applicant in their application, the Parish Council wish to make clear that should the application be amended for single story accommodation to be built on the same site, or for a house to be built utilising land to the rear of Ridge view, which we feel would likely provide a better site for a two storey dwelling; the Parish Council would then reconsider such amendments appropriately and be willing to support a development.

One final point we wish to make is that on our site visit to assess the implications of the proposed planning application, we noted a public footpath to the left of the site. Whilst the

application does not go into any detail regarding this, we would ask for clarification that this path shall remain public access after any development is completed given its prominence amongst the locals and for events such as the Taddington Lanes Race. This is an important part of our locality and must not be lost; while we make no assumption that this would be the case, we would be most grateful please of assurance that it will not be.

Representations

18. 10 letters of support have been received, one of objection, and one advising of no objections subject to the adjacent right of way being maintained.
19. The grounds for support are:
 - The development would support a local person being able to remain living in the locality, supporting both them and the local community.
 - The type, appearance and location of the property is in keeping with the village
20. The grounds for objection are that the new dwelling would affect the outlook and view from neighbouring property.

Main Policies

21. Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, CC1, L1
22. Development Management policies: DMH1, DMH2, DMH10, DMC3
23. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
 - a. Conserve and enhance the natural beauty, wildlife and cultural heritage
 - b. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
24. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National planning policy framework

25. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Local 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 Local Plan and more recent Government guidance in the NPPF.
26. 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.'

Local Plan

27. 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). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

28. Core Strategy policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
29. Core Strategy policy DS1 details the development strategy for the National Park. For the purposes of planning policy Heathcote is not a named settlement in Core Strategy policy DS1. The development strategy (DS1) indicates what types of development are acceptable in principle in settlements and in the countryside. New build affordable housing is not one of the acceptable forms of development outside of named settlements.
30. Core Strategy policy HC1 addresses new housing. It sets out that provision will not be made for housing solely to meet open market demand but that, exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
31. Core Strategy policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
32. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
33. 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. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
34. Policy DMC13 seeks to protect trees, woodland and other landscape features put at risk by Development, and to ensure that applications are supported by sufficient information to assess their impacts in these regards.
35. Development Management policy DMH1 addresses affordable housing. It sets out that affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that: (i) there is a proven need for the dwelling(s); and (ii) any new build housing is within the stipulated size thresholds. These are as follows:

Number of bed spaces	Max. Internal Floor Area (m ²)
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

36. Since the adoption of policy DMH1 a practice note has been prepared, providing some flexibility to the floorspace guidelines above in particular circumstances. Insofar as it relates to the current application this sets out that for families or people forming a household together of 3 or more, homes up to 97m² can be supported.
37. Development Management policy DMH2 addresses the first occupation of new affordable housing. It states that in all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
- a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - a person (and his or her dependents) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.
38. Policy DMT3 states, amongst other things, that where development includes an improved access onto a public highway it will only be permitted where a safe access that is achievable for all people, and can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of affordable housing

39. Taddington is a named settlement in policy DS1 of the Local Plan. When taken together, policy DS1, which sets the spatial strategy for new development within the National Park, and policy DMH1, permit new build affordable housing in or on the edge of named settlements.
40. Subject to meeting an identified housing need, the proposals are therefore supported by adopted policy in principle.

Local qualification and housing need

41. Policies DMH1 and DMH2 make it clear that new affordable housing can only be permitted when there is a proven need for the new housing. To be 'in need' a person must be in accommodation that is overcrowded or otherwise unsatisfactory. The supporting text sets out that people forming a household for the first time can amount to a housing need.
42. The application is for one new house for the applicant to live in with their partner and child. We are advised that the applicant lives with their parents in Taddington and has always been resident of the village. This complies with policy DMH2, in so far as it relates to residence history.
43. In terms of housing need, the applicant has registered with the Home Options partnership – a group that works to help identify and provide housing to those unable to afford open market property values and rents. They have made an assessment of the applicants housing need and categorise the need as 'Band C'. This banding recognises that the applicant is unable to meet their housing need on the open market, and notes that they would be eligible to occupy 2 or 3 bedroom properties.

44. For the purposes of the application of policy DMH1 it is therefore accepted that the applicant is in housing need.

Size of proposed dwelling

45. The approximate floorspace of the proposed dwelling is 97m².
46. Policy DMH1 and the practice note outlines maximum size guidelines for new affordable dwellings, supporting dwellings of up to 97m² for families or groups of 3 or more people. The applicant has a family comprising 3 people.
47. As a result, a dwelling of the size proposed is concluded to be commensurate with their need as outlined by adopted policy and guidance.

Massing, design, and siting

48. The new dwellinghouse would be a two storey house and would sit between two bungalow properties, with bungalows also forming a majority of the dwellings surrounding the application site. There are, however, multiple examples of two storey houses along Main Road within close proximity to the application site, including the immediate neighbour of Glean Lea. A two storey property would therefore not be incongruous in this location.
49. It is also of note that the land rises roughly east to west along Main Road, and the neighbouring bungalow to the west of the application site (Woodhays) is set considerably higher than Ridge View bungalow. Because of this, a new two storey house between the two properties would not be out of keeping with the roofscape of the street – it's ridge would remain lower than that of Woodhays, maintaining the incremental raising of rooflines as you move east to west through the village at this location.
50. The property would be set to the rear of the plot, and as a result of this and its scale would be reflective of existing surrounding development and would not be dominant or conspicuous in the street scene.
51. The design and massing of the property broadly otherwise also follow the local building traditions, being a double fronted two storey house of modest proportions. Materials – limestone walling with a blue slate roof – would also reflect the local built environment.
52. Windows are proposed as uPVC without further specification or detail plans. In order to ensure that any new windows are of appropriate design and appearance it is recommended that notwithstanding the proposed window materials, materials and details of these be reserved by condition if permission is granted.
53. Overall, the design of the property raises no objections and would conserve the appearance of the built environment, according with policies GSP1, GSP3, and DMC3.

Amenity

54. The proposed dwelling would have neighbours to the east, west, and south.
55. The change in levels between the site and Woodhays to the west means that it would not be overbearing on this neighbour. The relative position of that dwelling and the proposed, along with the positions of proposed openings, mean that it would not result in any loss of privacy or be otherwise unneighbourly.
56. The dwelling to the immediate south east of the proposed dwelling is Ridge View itself, which is currently in the same ownership as the application site. The proposed development would however conserve the amenity of both properties were they to be taken in to separate

ownership – the shared access would split within the site to provide each dwelling with its own parking area, and the position of the proposed dwelling alongside Ridge view would ensure it was not overbearing upon it, and did not result in a loss to the privacy of its occupiers.

57. The property of Glen Lea to the south of Ridge View would be generally unaffected by the development, separated from it as it is by Ridge View.
58. The properties facing the application site from the other side of Main Street – Edgemoor and Croft Cottage – are significantly elevated above Ridge View and are separated from the location of the proposed dwelling by approximately 30m in the closest case. That relationship ensures that the proposed dwelling would not be overbearing on these existing dwellings, and that they would not suffer from a loss of privacy as a result of the development. Outlook would also be maintained; only a change of view would arise to some extent.
59. Overall, it is concluded that the development would conserve the amenity of other residential properties in accordance with policy DMC3.

Highway considerations

60. The highway authority advised that they do not anticipate any objections to the proposals, but asked for details of the increased width of the proposed driveway. This is evident on the submitted plans however. It would remain a single width access, but widened to allow easier manoeuvring within the site to access each of the two dwellings it would serve. Visibility at the site access is good due to the wide roadside verge and footpath, and officers have no concerns in these regards.
61. Each property as proposed provides and retains sufficient parking space, as well as space to turn within the site.
62. It is therefore concluded that safe access to the site could be achieved in an acceptable manner, according with policy DMT3.

Climate change mitigation

63. The submitted climate change mitigation statement sets out that renewable energy measures such as solar slates or heat pumps are considered to be too expensive to install on an affordable dwelling where costs need to be minimised, and that the proposals therefore place emphasis on energy efficiency and minimising use and energy loss.
64. Those energy efficiency measures are set out as extending to meeting building regulation requirements for insulation standards. Other measures proposed are imprecise – ‘low-heat loss’ windows and doors, ‘high efficiency’ boiler, and use of ‘local’ contractors and suppliers. These could not reasonably be secured by condition because they are not precise and therefore not enforceable.
65. In the context of a smaller scale development these measures, if properly detailed, may be considered sufficient to meet the requirements of policy CC1 in terms of following the energy hierarchy. However, in the context of an entirely new dwelling it is considered that the proposals need to go further. No evidence has been provided to support the claim that renewable energy measures such as air source heating would render the scheme unviable as an affordable dwelling.
66. It is therefore recommended that if permission is granted, that a condition be imposed to secure energy efficiency measures more specifically, and to revisit the scope for building in renewable energy provision.
67. Subject to such a condition, the proposals would accord with policy CC1.

Tree impacts

68. 3 small sycamore trees to the rear of the site would be removed to facilitate the development. These are assessed as being category C trees by the submitted impact assessment, and are proposed to be replaced with newly planted trees in mitigation.
69. All other trees on the site are to be retained and protected during works, and by no-dig solutions within areas of the proposed driveway and parking areas.
70. The Authority's tree conservation officer has no objections to the proposals subject to the recommendations of the report being followed.
71. On the basis of the above, the development is concluded to accord with policy DMC13.

Conclusion

72. The provision of new build affordable housing in Taddington is acceptable in principle, according with the Authority's spatial strategy and housing policies.
73. Further, the application demonstrates a need for the dwelling proposed in accordance with policies DS1, DMH1, and DMH2.
74. The property would be of a scale, form, design, and position to conserve the built environment and the residential amenity of neighbouring properties at this location, according with policies GSP1, GSP3, and DMC3.
75. There are no other policy or material considerations that would suggest planning permission should be refused. Consequently, the application is recommended for approval subject to conditions, and to a planning obligation under S.106 to secure the property as an affordable dwelling in perpetuity.

Human Rights

76. None arising.

List of Background Papers (not previously published)

77. None

Report Author and Job Title

78. Mark Nuttall, Principal Planner

Green Pastures



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Land at Ridge View, Taddington

Item no. 8
 Application no. NP/DDD/1123/1417
 Committee date: 12/07/2024

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MONITORING REPORT (AM)

1. **Purpose of the report**

To update members on the latest policy Monitoring Report (2016/17-2022/23).

Key Issues

- **To bring policy monitoring up to date.**
- **To inform the process of Local Plan review**

2. **Recommendation:**

1. **That the report be noted.**

How does this contribute to our policies and legal obligations?

3. The Localism Act 2011 removed the statutory requirement for an annual monitoring report but the overall duty to monitor planning policies remains. Authorities can choose which targets and indicators to include in the report as long as they are in line with the National Planning Policy Framework and relevant legislation.

Background Information

4. Policy monitoring has changed since 2011:
 - From 2005-2017 Annual Monitoring Reports were produced. These were comprehensive in scope and from 2011 onwards included data on specific indicators.
 - From 1st April 2017 to 31st March 2019 monitoring has been aligned to the National Park Management Plan, reporting only on housing and contrary to policy cases.
5. The Authority is now undergoing a review of its Local Plan and it is good practice to have an up-to-date monitoring report. This report therefore focuses on the period 2016/17-2022/23. In this way a comprehensive suite of monitoring reports is provided to cover the whole Core Strategy monitoring period to date.

Proposals

6. To note the report, including the key findings that:
 - Applications that are approved contrary to policy or that raise significant policy issues are rare, and within low tolerance thresholds. Since 2021 these cases have concerned development in the Natural Zone, location of a local needs dwelling and size thresholds for local needs dwellings. All these issues will be subject to public consultation as part of the local plan review.
 - All allowed appeals since 2017/18 have been cases where a site-specific judgment by the Inspector differed to that made by the Authority. In other words, no allowed appeals present a fundamental challenge to existing policy.
 - There has been an increase in applications for camping pods and shepherd's huts since 2016/17 with a trend towards bigger structures.
 - More applications are including sustainability measures (88% of permissions

sampled in 2022 incorporated energy efficiency and micro-renewables compared to only 39% in 2015), but many are not the 'highest possible standard'.

- There are more renewable and low carbon schemes, particularly since 2021/22. The latest figure (2022/23) is the highest recorded (29) although seven of these are for the PDNP solar powered car park machines. There have been more solar panels and heat pumps (ground source and particularly air source) in the last 2 years.
- The number of open market homes remains consistent. Over the whole monitoring period 2006/7-2022/23; 495 were constructed (40% of total dwellings). The number of local needs affordable homes is more challenging; 269 were constructed during this period (22% of total dwellings). Where planning policy issues have been identified in relation to the delivery of local needs affordable homes, these will be addressed in the local plan review and include consideration of:
 - A strategic assessment of population and housing need
 - The settlement hierarchy
 - Site allocations
 - Development boundaries
 - Holiday homes and permanent homes
 - Eligibility for affordable housing
 - Local connection
 - Types and tenures of housing
 - Viability
- Overall there has been a decline in community services and facilities. Planning policy cannot prevent this because the market and consumer preference for online shopping are the main drivers for change. In detail the losses and gains since 2017/18 are:
 - shops (8 closed, 2 opened)
 - pubs (5 closed)
 - churches (2 lost)
 - residential homes (2 lost)
 - cafes (5 gained. It should be noted that policy HC4 does not protect cafes as a community use.)
- The number of permissions for business use has remained consistent since 2017 (28 in total). We have permitted more business use in the countryside (aligning to policy E2) than in or on the edge of settlements (aligning to policy E1).
- The overall trend is an increase in traffic over the plan period, including on monitored recreational routes (Wintercroft Lane, Dovedale and Derwent Lane, Upper Derwent Valley).
- Presentation of data in relation to core minerals policies not ready at time of publication owing to differences in the recording and nature of this data set. Officers will bring a further report to members to a subsequent Planning Committee to complete the reporting in time for consultation of our Issues and Options for Local Plan review.

Are there any corporate implications members should be concerned about?

Financial:

7. None

Risk Management:

8. This updated Monitoring Report reduces risks around compliance with planning legislation.

Sustainability:

9. No implications.

Equality, Diversity and Inclusion:

10. No implications.

11. **Climate Change**

No implications.

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

None

13. **Appendices**

MONITORING REPORT 2016/17-2022/23 FINAL VERSION (JUNE 2024)

Report Author, Job Title and Publication Date

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**PEAK
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MONITORING REPORT 2016/17-2022/23

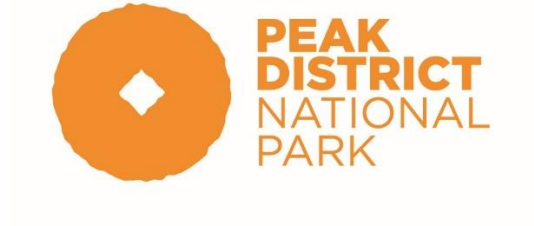
Final Version (June 2024)

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ANNUAL MONITORING REPORT 2016/17-2022/23

Final version (June 2024)

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1 Introduction

Background

- 1.1 This Monitoring Report (MR) monitors policies in the Core Strategy (adopted 2011).
- 1.2 The Localism Act 2011 removed the statutory requirement for an annual monitoring report but the overall duty to monitor planning policies remains. Authorities can choose which targets and indicators to include in the report in line with the National Planning Policy Framework and relevant legislation.
- 1.3 Guidance from the Planning Advisory Service (an advisory agency for the department of Communities and Local Government) confirms that the primary purpose of monitoring is to consider and share the performance and achievements of the Planning Service with the local community.
- 1.4 Due to these changing requirements, policy monitoring has changed in scope since 2011:
 - From 2005-2017 *Annual Monitoring Reports* were produced. These were comprehensive in scope and from 2011 onwards included data on specific indicators.
 - from 2017 to 2019 monitoring was aligned to the National Park Management Plan, reporting only on housing and contrary to policy cases.
- 1.5 The Authority is now undergoing a review of its Local Plan and it is good practice to have an up-to-date monitoring report. This report therefore focuses on the period 2016/17-2022/23. In this way a comprehensive suite of monitoring reports is provided to cover the whole Core Strategy monitoring period to date. (Original MR indicators and targets are referenced but cannot be given great weight, either because the indicator itself is outside the Authority's control and/or it has not been consistently monitored.)

Core Strategy Spatial Portrait

2.1 The Core Strategy describes the spatial issues affecting the National Park at the time of production. These provide a baseline set of conditions and background against which the Spatial Outcomes and strategic policies were developed. The spatial outcomes are that by 2026:

- **Landscapes and Conservation** - the valued characteristics and landscape character of the National Park will be conserved and enhanced.
- **Recreation and Tourism** - a network of high quality, sustainable sites and facilities will have encouraged and promoted increased enjoyment and understanding of the National Park by everybody including its residents and surrounding urban communities.
- **Climate Change and Sustainable Building** - the National Park will have responded and adapted to climate change in ways that have led to reduced energy consumption, reduced CO2 emissions, increased proportion of overall energy use provided by renewable energy infrastructure, and conserved resources of soil, air, and water.
- **Homes, Shops and Community Facilities** - the National Park's communities will be more sustainable and resilient with a reduced unmet level of affordable housing need and improved access to services.
- **Supporting Economic Development** - the rural economy will be stronger and more sustainable, with more businesses contributing positively to conservation and enhancement of the valued characteristics of the National Park whilst providing high quality jobs for local people.
- **Minerals** - the adverse impact of mineral operations will have been reduced.
- **Accessibility, Travel and Traffic** - transport sustainability for residents and visitors will have been improved in ways that have safeguarded the valued characteristics of the National Park.

2.2 Performance against spatial objectives was assessed comprehensively as part of the plan review and this is set out in a series of Topic Papers¹.

¹ [Topic Papers: Peak District National Park](#)

3 Core Strategy Spatial Scale Progress

- 3.1 The heatmap (Map 1 below) shows the spread of planning applications across the National Park since 2017. As expected ‘hotspots’ are observable in National Park settlements, particularly Bakewell, aligning to the overall development strategy (policy DS1.)

The Dark Peak and Moorland Fringe

- 3.2 Most of this area is Natural Zone for planning purposes, and other conservation designations also apply. It is sparsely populated but particularly susceptible to landscape harm and inappropriate development. (See Section 6 for detailed analysis.)
- 3.3 The Longdendale Valley carries a series of reservoirs, a high voltage powerline and part of the National Highways Strategic Road Network. The National Grid’s Visual Improvement Project at Dunford Bridge (outside of the National Park) resulted in undergrounding of the powerline along the Trans Pennine Trail to the point where the cables are carried under the high moors via the former Woodhead railway tunnel.
- 3.4 The route of the Strategic Road Network between Sheffield and Manchester has been the subject of recent studies aimed at increasing capacity. At the present time, there are no proposals to increase capacity beyond the A57 Link Roads Programme, which was approved in November 2022².
- 3.5 Severn Trent Water and Yorkshire Water jointly proposed additional reservoir capacity in the Upper Derwent Valley of the Peak District. The National Park Authority objected to the proposed scheme because of adverse impact on landscape, the ecology of designated sites and other special qualities of the National Park. This proposal has since been withdrawn.

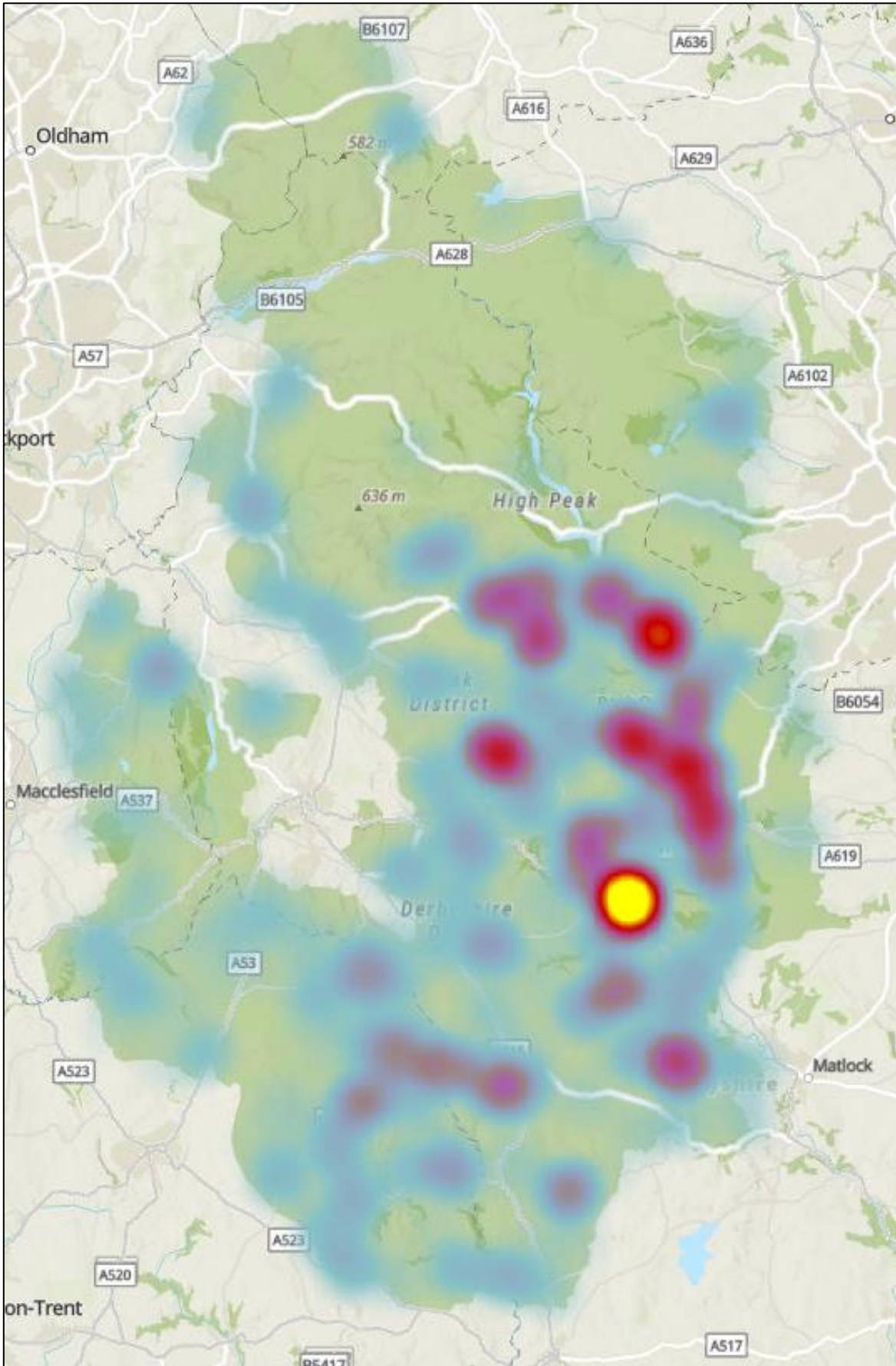
White Peak and Derwent Valley

- 3.6 Most of the National Park’s settlements and villages are in this area. The award-winning Colonel Wright Close in Bakewell is a recent development of 30 100% affordable local-needs homes, built to a high standard using timber frames and local stone.
- 3.7 The redevelopment of a large industrial area in Bradwell, one of the National Park’s larger settlements, has resulted in 55 new houses (43 are open market, 12). The redevelopment was shaped by the local community via Bradwell Neighbourhood Plan and the affordable homes are owned outright by Bradwell Community Land Trust.

² The scheme had been subject to a legal challenge, which was recently withdrawn. The development of the scheme is anticipated to commence during 2024.

South West Peak

- 3.8 There are fewer settlements in this area and less development than in the White Peak. Leekfrith developed its own Neighbourhood Plan, which was 'made' in 2021. This covered local topics important to the community. It's policies include redevelopment of the Upper Hulme industrial site, holiday rentals and parking.



Map 1: Heatmap of planning applications from 2017/18 to 2022/23

4 Progress in plan making

- 4.1 Since publication of the last MR, the PDNP Development Management Policies (DMP) document and its supporting Policies Map have been adopted (May 2019). In 2020 the Authority started a review of the Core Strategy and the DMP document with the intention of combining the two documents. A timeline for this review can be found on our [website](#).
- 4.2 The Authority's [Local Development Scheme](#) (LDS) was refreshed in 2022 and sets out a timetable for the preparation of planning policy documents.
- 4.3 The Authority's [Statement of Community Involvement](#) (SCI) was refreshed in 2024 and outlines how the Authority will involve individuals, local communities and stakeholders when preparing and revising planning policy documents, and determining planning applications.
- 4.4 In addition, since the last MR the Authority has formally made (adopted) five Neighbourhood Plans in Brampton, Dore, Holme Valley, Leekfrith and Whaley Bridge, as well as adopting three Supplementary Planning Documents on the topics of Transport Design, Residential Annexes and the Conversion of Historic Buildings (a full list can be found in the LDS).

5 General Spatial Policies

Policy GSP1

Policy GSP1	Securing National Park purposes and sustainable development	
Indicator	Applications granted contrary to policy and raising significant policy issues	
Target	Contrary to policy – tolerance of 3 per year Raising significant policy issues – tolerance of 10 per year	
Achieved	Contrary to policy	3 in 2021/22 1 in 2022/23
	Raising significant policy issues	3 in 2021/22 6 in 2022/23

- 5.1 General spatial policies (GSPs) provide overarching principles for spatial planning in the National Park and relate closely to the delivery of national park purposes. Policy GSP1 seeks that any development proposal will comply with core policies so that any development in the National Park satisfies the statutory purposes of national park designation. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation of the National Park will be given priority. Monitoring of GSP1 is particularly important because of consequence for all policies and the cumulative impacts of decisions.
- 5.2 In the last MR (2017-19), the number of applications granted contrary to policy was nil for 2017/18 and three for 2018/19. Two of these related to agricultural buildings resulting in landscape harm, and one related to housing detached from the settlement (i.e. development in open countryside).
- 5.3 For 2019/20 and 2020/21 there were no applications granted contrary to policy. This was reported in the State of the Park report.
- 5.4 For 2021/22 there were two applications recorded as granted contrary to policy and for 2022/23 there was one. These are listed below.

Year	Application Description	Policies involved	Comments
2021/22	Local needs dwelling at Chapel Farm, Heathcote	DS1	Tested issues of 'in or on edge of'
2021/22	Swellands Access Track (ref 1221/1393)	L1 and DMC2	Tested what is an exception for development in the Natural Zone
2022/23	Swellands Access Track (0322/0346)	L1 and DMC2	Tested what is an exception for development in the Natural Zone

Table1: Contrary to policy applications 2021/22 – 2022/23

5.5 In the last MR (2017-19) the number of applications raising significant policy issues was 10 recorded for 2017/18 and 5 for 2018/19. For 2019/20 and 2020/21 there were no applications raising significant policy issues. This was reported on in the State of the Park report.

5.6 For 2021/22 there were 3 applications recorded that raised significant policy issues, and for 2022/23 there were six. These are listed below:

Year	Application Description	Policies involved	Comments
2021/22	Two local needs dwellings between Greystones and Jesmond, Tideswell (ref 0421/0433)	HC1, DMH1	Exceeded size limit for no. of occupants. Heritage impact
2021/22	Local needs dwelling at Tagg Lane, Monyash	HC1, DMH1	Exceeded size limit for no. of occupants. Landscape and heritage impact
2021/22	Change of use of paddock for Shepherds Hut to be used as a holiday let at Town End Cottage, Sheldon	DMR1, L1	Disconnected from farmstead
2022/23	Conversion of field barn to dwelling at Twin Dales Barn (ref 0122/0074)	L1, L3	Landscape harm. Conditions helped to address the issues
2022/23	Agricultural building at South View Farm, Hucklow	L1	Landscape and heritage impact. Issues around design of agri buildings
2022/23	Local needs dwelling at Rake end Farm, Monyash (0622/0751)	DS1	Issues over 'in or edge of' settlement
2022/23	Local needs dwelling at Recreation Road, Tideswell (ref 0222/0190)	HC1, DMH1	Exceeded size limit for no. of occupants

2022/23	Consolidation of 2 affordable dwellings into one at Forget me Not Cottage, Chelmorton (1122/1370)	HC1, DMH1	Size - loss of small housing stock
2022/23	Local needs dwelling at land north of Sharplo Cottage, Tissington (0722/0876)	HC1, DMH1	Exceeded size limit for no. of occupants.

Table 2: Applications raising significant policy issues 2021/22 – 2022/23

- 5.7 In summary, the applications contrary to policy came close to the tolerance of three per year in 2021/22. For 2022/23 this was one. Over these two years the same issue was captured twice i.e. the access track to Swellands and Black Moss reservoirs. This case raised issues around exceptional circumstances for development in the Natural Zone. This proposal did not align to the policy but was required for essential safety work. The other contrary to policy decision in 2021/22 related to testing what is considered to be 'in or on edge' of a settlement.
- 5.8 With regards to the permissions raising significant policy issues, the figure of three in 2021/22 was well below the threshold of ten, however, this figure doubled in 2022/23 to six. Of these cases, 5 related to issues around size of local needs dwellings i.e. exceeding the size requirements for intended occupants.

Policy GSP4

Policy GSP4	Securing planning benefits
Indicator	Number and type of Section 106 agreements or infrastructure secured through other mechanisms including any introduced Community Infrastructure Levy.
Target	No numeric target is applied

- 5.9 GSP4 provides a framework for the consideration of the use of Planning conditions and legal agreements and explains the relationship to infrastructure priorities of constituent local authorities which the National Park must take account of.
- 5.10 Planning consents commonly make use of conditions and legal agreements about specific matters related to development to provide a wider benefit. In the National Park it would be appropriate to include requirements that aid the implementation of national park purposes and to ensure sustainable development e.g. through design and/or measures to improve energy conservation or renewable energy generation.

Year	No. of S106s
2013/14	26
2014/15	27
2015/16	27
2016/17	20

2017/18	14
2018/19	15
2019/20	14
2020/21	13
2021/22	14
2022/23	15

Table 3: Number of S106s applied 2013/14-2022/23

5.11 The number of S106s is broadly consistent over the years, with some reduction after 2016/17. Their principle use is to ensure that the occupancy of any local needs affordable housing is restricted in perpetuity to local people, so numbers will correlate with such permissions.

Appeals

5.12 Monitoring the appeals determined by the Planning Inspectorate gives a good indication of whether our policies are working effectively. Below shows the number of planning applications that have been appealed by the applicant, and therefore submitted to the Planning Inspectorate to determine.

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Decisions	38	33	35	29	41	23	24	40	40	49	27
Allowed	10	11	15	7	14	9.5	9	15	14	12	11
	26%	33%	43%	24%	34%	41%	38%	37%	35%	24%	41%
Dismissed	28	22	20	22	27	13.5	15	25	26	37	16
	74%	67%	57%	76%	66%	59%	62%	63%	65%	76%	59%

Table 3: No. of planning appeals allowed/dismissed per year 2012/13 – 2022/23

5.13 The 2022/23 figure included a five-day Public Inquiry regarding an Enforcement Notice that had been served on the owner of Whitelaw Mines on Bonsall Moor for using the land for a motocross (scrambling) track. The Inspector supported the Authority. In Nov/Dec 2022 there was a six-day Public Inquiry against an Enforcement Notice that had been served on the owner concerning unauthorised works that had taken place at Thornbridge Hall, Great Longstone where the Inspector quashed the enforcement notice and allowed the appeal.

5.14 All of the appeals which have been allowed since 2017/18, have been cases where a site-specific judgment by the Inspector has been different from that of the Authority. There have been no appeals allowed which were fundamentally contrary to policy or which raised wider policy issues. This is welcome and shows that the Planning Inspectorate is generally supporting the Authority's decisions and its policies.

5.15 Members have been made aware of any issues raised by specific appeal decisions (both allowed and dismissed) as the Head of Planning sends all members a short analysis of each decision when an appeal is determined.

6 Landscape and conservation

Policy L1

Policy L1	Landscape character and valued characteristics
Indicator	Number of planning permissions for development in the Natural Zone.
Target	No numeric target is applied

6.1 The National Park Authority has identified areas which it considers are particularly important to conserve and for spatial planning purposes designated them as 'Natural Zone'. (Other conservation designations also apply.) Policy L1 prevents development in the Natural Zone except in exceptional circumstances, and in the remainder of the countryside requires close consideration of valued landscape character.

6.2 The table below shows the number of planning permissions that have been approved in the Natural Zone:

Type of planning permission	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Advertisement consent		1	1	1		2		1	3	2
Full minerals application		1						1		2
Full planning application (EIA)	1									1
Full planning application (major applications and 13 week deadlines)		1				1		1	1	1
Full planning permission	24	28	13	18	29	26	34	38	31	36
GDO application extended		1	1		1	1	1		2	3
Listed building consent	1	2		2	2	7	5	5	3	4
Renewal		1								
Section 73	1	1		2	2	3	2	1	2	
Overhead lines			1	1	1	1				
Total	27	36	16	24	35	41	42	47	42	49

Table 4: Planning applications approved for development within the natural zone 2013/14 – 2022/23

6.3 There has been a significant number of permissions in the Natural Zone. This appears to be increasing, but at least in part may be a result of changed

methodology. (Since 2017/18 any planning permission partly or wholly within the Natural Zone has been recorded – previously on those wholly within were recorded.)

- 6.4 The major planning applications recorded in the Natural Zone relate to a mountain bike track through conifer plantation (in 2018/19), restoration of Thornseat Lodge (in 2020/21 and 2022/23) and temporary change to land for film making (2021/22).

7 Recreation and tourism

Policy RT1: Recreation, environmental education and interpretation

7.1 The policy supports the provision of recreation, environmental education and interpretation developments which encourage the sustainable enjoyment of the National Park. To reflect its special status, developments should be appropriate to the valued characteristics of the National Park. For example, proposals which do not reflect, explore or depend on characteristics such as the natural beauty, wildlife, historic buildings, customs or quiet enjoyment will not be acceptable.

Policy Monitoring

Policy RT1	Recreation, environmental education and interpretation
Indicator	Number of applications granted and completions for development to promote recreation/understanding.
Target	An increasing number.
Achieved	

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2020/21	2021/22
Permissions to promote recreation/ understanding	17	14	15	9	0	2	0	0

Table 5: Number of permissions under RT1 2013/14 – 2021/22

7.2 In 2018/19 there were two applications. One was an advertisement consent for an information sign at a recreation site and the other was the reroofing and change of use of the Goods Shed at Millers Dale into an interpretation centre,

7.3 Since the last MR in 2016/17 there has been a continued reduction in the number of applications.

Policy RT2

7.4 The overarching policy approach is to focus on the conversion of traditional farm buildings and limit new-build hotels under policies DS1 and RT2. Developments outside Bakewell are limited to the change of use and conversion of traditional buildings and other minor developments which extend or make quality improvements to existing holiday accommodation.

Policy RT2	Permissions for use class C1 (hotel)
Indicator	Permissions granted for hotels use class C1
Target	No new build hotel accommodation (>5 beds) outside Bakewell.

Achieved	Zero
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Year	Application Description
2017/18	Variation of conditions for Premier Inn at Bakewell
2018/19	Demolition of former Rising Sun Hotel and erection of Hotel (Class C1) near Bamford, Thornhill.
2019/20	The change of use of an area previously used as a merchant’s area to hotel accommodation in Tideswell
2020/21	Change of use of dentist to provide hotel accommodation at Bakewell

Table 6: Permissions relating to new hotels 2017/18 – 2020/21

7.5 Since the last MR, permission has been granted for a new build hotel in Bakewell, plus redevelopment of other existing sites to offer accommodation in response to changing market demands, such as the Rock Mill site in Stoney Middleton (2013).

7.6 The hotels that have been permitted are either within Bakewell, or they make use of existing buildings or sites and therefore align with the policy position.

Policy RT3

7.7 Camping and caravanning is the most popular type of holiday accommodation in the Peak District. Policy enables a range of sizes and types of site provided there is no adverse impact on landscape and valued character. Policies encourage well-located sites where there are gaps in provision.

Policy RT3	Caravans and camping
Indicator	Caravan and camping site permissions
Target	N/A
Achieved	See figures below

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Permissions for static caravans, chalet or	0	0	0	0	6	4	2	1	12	3

lodges										
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Year	Application Decision
2017/18	6 applications granted, including 6 camping pods, 3 shepherd's huts and 6 static caravans
2018/19	4 applications granted; including for 2 shepherd's huts in total; one (at Rivendale) included the provision of 78 lodges, 7 cabins, 3 field barns, 25 pods and 2 tree houses, including the provision of a camping barns and the relocation of 16 static caravans, plus permission for an additional 10
2019/20	2 applications granted, including the provision of 2 camping pods
2020/21	1 application granted for the extension of an existing site
2021/22	12 applications granted, including 8 shepherd's huts in total; and the use of a static caravan for guest accommodation
2022/23	3 applications granted including for 2 shepherd's huts in total and for a change of use from a licensed to an unlicensed site

Table 7: Permissions relating to caravans, chalets and lodges 2013/4 – 2022/23

- 7.8 Since the last MR there have been several applications, with 2021-22 being particularly busy; possibly as a result of the popularity of the National Park during the Covid-19 pandemic.
- 7.9 The redevelopment of the site at Rivendale is an exception, based on the enhancement of the site, with better sustainable connectivity into the surrounding countryside.
- 7.10 There has been increased demand for camping pods and shepherd's huts since 2016/17, with a trend towards applications for bigger structures.

8 Climate Change and Sustainable Building

Policy CC1

- 8.1 Core Strategy Policy CC1 requires all development to achieve the highest possible standards of carbon reduction.
- 8.2 Annually since 2015 a 2-month sample of relevant planning applications (April and October) has been assessed to monitor the application and effectiveness of Policy CC1.

Policy CC1	Climate Change mitigation and adaptation
Indicator	Proportion of development incorporating sustainability measures
Target	100%
Achieved	Not achieved

	Mar-15	May-15	Apr-16	Oct-16	Apr-17	Oct-17	Apr-18	Oct-18	Apr-19	Oct-19	Apr-20	Oct-20	Apr-21	Oct-21	Apr-22	Oct-22
Total number of planning applications	70	84	72	44	50	59	58	54	59	77	44	66	61	50	60	59
Percentage of planning applications that could incorporate energy efficiency and micro renewables	53%	65%	35%	41%	58%	41%	53%	52%	53%	53%	45%	57%	58%	60%	52%	41%
Of those that could, the percentage incorporating energy efficiency and micro renewables at application stage	32%	27%	56%	33%	48%	51%	32%	0%	6%	15%	40%	78%	75%	70%	65%	83%
Of those that could, the percentage of approved permissions incorporating energy efficiency and micro renewables at decision stage	39%	40%	68%	50%	48%	51%	13%	4%	3%	24%	60%	78%	80%	60%	65%	88%

Table 8: Application of policy CC1 to sampled planning applications, 2015 – 2022 [Data Source](#)

- 8.3 The table above indicates whether sustainability measures were considered at application stage, and then at decision stage. The overall trend is for an

improving performance; in 2022, 88% of permissions sampled incorporated energy efficiency and micro-renewables compared to only 39% in 2015.

- 8.4 Anomalies (for example the drop-off in 2018) are most likely related to changes in development management process. For example, the move away from a standard Design and Access form, and new validation requirements introduced in 2019.
- 8.5 Qualitative analysis has shown that the overall trend is not wholly positive. The policy requirement is to ‘achieve the highest possible standards of carbon reduction’ but applications can be policy compliant with only very basic measures, for example water efficiency. Further research is needed to fully explain this.

Policy CC2

Policy CC2	Low Carbon and renewable energy development
Indicator	Standalone applications granted and completed for other low carbon developments and for renewable energy generation
Target	An increasing number
Achieved	Increasing

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Permissions for low carbon and renewable energy development	13	11	15	8	4	5	9	11	17	29*

Table 9: Permissions for low carbon and renewable energy development 2013/14 – 2022/23

*seven car park machines in PDNP car parks

- 8.6 The purpose of this policy is to reduce carbon emissions. This aligns to the PDNP Management Plan (2023-2028) which pledges an exemplary response to climate change. The last figure reported for this indicator was in 2016/17. Since then, although the figure dipped during 2017/18 and 2018/19, the number of renewable and low carbon schemes has increased, particularly since 2021/22. The latest figure (2022/23) is the highest recorded, with 29 (it is noted that seven of these are for the PDNP car park machines which utilise solar power). The last two years have seen an increase in solar panels, as well as ground source, and particularly air source, heat pumps.
- 8.7 Since 2017/18 biomass boiler schemes are not included because carbon effects can only be judged in relation to the source of the biomass, and the technology is associated with air pollution. Most do not need planning permission but we estimate that around 2 per year are installed in listed buildings (and other buildings of heritage interest).

Policy CC3

Policy CC3	Waste management
Indicator	Applications for waste management
Target	None
Achieved	None

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2020/21	2021/22	2022/23
Permissions for waste management	0	0	0	0	0	0	0	0	0

Table 10: Permissions for waste management 2013/14 – 2022/23

8.8 The purpose of this policy is to achieve more sustainable use of resources. There have been no applications for waste management.

Policy CC4

Policy CC4	On-farm anaerobic digestion of agricultural manure and slurry
Indicator	Number of new on-farm anaerobic digestion waste management facilities permitted
Target	An increased number of additional on-farm AD facilities

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2020/21	2021/22	2022/23
Permissions for on-farm anaerobic digestion of agricultural manure and slurry	0	0	2	2	0	0	0	0	0

Table 11: Permissions for on-farm anaerobic digestion of agricultural manure and slurry 2013/14 – 2022/23

8.9 Anaerobic digestion can protect the environment by processing animal faeces, urine manure, slurry and spoiled straw into digestate for spreading on the land. As well as being acceptable on single farms, the policy also recognises that farms in close proximity may wish to group together.

8.10 There have no planning permissions for single or centralised anaerobic digestion facilities, however, it is noted that in some instances planning permission would not be required.

Policy CC5

Policy CC5	Permissions for new build in flood zone
Indicator	Permissions for new build in flood zone
Target	No development in mapped zone flood risk areas
Achieved	See below table

8.11 This policy seeks to safeguard floodplains, secure a net reduction in overall flood risk, encourage Sustainable Drainage Systems (SuDS), and reduce water consumption. The policy mirrors the expectations of the NPPF on Development and Flood Risk. It reflects the strategic need to understand flood risk, and to reduce those risks. It recognises the need to avoid flood risk areas and protect functional flood plains.

Application type	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Full planning permission	74	22	26	31	22	32	29	22
Listed Building Consent	13	6	10	12	10	10	8	11
Advertisement consent	5	2	3	9	3	2	3	8
Section 73	3	2	7	3	2	2		6
Waste application	1	1						
Full planning applications (major applications and 13-week deadlines)	1	2	2		2			
Overhead lines	1	0						
Demolition (GPDO)	1	1						
Change of use (GPDO)	1	0		1				
TOTAL	100	36	48	56	39	46	40	47

Table 12: Applications relating to Flood Zone 2015/16 – 2022/23

8.12 We deal with a significant number of planning applications for development in the flood zone but the vast majority are for small-scale development associated with existing buildings/structures.

8.13 Three (3) of the 4 'full major applications' received since the last MR (2017/18) relate to the Riverside Business Park in Bakewell. The other is a polytunnel at the High Peak Garden Centre in Hope.

9 Homes, shops and community facilities

Policy HC1 and HC2

Policy HC1 and HC2	New housing
Indicator	Permissions and completions by type.
Target	n/a

Housing completion of:	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	TOTAL	%
open market	25	34	82	29	27	25	14	15	23	11	54	25	22	11	33	33	32	495	40
local needs	79	4	30	20	21	27	15	1	1	4	7	1	6	9	34	7	3	269	22
agricultural	2	2	8	1	5	6	3	2	1	2	4	4	5	0	1	0	3	49	4
ancillary	6	5	17	1	8	7	1	3	3	1	4	8	7	1	0	8	4	84	7
agricultural or holiday	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
ancillary or holiday	0	2	0	0	0	0	0	0	6	1	4	1	3	1	0	1	3	22	2
holiday	18	23	68	8	23	41	1	3	20	9	24	12	15	11	0	24	16	316	26
																		1237	100

Table12: housing completions by type 2006/7-2022/23

9.1 Our current approach is to focus on conversions and new-build local affordable housing that supports thriving and sustainable communities.

9.2 The Core Strategy sets out the circumstances that justify new homes:

- HC1 enables new-build homes to be built for local people in housing need, or those with specialist needs, and open-market market homes for anyone if by doing so the National Park is also enhanced, for example if listed buildings are conserved.
- HC2 provides for key workers in agriculture, forestry and other rural enterprises

9.3 The number of open market homes constructed remains consistent. The number of local needs affordable homes is more challenging and we are working closely with constituent authorities to address this. Where planning policy issues have been identified in relation to the delivery of local needs affordable homes, these will be addressed in the local plan review and include consideration of:

- A strategic assessment of population and housing need
- The settlement hierarchy
- Site allocations (and/or development boundaries)
- Holiday homes and permanent homes
- Eligibility for affordable housing
- Local connection
- Types and tenures of housing
- Viability

Policy HC3

Policy HC3	Permission for Gypsy and traveller pitches
Indicator	Permissions for Gypsy and traveller pitches
Target	No numeric target applied
Achieved	

9.4 National policy requires planning authorities to address the accommodation needs of gypsies, travellers and travelling show people. The *Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment (2023)* did not identify any need for pitches in the National Park. Nevertheless, the Core Strategy allows exceptional circumstances of proven need for a small temporary site, if this can be met without compromising national park purposes.

9.5 Since this figure was last recorded on there have been no permissions for gypsy and traveller pitches.

Policy HC4

Policy HC4	Provision and retention of community services and facilities
Indicator	Permissions and completions by type.
Target	No net change
Achieved	Overall loss

	Loss	Gain	Overall gain/loss
2017/18	2	3	1 gained
2018/19	2	3	1 gained
2019/20	6	1	5 lost
2020/21	8	3	5 lost
2021/22	3	5	2 gained
2022/23	4	0	4 lost
Total	25	15	10 lost

Table 14: Losses (through change of use) and gains of community services and facilities 2017/18 – 2022/23

9.6 Losses and gains have fluctuated over the five years monitored; 2019/20 and 2020/21 saw the biggest net loss. Overall there has been a decline in community services and facilities. Planning policy cannot prevent this because the market and consumer preference for online shopping are the main drivers for change.

9.7 In detail the losses and gains since 2017/18 are:

- shops (8 closed, 2 opened)
- pubs (5 closed)
- churches (2 lost)
- residential homes (2 lost)
- cafes (5 gained. It should be noted that policy HC4 does not protect cafes as a community use.)

Policy HC5

Policy HC5	Shops, professional services and related activities
Indicator	Permissions and completions within Use Class A; and proportion within/on the edge of named settlements
Target	No numeric target applied
Achieved	100% in named settlements

9.8 This policy supports retail premises and related activities within named settlements in Policy DS1. The only exception to this is to allow small scale

retail provision which is ancillary to a business or relates directly to a recreation or tourism activity, where this is appropriate to the sensitivity of its countryside location. Elsewhere, retail development will not be permitted.

- 9.9 All of the permissions given for this type of use have been located within the named DS1 settlements.

10 Supporting Economic Development

10.1 In the National Park we support business development:

- Within or on the edge of DS1 settlements at a scale related to local needs (Current Policy DS1 and E1)
- On previously developed land in sustainable locations to deliver enhancement (Current Policy GSP2)
- On existing employment sites and safeguarded employment sites (Current Policy E1)
- In existing traditional, existing modern, or replacement buildings that are in:
 - Smaller settlements
 - Farmsteads
 - Groups of existing buildings in sustainable locations (Current Policy DS1 and E2)

Policy E1

Policy E1	Business Development in Towns and Villages
Indicator	Business permissions inside, on the edge and outside of named settlements use class B
Target	No net decline
Achieved	Increasing

Year	Number of permissions for business use	No. inside settlement (policy E1)	No. outside settlement (policy E2)
2017/18	2	0	2
2018/19	8	2	6
2019/20	3	2	1
2020/21	5	3	2
2021/22	6	1	5
2022/23	4	1	3

Table 15: Number and location of permissions for business use 2017/18 – 2022/23

10.2 The number and location of planning permissions has remained fairly consistent over the years recorded. We have permitted more business use in the countryside (aligning to policy E2) than in or on the edge of settlements (aligning to policy E1).

11 Accessibility, travel and traffic

Policy objectives

11.1 Transport policies (T1 to T7) promote more sustainable transport choices while balancing the reality of car use in a rural area.

Policy T1: Reducing the general need to travel and encouraging sustainable transport

11.2 The policy aims to deter traffic beyond that which is necessary for the needs of local residents, businesses and visitors.

Policy T1	Reducing the general need to travel and encouraging sustainable transport
Indicator	Average annual daily traffic flows (by calendar years)
Target	Thresholds to be set

Road category	Average Annual Daily Traffic	Percentage change compared to 2022	Percentage change compared to 2016	Percentage change compared to 2012 ³
Cross-Park Roads	8,317	+6.73%	-2.18%	+14.24%
A Roads	6,766	+4.09%	-3.83%	+5.04%
Recreational Roads⁴	3,108	+3.21%	-1.28%	+12.62%
Overall combined AADT	6,117	+8.79%	Not available	+15.79%

Table 16: 2022 average annual daily traffic flows and percent change

³ 2012 was the first year of monitoring for the Core Strategy MR.

⁴ Monitored recreational routes include Wintercroft Lane (Dovedale) and Derwent Lane (Upper Derwent Valley).

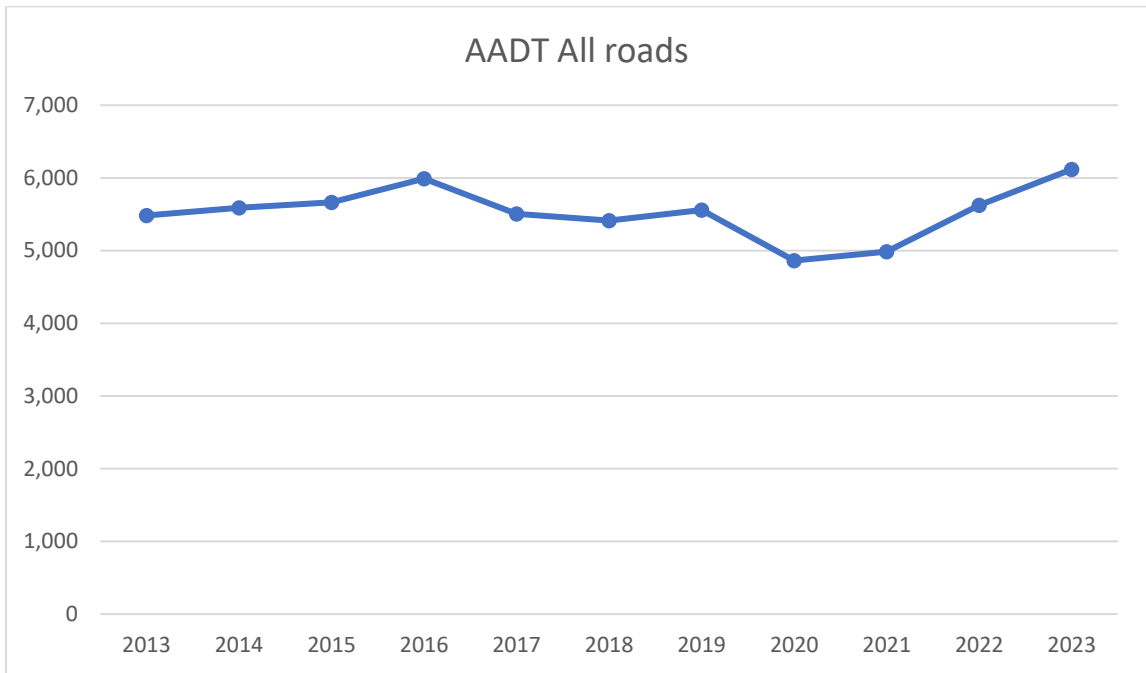


Figure 1: Average Annual Daily Flows across Peak District Roads (2012-2022)

11.2 The overall trend is an increase in traffic over the plan period, including on recreational roads. The data anomalies may be related to under-counting by specific (automated) counters, however the use of average flows across a selection of routes should lessen this effect.

10. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2024 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out over the last quarter (April – June 2024).
2. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, this can be authorised under delegated powers.
3. The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is ‘expedient’ to do so, having regard to policies in the development plan and any other material considerations. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. When we take formal action, it must be proportionate with the breach of planning control and be clear that resolving the breach would be in the public interest.
4. Local Enforcement Plan Review

The National Planning Policy Framework states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan (LEP) to manage enforcement proactively, in a way that is appropriate to their area. Our LEP was originally published in 2014 and last updated in 2018. Officers have recently undertaken another review and this report seeks committee endorsement for the revised and updated version. The need for a review of the LEP was raised as an action point following an internal audit which took place in the latter part of 2023, with the final report published in January 2024. A summary of progress on the other agreed actions in the audit report is also set out below.

RECOMMENDATION:

1. That the summary of activity be noted.
2. That the committee approves the revised and updated Local Enforcement Plan, as set out in the appendix to this report, subject to minor amendments being delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of Planning Committee.

Summary of Activity

5. Notices issued

20/0061 Bank House Bar and Restaurant Main Road Hathersage	Building operations comprising construction of a timber structure inserted into metal post holders which are bolted into concrete pads.	Enforcement Notice issued 25 April 2024 – appeal lodged
20/0089 Manor House Little Hucklow	Installation of three air source heat pumps	Enforcement Notice issued 30 April 2024 – appeal lodged

Workload and performance

6. This section of the report summarises our performance over the last quarter. We resolved 37 breaches in the quarter which means that we are on target to considerably exceed our annual target of 120 breaches resolved. This is a result of having filled all of the vacant posts, some of which have persisted over the last 3-4 years.
7. Another result of posts being filled is that we have been able to make progress on addressing the backlog of enquiries. We have investigated 138 enquiries in the latest quarter compared to just 47 and 76 in the preceding two quarters. This means that the number of outstanding enquiries has reduced from 244 to 202, despite an increase in the number of enquiries received from 72 to 95. Tackling the backlog of enquiries has also meant that we have discovered more breaches – 48 compared to only 8 and 18 in the preceding two quarters. So, overall the number of breaches outstanding has stayed virtually static since the end of March 2024.
8. The table below summarises the position at the end of the quarter (31 March 2024). The figures in brackets are for the previous quarter.

	Received	Investigated/Resolved	Outstanding
Enquiries	95 (72)	138 (76)	202 (244)
Breaches	48 (18)	47 (41)	529 (528)

9. Breaches resolved

16/0022 Land north of Main Road Taddington	Erection of building	Building removed
18/0079 Snelslow Barn Snelslow Farm Hernstone Lane Peak Forest	Change of use of shed to holiday let	Use ceased
23/0075 Woodhouse Queen Street Tideswell	Restaurant operating in breach of condition 4 of NP/WED/387/113 (opening hours)	Section 73 application to vary opening hours granted
22/0008 Yondermann Cafe Wardlow Mires	Display of advertisement signs	No breach – have replaced previous signs

19/0015 Old Hall Hotel Market Place Hope	Breach of planning condition 3 (reinstatement of kerb) on NP/HPK/0717/0695	Not expedient to take enforcement action
15/0128 Bassett Wood Farm Tissington	Mixed use as petting zoo, tea rooms and use of shepherds hut as holiday accommodation	Use ceased
19/0097 Moor Lodge Sugworth Sheffield	Alteration of gateway to form vehicular access and driveway	Pre-existing gateway reinstated and land restored
18/0157 Upper Hurst Tinman Lane Hulme End	Breach of conditions on NP/DDD/0908/0776	Immune from enforcement action
19/0215 Land off Cardlemere Lane Green Lane Pikehall	Derelict caravan and untidy land	Caravan removed and land cleared
14/0295 Castern Hall Ilam	LISTED BUILDING Satellite dish	Consent granted
23/0037 9 Ravenhoe Lane Rainow	Erection of porch	Immune from enforcement action
19/0196 White Field Farm Whitefield Lane Flagg	Erection of agricultural building	Not expedient to take enforcement action
17/0167 5a Burton Close Mews Bakewell	Erection of outbuilding	Immune from enforcement action
20/0080 Devonshire Arms Hernstone Lane Peak Forest	Use of land for camping and use of caravan as shop	No evidence of camping – caravan being used for ancillary purposes

21/0118 Land adjacent to Beech House Coombs Road Bakewell	Erection of building	Retrospective planning permission granted
18/0170 The Cottage The Courtyard Main Street Winster	LISTED BUILDING - Unauthorised window - west ground floor light, in the south gable end	Consent granted
19/0167 Land at junction of Hide Lane and Long Dale Hartington	Erection of building	Immune from enforcement action
20/0055 Northlands High Cliffe Eyam	Siting of shepherds hut and use as holiday accommodation	No breach
24/0020 Bike & Boot Leisure Hotel Hope Road Bamford	Breach of condition 6 of NP/HPK/0719/0820 (provision of pedestrian crossing)	Combined with 24/0039
21/0112 September Cottage Main Street Biggin	Erection of two buildings	Not expedient to take enforcement action
23/0059 Moorland House Station Road Hathersage	Installation of lighting bollards	Retrospective planning permission granted
19/0122 Upper Hurst Tinman Lane Hulme End	Erection of timber structures and office extension	Timber structures no breach – permission granted for office extension
20/0054 Hillcrest The Nook Eyam	Siting of shepherds hut	No breach – used for ancillary residential purposes

16/0017 Land off Blakelow Lane, Brightgate, Bonsall	Siting of static caravan	Caravan removed
18/0156 Old Chapel West Bank Winster	LISTED BUILDING Installation of rooflights not in accordance with approved scheme – NP/DDD/1008/0869 and 0872	Rooflights replaced with agreed design
19/0013 The Croft Milldale Alstonefield	Creation of vehicular access and parking area, conversion of upper floor of garage to holiday accommodation	Access and parking area immune from enforcement action – retrospective planning permission granted for holiday accommodation
23/0065 Crewe & Harpur Cottage The Rakes Alstonefield	Use of ancillary annex as holiday accommodation	Use ceased
19/0132 Hope Valley Garden Centre Bamford.	Display of advertisement signs	Combined with 24/0047
23/0017 Land west of Edale Road Barber Booth Edale	Construction of a lake	Retrospective planning permission granted
18/0131 The Clays Alstonefield	Erection of building obstructing public right of way	Minor obstruction which can be bypassed
13/0107 Post Office Corner Castleton	Display of advertisement sign	Has acquired deemed consent
13/0103 Gorse Hill House Bar Road Curbar Calver	Erection of wall does not comply with approved plans for NP/DDD/0113/0012.	Immune from enforcement action
14/0479 One Stop Station Road Hathersage	Display of advertisement sign	Has acquired deemed consent

23/0071 Gautrieside Farm Sparrowpit	Siting of static caravan	No breach – used for ancillary residential purposes
22/0046 Ashford Arms, Ashford in the Water	LISTED BUILDING Steel covers fixed to windows, and erection of unauthorised sheds and fencing within curtilage	Steel covers, sheds and fencing removed
22/0026 Ridge Farm, Swallow Cottage Bottom Of Moor Longnor	Siting of caravan	Duplicate case – see 20/0116
13/0139 Old School Cottage Brushfield Taddington	Retention of timber car port canopy in breach of conditions	Immune from enforcement action
13.	<u>Current High Priority Cases</u>	
15/0057 Land at Mickleden Edge, Midhope Moor, Bradfield	Laying of geotextile matting and wooden log ‘rafts’ to form a track	EN in effect – initial compliance period expired – Natural England consent obtained for works 30 May 2023 – appeal pending against NE consent
17/0044 Woodseats Farm, Windy Bank, Bradfield Dale	External and internal alterations and extension to listed building, erection of lighting and CCTV columns and engineering works (including construction of hardstandings and tracks)	EN in effect with regard to engineering works, extension and erection of lighting and CCTV columns – applications seeking regularization of other works refused – officers considering further enforcement action
18/0062 Land at Cartledge Flat, Bradfield Moors	Creation of a track	EN in effect – compliance period expired - officers seeking compliance
19/0064 Alstonefield Hall, Church Street, Alstonefield	External and internal alterations to grade II* listed building	PP and LBC granted on 9 November 2023 for works to regularize and remediate breaches

22/0040 Land at Cressbrook Dale (Otherwise known as Litton Frith Farm)	Construction of parking area, steps and a path and erection of tipi	Enforcement notice came into effect on 22 May 2023 – compliance period for removal of developments expired on 22 August 2023 – works in default carried out in December 2023 to remove parking area and tipi and restore the land
21/0060 Home Farm Main Street Sheldon	Construction of track and hardstanding, erection of building, construction of timber sheds/structures, siting of caravans and conversion of building to residential dwellings	Injunction granted and court order issued and served – December 2023 – partly retrospective application for ‘holiday retreat’ refused 13 May 2024 – awaiting possible appeal

Local Enforcement Plan Review

10. As mentioned in the introduction to this report, we have recently undertaken a review of our Local Enforcement Plan (LEP). A draft version of the revised Plan has been forwarded to the Chair and Vice-Chair of this committee for comments and the comments received have been taken into account in producing a final draft which is in the appendix to this report.
11. The revised draft is broadly similar to the previous version. However, it has been updated to take into account new and amended legal powers and other statutory changes which have been introduced since the last review in 2018. It has also been reduced from 27 pages to 13 pages, with more weblinks to detailed information that is already available elsewhere and simpler language used where possible. It is considered that the draft is more user-friendly as a result.
12. The revised draft informs those people who wish to report a possible breach of planning control to use our new online form, unless there is a genuine reason why the form cannot be used or in cases of extreme urgency (e.g. demolition of a listed building). It also summarises the investigation process and what happens when we find a breach of planning control. The draft makes it clearer that if no reasonable attempt is made to remedy the breach by a specified date and a retrospective application is not submitted we will take prompt and effective formal enforcement action where we consider it is expedient to do so.
13. Our priorities are less rigidly defined in the revised draft than in the previous version, although, as before, it is made clear that our resources will be focused on breaches which cause the most significant harm. It states that ongoing works to listed buildings and works in protected areas (e.g. Sites of Special Scientific Interest) which are causing serious and significant harm will be given the utmost priority and that if works continue despite requests to stop we will usually take formal action without undue delay. For all other matters, it states that the more serious the harm caused the more likely it is that we will take formal action.

14. Conversely, where there is little or no harm caused by a breach of planning control the revised draft says that we will usually not give it the same priority and may decide it would not be expedient to take formal enforcement action. In these cases we will make a formal decision to take no further action under delegated powers.
15. Members of this committee will be aware from recent quarterly reports that a new Planning Service structure has been put in place over the last year with more focus on an integrated area team approach in dealing with our monitoring and enforcement casework. Alongside this, a major review of the backlog of cases has been taking place with significant progress being made. The revised LEP states that this review will continue over the coming year and that a team approach to monitoring of approved developments will also be pursued. The draft also signals that we will be reviewing and updating our internal processes and procedures and formulating appropriate performance measures/targets and reporting methods over the next year to ensure that we are working efficiently and effectively and providing relevant performance information to the Authority members and the public. Officers consider that it would be more appropriate for detailed performance measures to be formulated and implemented by relevant managers rather than being set out in the LEP. However, some higher-level measures/targets could be included in a future version of the Plan.

Internal Audit – Agreed Actions

16. The Authority's internal auditors (Veritau) carried out an audit of planning enforcement between September and December 2023. The conclusions in the final report were that there is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives. The overall opinion of the controls within the system at the time of the audit was that they provided 'Reasonable Assurance'.
17. The agreed actions to address the issues raised were as follows:
 1. Issue: Site Visit Delays - Vacancies will continue to be filled and training for new staff will be provided. Performance targets for enquiry site visits will be reinforced. Performance targets will also be reviewed to check if they are achievable with the available resources and amended if necessary.
 2. Issue: Case Resolution Delays - Vacancies will continue to be filled and training for new staff will be provided. High priority cases will be reviewed and it will be ensured that sufficient resources are devoted to seeking a timely resolution.
 3. Issue: Outdated Local Enforcement Plan - The Local Enforcement Plan will be reviewed and a draft updated version will be prepared. Member/Committee approval will be obtained and a revised Plan will be published. The new Development and Enforcement Manager will assume responsibility.
18. Action 3 is addressed in this report and, subject to committee approval, it is intended to publish the revised Plan. Actions 1 and 2 have been partially addressed as previous vacancies in relevant posts have now been filled. Training of new staff is ongoing and performance targets are being monitored by relevant managers. As mentioned in this report, over the coming months targets are also being reviewed within the new Planning Service structure and resources will be targeted towards high priority casework with a view to seeking timely resolution
19. Appendices
Appendix Local Enforcement Plan

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LOCAL ENFORCEMENT PLAN

First Published – March 2014
Revised and Updated – July 2024

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1. INTRODUCTION

The Peak District National Park is an asset of national, regional, and local importance and plays a special role at the centre of England. It was the first of 15 national parks in the UK to be designated for their natural beauty, cultural heritage and wildlife, and for people to enjoy them.

It is made up of a diverse variety of landscapes, and these form the basis for its designation as a National Park in 1951. It is home to some 38,000 residents and provides over 3,000 jobs, many of which are based on the special qualities of the landscape and the Park's cultural heritage. As a tourist destination it attracts many millions of visitors each year.

The effective enforcement of planning controls is therefore essential to protect the landscape and other valued characteristics and to safeguard the interests of residents, businesses and visitors from the harmful effects of unauthorised development. The Authority recognises the importance of an effective planning enforcement service within the National Park and has officers who are responsible for investigating reported breaches of planning control and, where breaches are found, seeking a resolution.

Our priorities for 2024/25

Over the last year we have been working hard to reduce a significant backlog of casework with some good progress made. We will **continue to reduce the backlog** over the next year (until July 2025) with the aim of achieving more sustainable caseloads for our officers.

We will also be **reviewing and updating our internal processes and procedures and putting a more robust case management system in place** to ensure that we are working as efficiently and effectively as possible and able to ensure that key case deadlines are identified and met. For example, where formal notices are in effect but have not been complied with by the specified date.

Alongside this we will be **formulating additional performance measures/targets** with the aim of making more relevant and focussed performance information available to the Authority members and the public. We will continue to report on progress through our quarterly reports to Planning Committee.

What is the local enforcement plan?

The Local Enforcement Plan explains what breaches of planning control are, how potential breaches can be reported to the Authority, sets out what may or may not be investigated and our priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches.

Local Planning Authorities are not required to produce a local enforcement plan. However, the National Planning Policy Framework, which sets out the Government's planning policies for England and how these should be applied, states that they should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.

Our Plan was originally published in 2014 and was revised and updated in 2018 and 2024.

What is a breach of planning control?

A breach of planning control is where a person carries out development (as defined by section 55 (1) of the Town and Country Planning Act 1990) to land or buildings without the required planning permission. This includes:

- building work or engineering operations (e.g. excavations or re-grading works)
- extraction/mining of minerals and the operation of ancillary and associated plant, buildings and machinery for processing minerals.
- changes of use of land or buildings
- non-compliance with conditions attached to an existing planning permission
- development which has not been carried out in accordance with an existing planning permission

It is important to realise that it is not a criminal offence to carry out development of land or buildings without first obtaining the necessary planning permission. Also, not all building works or changes of use are a breach of planning control as they may not amount to 'development' (as defined in the legislation) or may be carried out under permitted development rights. Permitted development rights are a national grant of planning permission which allow certain works and changes of use to take place without having to submit a planning application. They are set out in the [General Permitted Development Order](#). Whether a particular matter is not development or is permitted development will become apparent when we carry out an investigation.

We can only enforce planning legislation, so cannot get involved in private disputes, for example breaches of restrictive deeds or covenants, boundary disputes or rights of access. Such concerns should be raised with a solicitor who may be able to pursue civil action. You must tell your neighbours if you want to carry out any building work near or on your shared property boundary, or 'party wall'. Information about this is available at:

<https://www.gov.uk/party-walls-building-works>

Although not strictly a breach of planning control, as described above, other matters which we deal with include:

- Works carried out to a listed building, which affect its historic character or setting, without listed building consent
- Felling, lopping or topping of protected trees and hedgerows without consent
- Display of advertisements without advertisement consent
- Untidy land or buildings that adversely affect the amenity of the area

2. HOW DO I REPORT A POSSIBLE BREACH OF PLANNING CONTROL?

Use our online form

If you wish to report a possible breach of planning control please use our online enquiry form, which is available at:

<https://www.peakdistrict.gov.uk/planning/planning-enforcement/online-enquiry-form>

Completion and submission of the form enables you to easily provide all of the relevant information, including an accurate address or location, a description of the possible breach, any relevant times and dates, the identity of the owner or any contractors (if known) and an explanation of the harm being caused. The online form includes an interactive map which you

can use to show us the precise location of your enquiry. You can also upload photographs when you submit the form. Providing this information on the form makes it easier for us to prioritise and carry out an effective investigation.

In cases of extreme urgency (e.g. demolition of a listed building or the felling of trees covered by a Tree Preservation Order) you may also wish to inform us immediately by telephone so that we can act more promptly. In such cases please use the number below. An online form will still need to be completed and submitted.

What if I cannot use the online form?

If there is a genuine reason why you cannot submit your enquiry online, perhaps because you do not have access to the internet or you have a disability which prevents you from using the online form, please contact our Customer and Democratic Support Team Advisors who will assist you with your enquiry. They will be able to take you through the form over the phone or make an appointment to visit our office, for example.

E-mail: customer.service@peakdistrict.gov.uk

Telephone: (01629) 816200

In person: Aldern House
 Baslow Road
 Bakewell
 DE45 1AE

Our office hours are 8.45am to 5.00pm Monday to Friday. On bank holidays the offices are closed. Out of hours there is a facility to leave a telephone message.

What happens to my personal information?

We encourage you to provide your name and contact details so that we get in touch if we require further information or clarification and can report back to you once we have carried out our investigation.

Whilst the subject of the enquiry is public information, your name, address or other personal details will not be published or otherwise made available as they are protected by data protection legislation. Naturally we cannot stop the person who is the subject of the enquiry drawing their own conclusions about the source of the enquiry.

Occasionally, we may not be able to pursue enforcement action without valuable information that only you can provide. In rare cases, it may be beneficial for the information you have provided to be presented in an appeal or in court. However, we will always ask your permission before making such information available.

3. HOW DO WE INVESTIGATE A POSSIBLE BREACH OF PLANNING CONTROL?

The investigation process

Once an enquiry is received it will be allocated to one of our officers who will make a desktop assessment and then usually visit the site to assess any activity, take photographs, ask questions of anyone present and gather any other relevant information. Site visits are usually unannounced.

As we receive a high number of enquiries we prioritise our visits according to the apparent seriousness of the problem. We aim to visit within six weeks of the enquiry but if the issue appears to be particularly urgent (e.g. significant works to a listed building) we will usually visit within a few days.

Where there are reasonable grounds for doing so, officers nominated by the Authority are authorised under the relevant legislation to enter land or, if necessary, neighbouring land specifically to obtain information about possible breaches of planning control (and for other enforcement purposes).

We would also need to do other work such as researching the planning history of a site, checking relevant planning legislation and policies or contacting other colleagues. We may also seek information from other organisations, such as the District or Borough Council, the County Council (usually as Highways Authority) or the Land Registry.

Mineral working and waste developments sometimes pose particular issues because of the occasionally irreversible nature of the working and the speed at which damage can be caused. They can also raise unique issues that require specialised technical knowledge and experience. To reflect this the investigation of minerals and waste development is carried out by our Minerals and Waste Team.

What is a Planning Contravention Notice?

Where it appears that a breach of planning control may have occurred but we need more information before confirming this we may serve a Planning Contravention Notice (PCN). This requires the owner, occupier, etc. to complete and submit a questionnaire to provide information about ownership and the activities taking place.

Once we have finished our investigation we will inform the enquirer of the outcome. This will be either:

- No breach of planning control has been found, in which case we will close the enquiry and take no further action; or
- A breach of planning control has been found and an enforcement case file has been opened.

If we conclude that the subject of the enquiry is not a planning matter or there is deemed to be no breach of planning control, the enquirer will be notified. If it relates to a function or activity dealt with by another local authority (for example, Environmental Health or Building Control) or other organisation, the enquiry will be forwarded to the relevant organisation and/or the enquirer will be advised to contact that organisation.

4. WHAT HAPPENS WHEN WE FIND A BREACH OF PLANNING CONTROL?

Once the initial investigations have been carried out and it appears to the Authority that a breach of planning control has occurred, there are a number of options available:

No action

When we find a breach of planning control it does not necessarily result in formal enforcement action being taken. The Authority, in deciding whether or not to take formal action, must consider if it is expedient to do so. This means that a judgment has to be made in each case as to the seriousness of the breach and the level of any harm caused taking into account our own planning policies and the policy guidance published by the Government. If the breach is relatively minor,

the level of harm caused is low and there is no significant conflict with planning policies, the Authority will not normally take action.

Where there is a breach, however, owners need to be aware that property may be difficult to sell or mortgage and that its value may be reduced even if the Authority takes no formal action.

Voluntary compliance

We will normally encourage those responsible for a breach to resolve it voluntarily rather than through formal enforcement action.

The person responsible for the breach will normally be written to with an explanation of the breach and will, as appropriate, be asked to either remedy the breach by a specified date or provide us with a written proposal and/or timetable by which the breach will be remedied.

If no reasonable attempt is made to remedy the breach by the specified date and a retrospective application (see below) is not submitted we will take prompt and effective formal enforcement action where we consider it is expedient to do so. This may also be necessary where there is a possibility that a development may become immune from enforcement action through the passage of time (see section 8).

Retrospective planning applications

In cases where we consider the unauthorised development to be acceptable or that it could be amended to be made acceptable we will normally ask for a retrospective planning application to be submitted within a specified period to regularise the breach of planning control. We may also invite a retrospective application by issuing an [Enforcement Warning Notice](#). We will normally allow up to 2 months to submit a retrospective application although a longer period may be agreed for more complex developments and/or where specialist supporting information is needed to validate an application.

Although the submission of retrospective planning applications will be discouraged where we consider a development to be clearly unacceptable, the person responsible will still have the right to submit a retrospective application if they wish, unless an Enforcement Notice has already been issued in relation to the same development in which case we have the power to decline to determine a retrospective application.

Further information is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Retrospective-planning-application>

[If a retrospective application is not submitted within the specified or agreed period we will take prompt and effective formal enforcement action where we consider it is expedient to do so.](#)

Formal enforcement action

Where it has been established that a breach of planning control has occurred and it does not appear the harm can be mitigated through negotiations with the landowner and/or a retrospective planning application, the Authority will consider using its statutory powers to take action to remedy the breach. The use of these powers (see section 6) is discretionary and will be used when it is considered expedient to do so, having regard to the development plan and any other material considerations.

5. IN WHAT CIRCUMSTANCES CAN WE TAKE ENFORCEMENT ACTION?

The Authority has a duty to investigate alleged breaches of planning control, but must only take enforcement action where it is 'expedient' to do so and any action taken must be proportionate with the breach of planning control to which it relates. As already mentioned, this means that a judgment has to be made in each case as to the seriousness of the breach and the level of any harm caused.

Matters that can be taken into account

It will usually be 'expedient' to take action if the breach of planning control causes unacceptable harm to the following:

- the character and appearance of the landscape
- conservation interests
- public amenity, including impact on the living conditions of neighbouring residents
- public safety
- highway safety

It also has to be clear that resolving the breach would be in the 'public interest'.

Matters that cannot be taken into account

There are some issues that cannot be taken into account when making decisions on expediency, these include (but are not limited to):

- change in the value of a neighbouring property
- competition between businesses
- the loss of a private view, unless it also impacts on residential amenity
- trespass onto someone else's land, including boundary disputes
- rights or obligations contained in property 'title deeds'
- any matter covered by other legislation, such as noise and smell which causes a statutory nuisance under environmental health legislation

Although it may be possible to address some of these by way of civil action, these are matters for the enquirer to pursue and are not matters that the Authority can get involved in. Further advice can be obtained from a solicitor or the Citizens Advice Bureau via the following link:

<https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us/>

In deciding whether to take enforcement action we are also required to have regard to the relevant planning policies in our Development Plan and to any other material considerations including national policies in the National Planning Policy Framework (NPPF).

The Development Plan for the National Park comprises The Core Strategy and Development Management Policies. The Authority has also adopted a number of Supplementary Planning Documents on particular subjects.

All of these documents are available via the following link:

<https://www.peakdistrict.gov.uk/planning/policies-and-guides>

The NPPF is available via the following link:

<https://www.gov.uk/guidance/national-planning-policy-framework>

Equality duty

The Equality Act 2010 requires public authorities, in exercising their functions, to give due regard to the need to eliminate unlawful discrimination and harassment and other conduct prohibited by the Act; and to advance equality of opportunity and foster good relations between people who share a relevant protected characteristic (as defined in the Act) and those who do not share it.

The Authority, in carrying out its functions in relation to planning enforcement, will pay appropriate regard to its duty under the Equality Act 2010.

Further guidance on the Act can be found at <https://www.gov.uk/equality-act-2010-guidance>

6. WHAT FORMAL ENFORCEMENT ACTION CAN BE TAKEN?

Where informal negotiations have been unsuccessful and the Authority is satisfied that it is expedient to take action, formal enforcement action will usually commence. The various types of formal action are as follows:

Enforcement Notice

An Enforcement Notice is the most common form of notice used to deal with breaches of planning control, such as building works or changes of use of buildings or land. A Listed Building Enforcement Notice can be issued when unauthorised works are carried out to listed buildings. If an appeal is lodged, the notice is held in abeyance until the appeal is determined.

Further information on enforcement notices, including what they can do, the right of appeal and what it means when an enforcement notice is not complied with, is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Enforcement-Notice>

Copies of all enforcement notices (and other formal notices) are kept on the Enforcement Register which is available for inspection at the Authority's offices.

Stop Notice and Temporary Stop Notice

If we consider it is expedient that any relevant activity (for example, building works or a use of land) should cease before the expiry of the period for compliance specified in an enforcement notice we can issue a Stop Notice. A Stop Notice must be issued at the same time as an Enforcement Notice or before an Enforcement Notice comes into effect.

Alternatively a Temporary Stop Notice may be issued. This is similar to a Stop Notice but can be issued without an accompanying Enforcement Notice. Temporary Stop Notices are effective immediately after they are served but are only effective for up to 56 days. Within that period the Authority must consider whether to take any further enforcement action.

Stop Notices and Temporary Stop Notices are most commonly used to deal with breaches of planning control that are seriously affecting the amenity of nearby residents or to prevent serious or irreversible harm to the environment.

Further information can be found via the following links:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Stop-Notice>

Section 215 (Untidy Land) Notice

Where the condition of land and/or buildings causes serious harm to the amenity of an area, the Authority can require steps to be taken to remedy the condition of the land or buildings and specify the time for doing so. We cannot use this power where the condition of the land is attributable to, and such as results in the ordinary course of events from, the carrying on of lawful operations or a lawful use.

Further information can be found via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11491/319798.pdf

Breach of Condition Notice

This type of notice can be used where planning permission has been granted subject to conditions and one or more of the conditions has been breached. It can require full or part compliance with the planning conditions.

Further information is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Breach-of-Condition-Notice>

Planning Enforcement Order

These can be issued where a person deliberately conceals unauthorised development. It enables the Authority to take action in relation to an apparent breach of planning control notwithstanding that the normal time limits for doing so (see section 8) may have expired.

Further information is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Planning-Enforcement-Order>

Direct Action

Failure to comply with the requirements of an enforcement notice, breach of condition notice or a Section 215 notice may result in the Authority engaging contractors to carry out the remedial works required by the notice. Any costs and expenditure incurred in doing so can be recovered from the landowner or, if that is not possible, registered as a charge on the land.

Injunctions

Legal powers (contained in s. 187B of The 1990 Act) are available for the Authority to apply to the courts for an injunction to stop an actual or alleged breach of planning control. Injunctions are a discretionary order and are used to require someone to stop doing something or to require them to carry out something. They are usually only used where there is urgency, where the breach is particularly serious or where other legal processes have not led, or are unlikely to lead, to the breach being resolved. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

Further information on injunctions is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Injunction-on-planning-control>

Prosecution

A breach of planning control is not a criminal offence. However, non-compliance with the requirements of a formal notice may be a criminal offence and on conviction the person served with the notice may be subject to a fine.

Where someone has failed to comply with a formal notice the Authority can instigate prosecution proceedings if there is a realistic prospect of conviction and it is considered to be in the public interest to do so.

At the time the Authority secures a conviction it may seek a confiscation order against the defendant under powers set out in the Proceeds of Crime Act 2002. In summary, these powers allow for financial benefit in excess of £5000 arising from criminal offences to be recovered.

7. WHAT ARE OUR PRIORITIES?

The Authority receives between 350 and 400 enquiries about possible breaches of planning control each year and although many of these do not result in enforcement action, others do and require lengthy investigations or formal action over months and sometimes years. As our resources are limited, it is essential that they are used efficiently and to best effect. For this reason, our priorities are directed by the significance and impact of the breach, the level of harm caused and the need to prevent further harm.

Urgent matters

Unauthorised works to listed buildings which are ongoing and causing serious and significant harm to their historic and/or architectural character, particularly if the works appear to be non-reversible, will be given the utmost priority. When we receive a report of such works we will normally make an initial site visit within two days and seek an immediate cessation. If works continue we will usually take formal action without undue delay. Formal action will normally also be pursued to address works which have already taken place unless an agreed plan of action is put in place to achieve this.

Similar priority will be given to ongoing works which are causing serious and significant harm in statutorily protected areas, such as Sites of Special Scientific Interest, Special Areas of Conservation and Special Protection Areas.

Other matters

For all other matters, the Authority will give priority to those cases where the most significant harm is caused. This may be harm to the character and appearance of the landscape or harm to residential amenity caused by noisy industrial activities, for example. The more serious the harm the more likely it is that we will take formal enforcement action if the breach of planning control has not been resolved informally within a reasonable period of time.

Where there is little or no harm caused by a breach of planning control we will usually not give it the same priority and may decide it would not be expedient to take formal enforcement action. In these cases we will make a formal decision to take no further action under delegated powers and this will be recorded on the case file. We will also inform the enquirer of the decision.

Individual cases may be re-prioritised as the investigation progresses and new evidence comes to light or if there are attempts to put any breach right.

When deciding what priority we should give we will also take into account the statutory immunity periods, as set out in the following section.

8. WHEN IS IT TOO LATE TO TAKE ENFORCEMENT ACTION?

What is immunity?

In general, development carried out without the necessary planning permission becomes lawful, and immune from enforcement action if no action is taken within a period of 10 years. In the case of building works (and other physical works) this period commences from 'substantial completion' of the development whereas for changes of use it commences when the change of use starts.

In the case of physical works and change of use of a building to a dwellinghouse, if the development was 'substantially completed' before 25 April 2024 (when the relevant legislation was amended) then the relevant immunity period would be 4 years.

If someone wishes to obtain a formal determination that a particular development is lawful they can apply for a Lawful Development Certificate.

What is a Lawful Development Certificate?

If owners of land or property consider that a breach of planning control has become immune from enforcement action they may apply for a Lawful Development Certificate (LDC). If granted, such a certificate provides documentation to establish the lawfulness of the existing development.

This option is well worth considering because should a landowner later want to sell a property the LDC can be used to answer queries raised by potential buyers or their legal representatives regarding the legality of building works or uses.

Further information is available via the following link:

<https://www.gov.uk/guidance/lawful-development-certificates>

9. MONITORING APPROVED DEVELOPMENTS

When planning permission, or another type of consent such as listed building consent, is granted the person carrying out the development is responsible for ensuring that the approved plans and any conditions are adhered to. A formal application process is in place for discharging conditions (where more detailed information is requested, for example) and for agreeing any changes to the approved plans or conditions.

If unauthorised changes are made then there is a risk that we will take enforcement action and/or the work will have to be reversed, possibly resulting in significant cost and disruption. Even where we decide that it is not expedient to take formal action there can be far reaching consequences for the owner as the property may be difficult or impossible to sell or mortgage, and its value may be adversely affected.

Proactive monitoring

As many hundreds of approvals are granted each year we do not have sufficient resources to monitor each and every development. We will, therefore, focus on the more significant developments, such as new housing schemes. Monitoring will be carried out as necessary by officers in the Area Teams, including planning officers working alongside monitoring and enforcement officers.

When we find that the development is not in accordance with the approved scheme we will follow the same process and assess the priority to be given in the same way as for other breaches of planning control.

10. BREACHES OF OTHER TYPES OF CONSENT

The Authority also deals with breaches of other consent regimes. These relate to listed buildings, advertisements and protected trees and are outlined below:

Listed buildings

The listed building enforcement provisions are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which is available via the following link:

<http://www.legislation.gov.uk/ukpga/1990/9/part/II/chapter/IV>

The main difference between general planning enforcement and listed building enforcement is that there is no period of time after which a breach becomes immune from enforcement action so listed building enforcement notices can be issued many years after the works first took place. Furthermore, the carrying out of works, including demolition in full or part of a listed building, without the necessary listed building consent or failing to comply with a condition attached to that consent may be a criminal offence, whether or not an enforcement notice has first been issued.

To find out if a building is listed or seek advice on other issues relating to listed buildings you should contact our Cultural Heritage Team. Alternatively you can check whether a building is listed using Historic England's 'national list' which is available via the following link:

<https://historicengland.org.uk/listing/the-list/>

Further general information on listed buildings is available on the Authority's website via the following link:

<https://www.peakdistrict.gov.uk/looking-after/living-and-working/your-community/historic-buildings/listed>

Advertisements

The legislation concerned with advertisements is separate from that dealing with general planning matters and is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are available via the following link:

<https://www.legislation.gov.uk/uksi/2007/783/contents/made>

The Advertisement Regulations are complex although a simplified guide can be found in the document entitled 'Outdoor Advertisements and Signs: A Guide for Advertisers,' which is available via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf

The Peak District National Park (like other protected areas) is designated as an Area of Special Control where specific restrictions apply to advertisements, over and above those that apply generally. Advice should therefore be sought before any advertisements are displayed on a building or land.

Many advertisements do not require the Authority's consent but the display of an advertisement without express consent may be an offence, subject to a fine, and the Authority may prosecute the person displaying it. There is no need for an enforcement notice to be served. The Authority has other powers for dealing with unauthorised advertisements including issuing a Removal Notice an Action Notice or a Discontinuance Notice.

Further information can be accessed via the following link:

<http://planningguidance.planningportal.gov.uk/blog/guidance/advertisements/>

Protected trees

The primary legislation relating to tree enforcement is set out in sections 197 to 214 of the 1990 Act whereas the tree preservation order system is governed by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Tree enforcement issues fall into the following two principal categories:

- (a) unauthorised works to, damage to or removal of trees that are protected by Tree Preservation Orders or those which are situated within Conservation Areas; and
- (a) breach of planning conditions relating to tree retention and protection.

The relevant legislation is available via the links below:

Primary Legislation - <http://www.legislation.gov.uk/ukpga/1990/8/part/VIII/chapter/I>

Regulations - <http://www.legislation.gov.uk/uksi/2012/605/contents/made>

Anyone who cuts down, uproots or wilfully destroys a protected tree, or who lops, tops or wilfully damages it in a way that is at risk of being prosecuted. This also applies where someone causes or permits such works to occur.

Whenever a protected tree has been removed in contravention of the legislation, or because it is dead, dying or dangerous, there is a duty on the landowner to plant a replacement tree of a suitable size and species at the same place as soon as is reasonably possible. The replacement tree is then subject to the same protection as the tree that was lost. If the landowner fails to comply with this requirement, the Authority may serve a Tree Replacement Notice within a period of four years to ensure compliance.

If you would like to establish if a tree is protected, either because of a Tree Preservation Order or because it is located in a conservation area, please contact us.

11. WHAT IF I AM NOT SATISFIED WITH THE SERVICE?

We make every effort to provide good customer service and to follow correct procedures. If, however, you have a concern about our service you should initially contact the Development and Enforcement Manager, who will try to resolve your concern. Please telephone 01629 816200 or e-mail us at customer.services@peakdistrict.gov.uk.

If your concern remains unresolved you may wish to follow our formal complaints procedure, details of which can be accessed via the following link:

<https://www.peakdistrict.gov.uk/looking-after/about-us/have-your-say/complaints>

If, having gone through the Authority's complaints procedure, you remain dissatisfied, you may refer your complaint to the Local Government and Social Care Ombudsman. You can find more information via the following link:

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/planning-and-building-control/planning-enforcement>

You can also call 0300 061 0614 to talk to a complaints advisor about registering a new complaint.

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11 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/SM/0623/0743 3342029	Retrospective planning consent for the retention of a shepherd's hut for tourist accommodation and for an ancillary washroom at Land on the West side of Townend Lane, Waterfall	Written Representations	Committee
NP/DDD/1223/1477 3342471	Creation of off-street vehicle hardstanding and electric charging point at 3 Woodland View, Butts Road, Bakewell	Householder	Delegated
NP/SM/0823/0895 3342623	Conversion of outbuildings for holiday accommodation at Scaldersitch Farm, Sheen	Written Representations	Non-Determination
NP/HPK/0723/0749 3342100	Installation of new flue to wood burning stove at Higher Ashen Clough, Maynestone Road, Chinley	Written Representations	Delegated
NP/DDD/0623/0604 3343453	Replace existing shipping container with a traditional timber clad agricultural style building at land adjacent to new bridge, Froggatt	Written Representations	Committee
NP/HPK/0723/0810 3343611	Development of one dwelling at the disused quarry, Chunal	Written Representations	Committee

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0423/0394 3331185	Construction of a dwelling house without the benefit of planning permission – Highfield Farm, Cherry Blossom Farm, Stoney Middleton	Written Representations	Allowed	Delegated

The Inspector considered that the dwelling was sited in a fundamentally different position to the original planning application submission resulting in a significant change, and was not erected pursuant to the 1984 permissions. However, when considering whether the dwelling had now become lawful, supporting information evidenced that the dwelling was completed on

or before 10 April 2019, which was four years before the Lawful Development Certificate application was submitted. Further to this, the development appeared to have been substantially completed as long ago as 2001. The Inspector therefore determined that the dwelling was lawful and approved the appeal.

NP/S/0123/0090 3334755	Outline Application for dwelling on wooded site to the North of Kirk Edge Road, Bradfield	Written Representations	Dismissed	Delegated
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The Inspector considered that although the proposed dwelling would have a secluded position, the proposal would constitute an additional build of a domestic appearance and use, on an area of undeveloped land in the countryside, so would be detrimental to the rural landscape. The proposal would also be contrary to Policy HC1 of the Core Strategy and DMH1 of the Development Management Policies as well as the Framework. The appeal was dismissed.

4. **RECOMMENDATION:**

To note the report.