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



Our Ref: A.1142/5183

Date: 7 May 2026



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 15 May 2026**

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 10 April 2026** *(Pages 5 - 14)*
3. **Urgent Business**
4. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **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. **NP/DDD/0126/0079: Conversion and extension of existing building to a two bedroom (intermediate) dwelling, including remodelled access, hard and soft landscaping, and associated infrastructure at Padley Mill Cottage, Grindleford - (Policy paper following deferral from April Meeting)** *(Pages 15 - 34)*
Appendix 1

Site Plan
7. **Full Application - Holiday Retreat With Holiday Accommodation Including 2 Static Caravans, 1 Yurt, 9 Touring Caravan Pitches, 17 Camping Pods, 5 Camping Pitches and Ancillary Facilities Including Toilet Block, Conversion of Pole Barn to Flexible Space for Events, Conversion of Dutch Barn to Catering Area, Conversion of Old Milking Parlour to 4 Holiday Lets, Replacement of 2 Storey Storage Barn With 2 Underground Single Storey Holiday Let Studios, a Polytunnel and Associated Access and Access Tracks, Parking and Landscape at Home Farm, Main Street, Sheldon (NP/DDD/0326/0247) JS** *(Pages 35 - 44)*
Site Plan
8. **Report on Objection to TPO 107/2025 Flats 1-11 London House, Matlock Street, Bakewell, DE45 1EE - and Proposal to Confirm** *(Pages 45 - 70)*
Appendix 1

Appendix 2

Site Plan
9. **Planning Appeals Monthly Report (A.1536/BT)** *(Pages 71 - 72)*

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.

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The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and makes a live audio visual broadcast a recording of which is available after the meeting. From 3 February 2017 these recordings will be retained for three years after the date of the meeting.

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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: P Brady
Vice Chair: V Priestley

M Beer	R Bennett
M Buckler	M Chaplin
B Hanley	L Hartshorne
I Huddleston	K Potter
K Richardson	K Smith
M Smith	J Wharmby

Other invited Members: (May speak but not vote)

Prof J Dugdale	C Greaves
A Nash	

Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority
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 Web: www.peakdistrict.gov.uk
 Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: Planning Committee

Date: Friday 10 April 2026 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: P Brady

Present: V Priestley, M Beer, M Chaplin, I Huddleston, K Potter, K Richardson, K Smith and J Wharmby

Prof J Dugdale - attended to observe and speak but not vote.

Apologies for absence: R Bennett, M Buckler, B Hanley, L Hartshorne and C Greaves.

38/26 MINUTES OF PREVIOUS MEETING HELD ON 13 MARCH 2026

P Brady, although in attendance at the meeting, was unable to Chair the meeting due to health reasons. Therefore, the Vice-Chair of Planning (V Priestley), took the Chair for the duration of the meeting.

The minutes of the last meeting of the Planning Committee held on 13 March 2026, were approved as a correct record.

39/26 URGENT BUSINESS

There was no urgent business.

40/26 PUBLIC PARTICIPATION

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

41/26 MEMBERS DECLARATIONS OF INTERESTS

The following declarations of interest were made:

Item 9 – Sickleholme Garage, Bamford

V Priestley declared a personal interest in this item and therefore would be absent for the discussion and vote. P Brady would Chair this item.

Item 10 – Local Needs Housing, Birchover

K Potter declared that Birchover is one of the parishes which falls within her remit and therefore would be absent for the discussion and vote.

Items 11 & 12 – Churchdale Cottage, Ashford in the Water

All members have received an email from the applicant regarding the solar panels

42/26 FULL PLANNING - CONVERSION AND EXTENSION OF EXISTING BUILDING TO A TWO BEDROOM (INTERMEDIATE) DWELLING, INCLUDING REMODELLED ACCESS, HARD AND SOFT LANDSCAPING, AND ASSOCIATED INFRASTRUCTURE AT PADLEY MILL COTTAGE, UNNAMED ROAD FROM STATION ROAD WESTWARDS TO TRACK LEADING TO A6187, UPPER PADLEY, GRINDLEFORD (NP/DD/0126/0079) HF

The Planning Officer presented the report and outlined the reasons for refusal as detailed in the report. Further correspondence has been received from the applicant regarding the housing need and the Planning Officer updated Members on this.

The following spoke under the public participation at meetings scheme:

- David Jenner – Applicant

Some Members had visited the site the previous day.

The following points were discussed:

- The availability of suitable housing for older people and the process of downsizing
- Whether future occupancy could be limited via a condition
- The concerns of aging and the suitability of properties
- Whether it is appropriate to convert a modern building into a dwelling when it was originally approved for agricultural purpose
- There was a discussion about the Home Options report and whether it was possible to extract the priorities and needs from this report.

A motion to refuse the application was moved, seconded, put to the vote but not carried.

Members were minded to approve the application therefore a motion to approve the application was moved, seconded, put to the vote and carried.

The final determination of the application was deferred under standing orders until the next meeting so that the relevant Officers can prepare a report to consider policy implications of the decision.

RESOLVED:

DEFER final determination of the application to allow the relevant Officer to prepare a report on the policy implications of the decision to approve and the application to be brought back to a future planning committee.

43/26 RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF A FIELD TRACK, TEMPORARY REMOVAL AND STOCKPILING OF TOPSOIL AND SUBSOIL, THE PARTIAL INSTALLATION OF A 300-MILLIMETRE LAND DRAIN, INSTALLATION OF A CONCRETE TROUGH, STONE WALL AND BASE, RAISING OF GROUND LEVELS TO FEED WATER INTO THE TROUGH, SHALE EXCAVATION FOR AGRICULTURAL PURPOSES AND APPLICATION FOR THE COMPLETION OF THE LAND DRAIN, INSTALLATION OF THREE MANHOLES, REPLACEMENT OF THE TOPSOIL AND

THE SUBSOIL, THE CONSTRUCTION OF TWO RETAINING WALLS, AND THE CREATION OF ATTENUATION POND AT LAND OFF BLAZE HILL, RAINOW, MACCLESFIELD, SK10 5UT, THE SITE LIES TO THE EAST OF BLAZE HILL, RAINOW (NP/CEC/0126/0024) HF

The Planning Officer presented the report and outlined the reasons for refusal as detailed in the report. It was noted that this is a part retrospective application. Since the report was published some amended plans have been received from the applicant and the levelled area around the barn and retaining walls have been omitted from the proposals. These were explained within the presentation. The amended plans are still being consulted on (consultation period ends on 17 April 2026) and if any adverse representations are received contrary to the resolution they will be discussed with the Chair and Vice Chair of the Planning Committee before any final decision.

The following spoke under the public participation at meetings scheme:

- Ken Wainman – Agent

The following points were discussed:

- Historical access to the site and the requirement for the new access track
- The dilapidated sough
- The pond

A motion to approve the application, subject to the omission of the land levelling works around the existing barn and retaining walls, amended plans and with the conditions set out below, was proposed and seconded, put to the vote and carried. The final decision to be taken by Planning Officer.

RESOLVED:

To APPROVE the applications with the following conditions:

1. **Accordance with amended plans;**
2. **No planning permission granted for any works in purple dashed line;**
3. **Re-surfacing works to be completed in set timescale;**
4. **Detail for drainage connection off site;**
5. **Implementation of landscaping scheme;**
6. **Submission of arboricultural method statement;**
7. **Measures to exclude livestock from attenuation pond;**
8. **Details of manholes;**
9. **Trough to be constructed of local gritstone**

11:05am the meeting was adjourned and recommenced at 11:15am

44/26

S.73 APPLICATION FOR THE VARIATION OF CONDITIONS 2 AND 4 ON NP/HPK/0223/0165 - ALLOW SHORT TERM RENTAL OF THE PROPERTY AT TOP CROFT, ASTON LANE, HOPE (NP/HPK/0226/0221) WE

The Planning Officer presented the report and outlined the reasons for refusal as detailed in the report. The application proposes to vary existing planning permission to enable the use of the out-building for short-term holiday accommodation. The existing conditions were clarified and it was noted that the applicant is currently in breach of one of the conditions.

The following spoke under the public participation at meetings scheme:

- Kate Pearson – Applicant

Members discussed the following points:

- Whether this variation in the existing planning permission would have been acceptable on the original application.
- It was noted that there was a condition to limit the use of outbuilding so that it was an ancillary unit to the house and a not a separate unit of occupation.
- The unit is classified as a garage however there was no vehicular access to it. Members felt this was already being used as a commercial letting property.

A motion to approve the application, with amended and additional conditions, was moved and seconded, put to the vote but not carried.

A motion to refuse the application was moved and seconded, put to the vote and carried.

RESOLVED:

That the application be REFUSED for the following reason:

- 1. The development would introduce holiday accommodation into a modern outbuilding that is not a traditional building of historic or vernacular merit. The development is therefore unacceptable in principle and would be contrary to Core Strategy Policy RT2.**

45/26 FULL APPLICATION - REDEVELOPMENT OF THE DISUSED FORMER CAR SALES AREA OF THE SICKLEHOLME GARAGE BUILDING, WHICH IS TO BE TRANSFORMED INTO A BAKERY OUTLET, EXTENDING THE EXISTING RETAIL SPACE AT SICKLEHOLME SERVICE STATION, SICKLEHOLME GARAGE, HATHERSAGE ROAD, BAMFORD (NP/HPK/0825/0855) HW

V Priestley declared a personal interest in this item and left the room whilst the discussion and vote took place. P Brady took the Chair for the duration of this item.

11:39am V Priestley left the meeting

The Planning Officer presented the report and outlined the reasons for approval as detailed in the report. The key concerns relating to noise and additional traffic/parking issues arising from use of the bakery were explained to Members. The noise level is expected to be low level but there may be some noise from the ventilation of the bakery room. An amended noise report and the fitting of a silencer have allayed these concerns from the Environmental Officer. A detailed parking plan has been submitted and was explained by the Planning Officer.

The following spoke under the public participation in meetings scheme:

- Matthew Jones – Agent

Some Members had visited the site the previous day.

Members discussed the following:

- The hours of operation and how this would be accommodated in the detailed conditions

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

RESOLVED:

To APPROVE the application subject to the following conditions:

1. Commence development within 3 years
2. Carry out in accordance with specified amended plans and reports
3. Define use of premises to a bakery within Class E (a)
4. Hours of operation to be 6am to 6pm Monday-Friday and 7am to 6pm weekends and bank holidays.
5. Noise from external extract vent and plant not to exceed levels set out in the amended Environmental Noise Report and all plant to be installed and serviced in full accordance with manufacturers recommendations.
6. Highway Authority requirements:
 - i) Submit for written agreement a signage/lane marking plan to control no egress from access point 3 (Closest to traffic light junction)
 - ii) Submit for written agreement a Traffic and Pedestrian Management Drawing illustrating allocated car parking spaces and delivery details for existing and proposed development by signage and walkways.
7. Submit for written agreement a scheme setting out the measures for incorporating flood resilience materials and measures into the conversion works in accordance with Construction Industry Research and Information Association (CIRIA) Code of Practice for Property Flood Resilience.
8. Footnote re protected species – bats and the law.

11:55am V Priestley returned to the meeting and retook the Chair.

46/26 FULL APPLICATION - 4 LOCAL NEEDS DWELLINGS AT SOUTH EAST OF WYNNGATE, THE MIERS, BIRCHOVER (NP/DDD/0525/0460) JS

12:07pm K Potter left the meeting

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

The following spoke under the public participation at meetings scheme:

- Paul Tozer Objector
- Macy Edwards Objector – statement read out by Senior Adviser
- Martin Pickford Objector
- Linda Neale Objector – Birchover Parish Council
- Laura Mellstrom Supporter – DDDC Member for Youlgrave Ward
- James Prince Supporter

Some Members had visited the site the previous day.

Members discussed the following:

- The possibility of improving the design of the frontage of the development to make it a more green street scene as the current design was more urban in concept and was there scope to soften the frontage so it was more in keeping with the character of the road.
- The local needs requirements for these properties and if there was sufficient demand
- The obligation to address the needs of communities over and above the personal impact needs. By supporting this application would be supporting the less benefitted members of the local community.

A motion to approve the application in principal, subject to delegated powers to planning officers to resolve the concerns about the frontage, and subject to prior entry into a legal agreement and the conditions outline below, was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to prior entry into a S.106 planning obligation to secure affordable housing and subject to the following conditions:

1. **Statutory time limit for implementation**
2. **In accordance with specified approved amended plans**
3. **Submission, approval and implementation of surface water drainage scheme**
4. **Submission, approval and implementation of Construction Management Plan (to include details of noise/dust management and hours of operation)**
5. **Submission, approval and implementation of finished ground and floor levels**
6. **Submission, approval and implementation of scheme of enhancement measures for bats, birds and hedgehogs**
7. **Submission, approval and implementation of scheme of measures to mitigate the effects of and adapt to climate change**
8. **Submission, approval and implementation of detailed hard and soft landscaping scheme**
9. **Submission, approval and implementation of secure bicycle parking and bin storage areas including detail of bin collection point**
10. **Implementation of biodiversity gain plan**
11. **Submission, approval and implementation of tree protection measures**
12. **Implementation of mitigation measures detailed in Section 4.3 of the Ecological Report**
13. **Implementation of access, parking and turning facilities prior to occupation**
14. **Front boundary wall shall be rebuilt as shown on submitted plan prior to occupation and visibility splays retained in perpetuity**
15. **Approve samples of external materials**
16. **Approve sample panels of gritstone walling**
17. **Approve details of windows and doors**
18. **Approve details of any external meter boxes**
19. **Approve details of solar panels**
20. **Rainwater goods and verge details**

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

12:47pm The meeting was adjourned and recommenced at 13:30pm

47/26 FULL APPLICATION - THE INSTALLATION OF SOLAR PANELS ON THE SOUTH FACING ASPECT OF GARAGE ROOF, AIR SOURCE HEAT PUMPS TO THE HOUSE AND PARTIAL SECONDARY GLAZING AT CHURCHDALE COTTAGE BASLOW ROAD ASHFORD IN THE WATER (NP/DDD/0126/0102) RD

This item and Listed Building Consent application for the same property (item 12 on the agenda) were discussed at the same time however the decisions were taken separately.

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

There was an update and the Planning Officer explained that it has been established that the installation of the solar panels on the garage roof does not require Listed Building Consent. Listed Building Consent is only required for the air source heat pumps and the secondary double glazing to the cottage. These two elements are not considered to be harmful and provide public benefits by enhancing the sustainability of Churchdale Cottage. The recommendation for the application for Listed Building Consent was therefore amended to approval subject to conditions.

All Members had received a letter from the applicants. The secondary glazing only relates to the Cottage and not the garage as stated in the planning report. Officers do not accept that policy CC2 should be removed from the recommended refusal reason as it is the case that the scheme does partly comply with CC2 in that the use of the solar panels will represent a form of local carbon and energy renewal however this must be achieved without harming cultural heritage assets.

The following spoke under the public participation in meetings scheme:

- John Mordue – Supporter
- Simon Daniell – Applicant

Some Members had visited the site the previous day.

The following points were discussed:

- The reflectivity of the roof mounted solar panels on the garage roof
- Whether there would be over-shadowing of the solar panels from Churchdale Cottage and the impact on the electricity which could be generated
- The impact of the solar panels and whether it enhances or harms the character of the area and the public benefit.
- How to minimise the carbon footprint and minimize the impact of the array of solar panels.
- The public benefits of the proposal for the solar panels on the garage roof are not considered to outweigh the significant harm to the setting and significance of the building.
- Members were sympathetic with the concept of solar generation but were not comfortable with the current garage solar panel proposal.

A motion to DEFER the planning application to allow for further negotiations to take place between the officers and applicant, in order to negotiate a solution which will minimise the visual impact of the solar panels, was proposed and seconded, put to the vote and carried.

RESOLVED:

To DEFER the application to allow for further negotiations regarding the placement of solar panels.

48/26 LISTED BUILDING CONSENT - THE INSTALLATION OF SOLAR PANELS ON THE SOUTH FACING ASPECT OF GARAGE ROOF, AIR SOURCE HEAT PUMPS TO THE HOUSE AND PARTIAL SECONDARY GLAZING AT CHURCHDALE COTTAGE BASLOW ROAD ASHFORD IN THE WATER (NP/DDD/0126/0105) RD

This item and planning application for the same property (item 10 on the agenda) were discussed at the same time, however the decisions were taken separately. Please see minute number 47/26 for full discussion.

The Planning Officer presented the report and outlined the reasons for refusal as detailed in the report. There was an update regarding the application and the Planning Officer explained that it has been established that the installation of the solar panels on the garage roof does not require Listed Building Consent.

The air source heat pumps and the secondary double glazing to the cottage are not harmful and provide public benefits by enhancing the sustainability of Churchdale Cottage, therefore the application is recommended for approval subject to conditions.

A motion to approve the application for Listed Building Consent for the air source heat pumps and secondary double glazing to Churchdale Cottage was moved and seconded, put to the vote and carried.

RESOLVED:

The LBC application is APPROVED subject to the following conditions:

- 1. The works hereby permitted shall be begun within 3 years from the date of this consent.**
- 2. The works hereby approved shall not be carried out otherwise than in complete accordance with the submitted plans.**
- 3. No development relating to the installation of the air source heat pumps shall commence until full details of their siting, method of mounting, and connection to the existing heating system have been submitted to and approved in writing by the Peak District National Park Authority. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.**

49/26 FULL APPLICATION - CHANGE OF USE FROM A GUEST HOUSE (USE CLASS C1), ADJOINING RESIDENTIAL FLAT AND ADJOINING GUEST ANNEXE TO 3 NO. HOLIDAY LETS (USE CLASS C3), AND DEMOLITION OF GARAGE AT BANK HOUSE GUEST HOUSE, MARKET PLACE, HARTINGTON (NP/DDD/1225/1308) PM

This item and the Listed Building Consent application for the same property, (Item 14 on the agenda) were discussed at the same time however the decisions were taken separately.

The Planning Officer presented the report and outlined the reasons for refusal as detailed in the report. There was an update to the report in that the trustees of Hartington Village Hall have stated that their comments in paragraph 26 of the report should not be considered as an objection but was just a concern about the vehicle access across the land – this element of the application has now been removed and there is no proposed parking space to the rear of the property and the trustees of the hall are satisfied with this change.

The following spoke under the public participation at meetings scheme:

- Lizzie Duffield - Agent

There were no comments or questions from Members.

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

RESOLVED:

The application be APPROVED subject to the following conditions:

1. **Statutory time limit**
2. **Accordance with approved plans**
3. **Permission relates solely to the use of the property for short-let holiday residential use. The holiday accommodation hereby permitted shall not be occupied as permanent dwellings and shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request.**
4. **Method statement for demolition of 3 No.outbuildings**
5. **Details of soft and hard landscaping treatment to footprint of demolished outbuildings.**

50/26 LISTED BUILDING CONSENT - CHANGE OF USE FROM A GUEST HOUSE (USE CLASS C1), ADJOINING RESIDENTIAL FLAT AND ADJOINING GUEST ANNEXE TO 3 NO. HOLIDAY LETS (USE CLASS C3), AND DEMOLITION OF GARAGE AND FOR ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS AT BANK HOUSE GUEST HOUSE, MARKET PLACE, HARTINGTON (NP/DDD/1225/1309) PM

This item and the planning application for the same property, (Item 13 on the agenda) were discussed at the same time however the decisions were taken separately. Please see minute number 49/26 for details of the application and discussion.

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

RESOLVED:

The application is APPROVED subject to the following conditions:

1. **Statutory time limit**
2. **Accordance with approved plans**
3. **Submission of details of colour / finish of timber to be used in staircase partition**

4. **Submission of details of precise fixing method for fixing base timber into stair stringer**
5. **Submission of section drawing showing how the external air vent grill would be installed and affixed within the stonework**
6. **Submission of precise details including means of attachment for proposed internal and external lighting to be affixed to the listed building.**

51/26 PLANNING APPEALS MONTHLY REPORT (A.1536/BT)

The Committee considered the monthly report on planning appeals lodged, withdrawn and decided. In the last month there have been no appeals withdrawn and no appeals have been decided.

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

RESOLVED:

To note the report.

52/26 ANNUAL ENFORCEMENT REPORT

The Committee considered the Annual Enforcement Report which provides a summary of the work carried out over the last year (April 2025-March 2026) as well as information about the breaches of planning control that have been resolved in the latest quarter (January-March 2026) and a report on planning appeals lodged, withdrawn and decided.

Members congratulated officers in achieving the levels of resolution.

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

RESOLVED:

To note the report.

The meeting ended at 2.15 pm

NP/DDD/0126/0079: PADLEY MILL COTTAGE (SW)

APPLICANT: MR DAVID JENNER

Background

1. The application was originally considered at the meeting of the Authority's Planning Committee on the 10th April 2026 (to be referred to here as "the first report"). The application was recommended for refusal but Members were minded to approve.
2. The Authority's Standing Orders (Section 1.48) state that where a Committee is proposing to make a decision which would be a departure from policy and/or the Officer recommendation, final determination shall be deferred until the next meeting.
3. The Head of Planning authorised such a deferral in order that the Planning Committee can consider a further paper to explore the policy implications and risks. This report sets out those implications and risks:
 1. The impact on adopted planning policies HC1 and DMH1

The impact on adopted planning policies HC1 and DMH1

4. The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development (paragraph 10). To do this it advocates approving development proposals that accord with an up-to-date development plan, but clarifies in para 12 that:
 5. *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
6. This planning application does not demonstrate any material considerations to indicate departure from the Local Plan. The first report recommended that the application be refused because the proposed dwelling would not address a proven need for affordable housing and is therefore contrary to Core Strategy Policy HC1.A and Development Management Policy DMH1.
 1. The proposal is to convert and extend an existing timber barn to create a two bedroom dwelling with ground floor living and dining / kitchen space, toilet, utility, double bedroom and en-suite. A deck area that could serve as a bedroom is proposed at first floor, with void over the remaining area.
 2. Core Strategy Policy HC1 sets out the acceptable planning routes for new housing in the National Park. These are clearly set out in policy and support the overarching Local Plan approach that market housing to meet a general need is not acceptable in the National Park.
 3. For the benefit of the decision maker, policy HC1 Part A(I) permits housing that addresses eligible local needs for the provision of affordable dwellings with occupation restricted to local people in perpetuity, A (II) permits housing for aged persons assisted living where care cannot be provided within the existing housing stock (for clarity, assisted living accommodation is housing that also provides nursing or general care). Part B permits key worker accommodation for people with an essential need to live near

or close to a farm. Part C permits housing if it is required in order to achieve conservation and enhancement for either a heritage asset or in a settlement. These are the only routes to new housing in the National Park through the Local Plan.

7. Core Strategy supporting text in paragraph 12.7 states, *The limited number of opportunities for new residential development emphasises the importance of concentrating on the eligible need within the National Park for affordable (including intermediate) homes, rather than catering for a wider catchment area. Addressing the eligible local need for affordable housing helps those who cannot compete in the open housing market. It is a justifiable reason for new housing provided there is no harm to the National Park and its valued characteristics.*
8. In this statement it is clear that the Local Plan refers to the eligible local need for affordable housing. The reference to eligible local need throughout the Local Plan is within that context; eligible local need for affordable housing. To split the two and focus solely on eligible local need (as put forward by the applicant) would be responding to local need for housing generally which is clearly a departure from the Local Plan as National Parks are not the location to respond to general housing need and the government is clear on this approach.
9. The National Parks Visions and Circular (2010)¹ paragraph 78: *The Government recognises that the Parks are not suitable locations for unrestricted housing The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.*
10. There can be no misunderstanding of the direction given by the Government and the intention of the Local Plan regarding the situations where new housing is acceptable.
11. The Development Management Policies (DMP) is the most up-to-date part of the Local Plan and Policy DMH1 is the relevant policy that builds on the policy foundations of Core Strategy Policy HC1.A
12. Policy DMH1 is titled New affordable housing. Affordable housing, for the avoidance of doubt, is as described in the NPPF Annex 2 definition². Affordable housing is *housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).*
13. Policy DMH1. A states, *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 following size thresholds... two persons 58sqm.*
14. The applicant refers to the desire to downsize. Downsizing is a desire, not a need. The DMP in the supporting text refers to downsizing and states in the following paragraphs;
15. *DMP 6.28 Some people who own their properties outright may want, as they get older, to move to smaller properties and remain in and contribute to the communities where they have lived for many years. Reasons may vary from decreased mobility and a practical difficulty in managing or adapting the current home to meet changed needs, to the need to realise capital to support their old age. This is commonly known as downsizing and should, wherever possible, be met through the existing housing stock where that is*

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf

² https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

suitable. However, there may be circumstances where this is not possible and where the circumstances of the applicant justify the provision of a home to meet their needs. This may become more common as the proportion of elderly residents increases.

16. *DMP 6.29 While it may not be practical or desirable to undertake a full means test, the Authority will need to be persuaded that homeowners have no alternatives available to them on the open market or through social housing that can meet their changed circumstances. This means an applicant should provide evidence of their search for housing on the market at the time of submitting a planning application and/or seeking pre-application advice.*
17. Whilst the supporting text sympathises with people who have a desire to downsize and provides guidance on how this should be approached. Local Plan policy H1.A and DMH1 supports those who are in housing need because they either don't have the financial ability or genuine medical reasons to meet a changed need within the open market. This policy route is not appropriate for people who have the financial means and are capable of meeting their need within the local housing market. If an applicant wants to build a property to downsize to, and they are not in genuine housing need, they will need to use a different Local Plan policy route to new housing.
18. Officers also accept that the new definition of Thriving and Sustainable Communities as set out in the National Park Management Plan (NPMP) provides a context and commitment to seek to support local people in addressing their needs, but development plan policy tests remain the starting point for decision making and clear evidence is needed to enable a proper assessment of material considerations in order to explore the opportunities sought by the wider objectives in the NPMP. So far these have not been forthcoming.

19. Can the applicant meet their own housing need within the open market?

20. The personal circumstances of the applicant are such that they are able to meet their housing need within the local housing market. The reasons are set out as follows.
21. The applicant owns their own home and is meeting their housing need within the open market.

22. The Local Housing Authority assessment of the applicant's housing need.

23. The applicant applied to Home Options because this is an established method the Authority use to assess whether a person is in housing need. The applicant has been assessed as being in Band D. Band D in the context of Local Housing Authority policy means the applicant is not in housing need because they have sufficient equity to resolve their own housing need. For information, the equity threshold in the policy is £165,571. Applicants who have equity above this threshold are generally assumed to have sufficient resources to resolve their housing needs.

24. Band D is explained as follows.

D-1. Private tenants with a desire to live in social housing

Tenants who live in private rented accommodation who have a desire to move to alternative accommodation.

D-2. Social housing tenants with a desire to move

Social housing tenants who have a desire (but not a need) to move to alternative accommodation.

D-3. Owner occupiers with a desire to live in social housing

Owner-occupiers who qualify to join Home-Options (see section 6(vi)) but who have been assessed by Home-Options to have sufficient resources to assist themselves in seeking alternative accommodation.

D-4. All other applicants

Households which include a person (or persons) with an illness or disability which is not affected by their current home and where a move is desirable (but not essential) will remain in band D.

Households who live in tied or service accommodation where that accommodation is provided as a condition of employment and there are no plans to bring that employment to an end.

Applicants who qualify to register with Home-Options but who have been assessed as having sufficient equity to resolve their own housing needs.

All other applicants who have no housing need but a desire for accommodation in the Home-Options area.

25. Is it reasonable to consider that the applicant can meet their current and future housing needs within the existing housing market?

26. The applicant owns their home and is currently not in housing need because they have met their housing need themselves, but state their existing property is too big for their needs, they have mobility issues, and as such their desire is to downsize.

27. Downsizing is a term used to describe the process whereby people want to move into a smaller home. For example, they live in a large property because that is what they needed when they had children, the children have grown up and left, and now they want to live in a smaller property. Downsizing refers to moving into any type of property that is smaller than the one a person currently lives in; it is not specifically for single storey living.

28. Within the context of the National Park, there is a large cohort of older people residing in the National Park who may have a desire at some point to downsize. The National Park Census 2021 data analysed in the PDNPA Population Projections and Housing Needs Assessment (2023)³ (referred to in this report as the Study) identified in paragraph 5.15 that, *The number of older residents increased by 1,809, or 20% over the past ten years, from 8,938 to 10,747.* Of that number many are living in accommodation that is larger than their needs require. Paragraph 6.17 of the same report states that, *Regarding couples, the level of under-occupancy is significant with as many as 96.5% of couples aged 66 and above.. under-occupying homes by at least one bedroom.* This analysis clearly indicates that a large proportion of the Peak District National Park population could have a desire to downsize and some of those might have a genuine need.

29. Owner occupation is relatively common in the National Park and so it is reasonable to assume that people should look within the existing housing market to meet changed needs or to plan for their future needs. The Study (as mentioned above) states that, *a disproportionate number of households in the Peak District own their home outright (51.3%) compared to just 35.4% across the East Midlands, 34.4% across the West Midlands and 32.8% across England and Wales (paragraph 6.22).*

30. However, residents who own their dwelling could still struggle to meet their desire or need to downsize on the open market. The Study looked at average house sales and report that

³ https://www.peakdistrict.gov.uk/data/assets/pdf_file/0027/98901/66287_01-Peak-District-HNA-011223-FINAL.pdf

Based on average sales between 2018 and 2022. Across the National Park, the median house price was £342,300, with a lower quartile price of £247,000 and upper quartile price of £538,800. So, there may be a situation whereby someone who owns their home but its value is in the lower quartile price bracket may struggle to downsize. This is acknowledged and supported by Home Options as a reason to be in housing need as stated earlier in paragraph 22 of this report.

31. The applicant has not submitted valuation details of their property as part of their planning application to demonstrate they are unable to meet their desire to downsize within the existing housing market. However, it can be reasonably deduced that their property (four bed detached dwelling with grounds) exceeds the upper quartile price of properties in the National Park quoted above on the following grounds.
32. Themovemarket.com (search date 02/02/2026) describes Padley Mill Cottage as a detached house spread over 1,615 sq ft, making it a common sized property here. It is ranked the sixth most expensive property [within the same postcode] with a value of £825,000. It was last sold for £525,000 in 2006.
33. Rightmove.co.uk (search date 30/04/2026) states that *Overall, the historical sold prices in Grindleford over the last year were 34% up on the previous year and 2% down on the 2022 peak of £673,778.*
34. Based on the above information, it is reasonable to assume the applicant has a healthy sized budget to look on the open market for a property to meet their desire to downsize.
35. The Local Plan does not set out in the supporting text what the specific area of search to look for a dwelling is. However, it is established and accepted practice by the Authority and Local Housing Authorities, when assessing local housing needs that the need in the parish and adjoining parishes are reviewed. The applicants live in the hamlet of Upper Padley, close to but outside of Grindleford settlement (a Policy DS1 settlement). Upper Padley is within the Parish of Grindleford and Nether Padley. According to DMP Appendix 3: *List of Core Strategy policy DS1 settlements, including details of the Parish and adjacent Parishes*, the adjoining parishes are: Baslow and Bubnell, Eyam, Hathersage, Holmesfield, Stoney Middleton, Calver, Froggatt, Highlow. It is reasonable therefore that the applicant look for a dwelling within this search area.
36. Rightmove.co.uk details that over the last 5 years, 103 properties of £800k and below were sold in Grindleford and a surrounding 1 mile buffer. This increases to approximately 569 properties when the area of search is extended to include a 3 mile buffer. Based on this information, it is reasonable to assume a smaller property that could be adapted was, and is, available to the applicant to downsize to.
37. Based on the analysis of the Census 2021, housing market data, and the limited information submitted by the applicants, it can be concluded that the applicant represents a typical older couple, who own their property, living in the National Park and who can meet their desire the downsize within the open market. There are no material considerations that make their situation unique to justify a different conclusion.
- 38. The applicant state they need single storey living accommodation for medical needs and because they are ageing**
39. The applicant is ageing and has or may have mobility issues and as such their preference is to move house. The applicant has not submitted details from a Doctor or Physician to confirm they have medical needs that require them to be rehoused. As such any self-certified medical needs are in relation to a preference to move to a smaller, single storey

property, rather than a need now or in the future. As such it is difficult for the Authority to be persuaded as to the need for a new dwelling.

40. To clarify, age and natural 'slowing down' are not material planning considerations. Mobility issues could present themselves in the future, as is the case for everyone whatever their age, but does not signify a need for single storey living as houses can be adapted so that the upstairs can be accessed, e.g. via a stairlift.
41. To put it into the wider context, to consider age and natural 'slowing down' as a reason to grant planning permission to support a desire to move to a single storey dwelling would indicate to the other 10,747 older National Park residents that the provision of single storey living outside of the open market was an acceptable route to new housing in the National Park for anyone with a 10 year local connection.

42. The applicant has a local connection and contributes to their local community

43. It is accepted that the applicant has a local connection. The applicant states that they are actively involved in their community which is to be expected to some degree for someone with an existing local connection. It is not a material consideration that holds significant weight in this case to outweigh other material considerations.
44. In 2021 the Authority adopted the definition of Thriving and Sustainable Communities within the context of the National Park Management Plan. This definition has not been embedded into the current Local Plan but will form part of the spatial objectives of the next Local Plan that will soon be out for Regulation 19 consultation. Its purpose is to set out how the Authority will support its communities to thrive and be sustainable (social, environmental, economic).
45. Of particular interest is how the Authority supports its communities to be sustainable from a social perspective and Committee members may be drawn to the following commitment by the Authority,
46. Sustainable development can help communities to thrive by meeting today's needs in a way that harmonises economic growth, social inclusion and environmental protection, ensuring that the needs of future generations are not compromised.
47. *A sustainable community is therefore likely to include (all or most of):*
48. *The provision of a sufficient supply of safe, energy efficient homes in a mixture of tenures so that: a diverse population can be sustained; those with local roots can remain or return; family groups across the generations can stay together for mutual support.*
49. The Local Plan takes its lead from the Management Plan. Whilst the next Local Plan will be updated to specifically reference the adopted definition the current Local Plan has been supporting this ambition since it's own adoption, through the requirements set out in the National Planning Policy Framework and through the National Parks Vision and Circular (2010), to plan for sustainable development and healthy and safe communities, and specifically within the National Park to support the delivery of homes for local people in affordable housing need.
50. Rather than go through every policy to show the current Local Plan does this, Core Strategy paragraph 7.21 provides a helpful summary:
51. Development should take account of the following policy considerations:

- Mitigating and adapting to climate change (chapters 7,8, 11 and 15);

- Delivering high quality design respecting local distinctiveness (chapters 7, 8, 9 and 11);
- Fostering access to services and facilities by locating development according to the objectives of the spatial strategy (chapters 8 and 15);
- Encouraging social integration in an inclusive environment that considers people's diverse needs regardless of age, gender or disability (chapters 7, 8, 10, 12 and 15);
- Encouraging good health, safety and well-being (chapters 7, 8 and 10);
- Supporting appropriate economic development (chapters 8, 12 and 13);
- Championing environmental quality (chapters 7, 8, 9 and 11);
- Seeking development of an appropriate scale (all chapters);
- Addressing the local needs of the National Park's communities (chapters 7, 8 and 12);
- Considering the needs of future generations (all chapters);
- Achieving 'win-win' solutions (all chapters).

52. It can therefore be concluded that the current Local Plan does support the delivery of the Authority's Management Plan ambition for thriving and sustainable communities.

53. The size of the new dwelling

54. The other policy issue that is relevant to this application is the size of the dwelling proposed. Whilst this report has established the applicant is not in affordable housing need, housing built to meet an affordable dwelling need is restricted in size to the need of the applicant in accordance with policy DMH1. The purpose of the size limits is to protect houses in perpetuity for all those in affordable housing need.

55. Policy DMH1 is clear that the maximum property size for a dwelling to support bed spaces for up to two people is 58sqm. The interim DMH1 policy provides some flexibility of up to 70sqm. This flexibility is based on a 2 storey dwelling and to support the long term needs of a community, i.e. couples having a family.

56. The purpose of the size limits is to protect houses in perpetuity for all those in housing need. As submitted, the one bedroomed property is described as being 89sqm of internal floorspace although this does not include what could be considered storage areas that would increase it to 101sqm. For the avoidance of doubt, the specified dwelling sizes in Local Plan policy account for storage space.

57. The applicant has not put forward any justification for why they have a genuine need for a one bedroom dwelling in excess of 58 sqm. Therefore the property cannot be regarded as being of a size that can remain affordable in perpetuity in accordance with DMH1.

58. In concluding the above, a Section 106 Agreement cannot be constructed in such a way as to offer reasonable certainty that the house can be retained as affordable for local persons in housing need in perpetuity. As such the application should be refused on these grounds as well.

Conclusion

59. A decision to grant permission is considered to be a departure from Development Plan policies HC1 and DMH1.
60. The applicant owns their own property and they have sufficient equity to meet their own housing need within the open market. In this scenario the DMP guidance indicates that that should be reasonable attempts to explore alternatives accommodation within the locality that could address the changing personal needs of the applicants. This has not been forthcoming in this case and is simply a challenge to the policy principle.
61. Any material considerations must relate to the development and use of land in the public interest, not a person's private interest or preference. The applicant has not submitted details from a Doctor or Physician confirming they have medical needs that require them to be rehoused to a single storey dwelling. As such, the applicant's private preference is to downsize to single storey living because their current property is too big for them to manage based on self-certified medical issues and the fact they are ageing.
62. If the application is approved, it undermines development management policy and risks undermining the long-standing strategic policy that new housing is in response to local eligible need for affordable housing or to conserve and enhance the National Park.
63. In circumstances such as this taking a decision without robust evidence could lead to an increase in pressure to development garden sites and other green spaces without a proper assessment of need or due scrutiny in accordance with policy.
64. Experience has shown that by paying proper regard to the development plan, long term spatial objectives can be achieved for the provision of housing that responds to genuine local affordable housing need. This furthers National Park duty.
65. There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently especially where they are up-to-date and relate specifically to the development concerned, as in this case.
66. In these circumstances, the Planning Committee is respectfully urged to reconsider its resolution to approve the current application.

Human Rights

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

List of Background Papers (not previously published)

Report and Minutes
Appendix 1

Report Author and Job Title

Sarah Welsh – Senior Policy Planner, Policy and Communities Team

6. CONVERSION AND EXTENSION OF EXISTING BUILDING TO A TWO BEDROOM (INTERMEDIATE) DWELLING, INCLUDING REMODELLED ACCESS, HARD AND SOFT LANDSCAPING, AND ASSOCIATED INFRASTRUCTURE AT PADLEY MILL COTTAGE, UNNAMED ROAD FROM STATION ROAD WESTWARDS TO TRACK LEADING TO A6187, UPPER PADLEY, GRINDLEFORD (NP/DDD/0126/0079), HF

APPLICANT: DAVID JENNER

Summary

1. The application seeks conversion and extension of an agricultural building to a two bedroom dwelling. The applicant is willing to enter into a Section 106 Agreement to restrict the occupation of the dwelling to those with a local connection in perpetuity.
2. Whilst the applicant submits they are in housing need due to their increasing age and reduced physical capacity and mobility to cope with maintaining their existing property, and wish to downsize, it is not considered the applicant is in affordable housing need or that their needs would not be capable of being met on the open housing market.
3. In the absence of a proven need for an affordable dwelling, the application is contrary to Policies HC1.A and DMH1.A. The application is therefore recommended for refusal.

Site and Surroundings

4. The site lies in Upper Padley, which comprises a cluster of primarily residential buildings located in open countryside. The site occupies a corner plot with the Windses Estate track extending along the southern edge and further track extending along the east edge. Public Rights of Way (PRoW) run along both tracks. Grindleford Station is further south.
5. The site is in agricultural use, occupied by a timber barn constructed in 1991 understood to have originally been used for hay storage. Since 2006 it has been used for growing, processing and storage of vegetables for domestic use. A greenhouse, polytunnel, shed and wood store are present on site. Internally, the barn has a kitchen and compost toilet.
6. The Grindleford Station Conservation Area extends to the south and east and the site is considered to form part of its setting. The Grade II Listed Padley Mill is to the east. 250m further west is the Padley Hall: a medieval great house scheduled monument. The Padley Woods ancient woodland are to the north beyond Upper Padley.

Proposals

7. The application proposes to convert and extend the existing timber barn to create a two bedroom dwelling with ground floor living and dining / kitchen space, toilet, utility, double bedroom and en-suite. A deck area that could serve as a bedroom is proposed at first floor, with void over the remaining area.
8. Within the wider plot there is provision for garden and car parking and turning space. The existing woodstore east of the barn would be retained. Access is at the south east corner.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The proposed dwelling would not address a proven need for affordable housing and is therefore contrary to Core Strategy Policy HC1.A and Development Management Policy DMH1.**

Key Issues

9. The principle of the proposed affordable dwelling and impact on the character and appearance of the area, heritage, residential amenity, trees and ecology.

History

10. 27099: Pre-application enquiry in 2016 advised that conversion of the barn to holiday-let was unlikely to be acceptable as the building was not of traditional merit. Concern was raised around domestic use of the lower part of the field and impact on the area.
11. NP/DDD/1016/1082: Alterations to wooden barn / shed – Granted conditionally 21.12.16.
12. Non material amendments to the above permission were accepted under NP/NMA/0517/0551 and NP/NMA/0918/0849 in 2017 and 2018 respectively.
13. NP/DDD/1024/1066: Installation of a small packaged sewage treatment plant to process waste from a registered smallholding – Granted conditionally 08.01.25. The application was linked to installation of toilet facilities in the barn due to the planned sale of the main property Padley Mill Cottage, so as to retain access to bathroom facilities from the site.

Consultations

14. Derbyshire County Council Flood Team: Currently only responding to major applications.
15. Derbyshire County Council Highways: No response received to date.
16. Grindleford Parish Council: Strongly and warmly in support of the application. The conversion design is not intrusive and is sympathetic to the area. The site is well maintained by the current owners but this may not be the case for new owners and the site may fall into disrepair and become an eyesore. The conversion will free up Padley Mill Cottage for a family, which could help numbers at the village school and provide additional 106 accommodation in the village for future local families. The current owners are activity community members. The Parish Council urges the Authority to look favourably on the application.
17. Natural England: No objection. The proposals will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes.
18. Peak District National Park Authority Archaeology: No comments to make.
19. Peak District National Park Authority Ecology: No objection subject to conditions. All surveys have been undertaken in accordance with relevant guidelines and include appropriate impact assessment and details for mitigation / compensatory methods for species / habitats. The application is exempt from Biodiversity Net Gains as a self-build development. The enhancement measures in the submitted report are welcomed.

Recommend compliance with all mitigation, compensation and enhancement measures for bats and breeding birds and mitigation measures for all other species to be as submitted in the Protected Species Survey and Activity Survey Report. Works during the nesting bird season should be subject to appropriate checks 48 hours prior.

20. Peak District National Park Authority Policy: Objects. The property is described as 89sqm although this excludes storage areas, which if counted would increase to 101sqm. The applicant wishes to downsize and it is important support is given to those wishing to do so where this cannot be done on the open market. I do not consider the applicant has an eligible local need for affordable housing at the time the application has been made.

Whilst they can demonstrate a local connection, I do not consider sufficient evidence has been provided to demonstrate a need for an affordable dwelling contrary to HC1a) and DMH1. The proposal is speculative with no details for why there is a need to downsize e.g. decreased mobility and a practical difficulty in managing or adapting the current home to meet changed needs, to the need to realise capital to support their old age (DMP para 6.28). Or why they cannot meet their needs on the open market (DMP para 6.29). The applicant's existing property is likely to be of considerable value. A few references to recent sales or lack of them in the immediate vicinity is insufficient evidence.

It may be raised that allowing someone to downsize frees up a property for a family to move into. Whilst I don't disagree that this could happen, the likelihood that it would be a family from Grindleford is low due to the likely value of the property which is beyond what many people can afford in Derbyshire Dales, plus the fact that the property is an open market dwelling and is not restricted in any way to being sold to local people.

To provide some evidence to go with this, I enclose the following extract from the Peak District National Park Population Projection Update & Housing Needs Assessment Peak District National Park Authority 01 December 2023
https://www.peakdistrict.gov.uk/data/assets/pdf_file/0027/98901/66287_01-Peak-District-HNA-011223-FINAL.pdf. Para 6.56 is particularly pertinent.

With regards to being in housing need, the Home-Options Partnership that our constituent authorities work together to deliver provides some helpful advice on when people who own their own property may be in housing need. I have provided an extract relevant to this case below, which can also be found here https://www.home-options.org/choice/uploads/Home-Options_Policy_version_14.3_final.pdf

A full extract of the policy officer response is available on the website. It references an extract from the Home Options document which states there are circumstances where owner-occupiers may be in housing need such as living in unsuitable accommodation due to age, long-term medical issues or disability. The resources available to applicants will be taken into account, which may include the value of their property and whether there are grants available for repair. They may also seek advice from professionals who assess the housing needs of older / disabled people.

The average house price in Derbyshire Dales is £331,141 and the home-options equity level is £165,571. It is expected that property owners with equity above the Home-Options equity level will use their equity to secure accommodation for themselves. For those reasons, such owners may receive lower priority on the housing register.

21. Peak District National Park Authority Trees: Initial clarification around scope of proposed foundations and precautions regarding hedge line, and where utilities will be connected. Following response from the applicant, final response confirms no objection.

Representations

22. 7 letters have been received in support of the application and raise the following matters:

- The development is acceptable in design, scale and impact on the area.
- The proposal would enhance the access and landscaping of the site and local character of the area whilst retaining rural character.
- The scheme will enhance local sustainability and make use of an existing site rather than introducing new development in the landscape.
- There would be no impact on neighbouring properties.
- Intermediate housing is welcomed to the area.
- A 2 bedroom property will add choice for smaller family groups in the area.

- The proposal will benefit residents and it would be regretful for the present owners to leave due to lack of smaller homes locally.
- The site was previously occupied by residential cottages.

Main Policies

23. Relevant Core Strategy policies: GSP2, GSP3, DS1, L1, L2, L3, CC1, HC1
24. Relevant Development Management policies: DMC3, DMC5, DMC6, DMC7, DMC8, DMC11, DMC12, DMC13, DMH1, DMH2

Development Management Practice Note Policy DMH1

25. Paragraph 6.38 of the DMP states the Authority will be flexible in its application of DMH1 for people addressing their own need. The practice note sets out how DMH1 should be applied when considering applications for new houses by individuals seeking to meet their own housing needs, and confirms its focus is on this type of affordable housing.
26. The practice note states to ensure consistency in applying DMH1 and avoid compromising its purpose, increased size thresholds can be applied as follows:

“In all situations, the development shall address eligible local need in accordance with Core Strategy policy HC1 and DMP policy DMH2.

Couples or two people forming a household together can apply for homes up to 70m2.”

National Planning Policy Framework (NPPF)

27. 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: 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 they carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
28. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 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.
29. In the National Park, the development plan comprises the Authority’s Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides a clear starting point consistent with the National Park’s statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the development plan and the NPPF.
30. The submission references the emerging development plan for the Peak District. However, due to its stage of preparation, limited weight is afforded to it at this stage.

Assessment

Principle

31. Policy HC1.A(I) permits housing that addresses eligible local needs and that remain affordable with occupation restricted to local people in perpetuity.

32. Paragraph 12.18 states it is not appropriate to permit new housing in the National Park in response to open market demand to live within it. The limited number of opportunities for new housing emphasises the importance of concentrating on eligible need within the National Park for affordable (including intermediate) homes. Addressing eligible local affordable housing need helps those who cannot compete on the open housing market.
33. Policy DMH1.A states affordable housing will be permitted outside of Core Strategy Policy DS1 settlements by conversion of existing buildings provided (i) there is a proven need for the dwelling(s); and (ii) any new build housing is within the policy size thresholds.
34. Policy DMH1.C confirms self and custom build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.
35. 6.27 outlines that: *“For the avoidance of doubt, and because of the high, and consistently rising trend in the monetary value of houses in the National Park, people owning a house inside the National Park are generally considered to be more able to resolve their own housing need than those who don’t own a property.”*
36. 6.28 continues: *“Some people who own their properties outright may want, as they get older, to move to smaller properties and remain in and contribute to the communities where they have lived for many years. Reasons may vary from decreased mobility and a practical difficulty in managing or adapting the current home to meet changed needs, to the need to realise capital to support their old age. This is commonly known as downsizing and should, wherever possible, be met through the existing housing stock where that is suitable. However, there may be circumstances where this is not possible and where the applicant circumstances justify provision of a home to meet their needs.”*
37. 6.29 states: *“The Authority will need to be persuaded that homeowners have no alternatives available to them on the open market or through social housing that can meet their changed circumstances. This means an applicant should provide evidence of their search for housing on the market at the time of submitting a planning application and/or seeking pre-application advice.”*
38. Finally, 6.46 states homes built by individuals to meet their own need are classified as “intermediate” houses (between pure affordable prices, and unencumbered open market prices) because they can be sold on by the first owner after three years to a person not in housing need, subject to satisfying local connection criteria.
39. The Planning Statement outlines the applicant has lived in Upper Padley for 19 years, and their partner 10 years, and that both are active within the community. It states it is essential the applicant’s stay in the community for their sense of purpose and well-being.
40. The applicant’s current property is a 4-bed, 2-storey cottage with 3 acres of land including outbuildings. The Statement indicates that as the applicants get older there will be less physical capability for maintaining the property, whilst ability to negotiate a mid-18th Century cottage, different levels at ground floor and steep staircase will become more difficult. It is therefore submitted there is a need to downsize.
41. The applicant further states living at ground floor of their existing property only or retrofitting is not feasible, due to steep staircase, multiple level changes and the need for single-storey living. Reference is made to the fact the cottage may be curtilage listed or at the least a non-designated asset. It is unclear at this stage if the cottage is curtilage listed and whether internal alterations would be subject to control. Notwithstanding this case, it must also be considered if the applicant is in affordable housing need.
42. The Statement details that the applicant has been exploring housing options since 2021. Details of a search of the local market are provided during 2024 - present, with four

- properties for sale in that period ruled out due to size, or work involved. The searches appear to have taken place in the Upper Padley postcodes (S32 2HY and S32 2JA).
43. Properties on the Windses Estate, Upper Padley, are identified as being potentially suitable but the Statement notes no property has come up for sale since 2021, and that time is of the essence as the applicant ages. The applicant submits their needs would best be met by converting and extending the existing barn on site to create an intermediate dwelling restricted to local occupancy in perpetuity.
 44. The intentions of the applicant are appreciated although it is not clear if there is a strong need for alternate accommodation at present for mobility reasons, notwithstanding lead-in times raised by the applicant to secure new housing. It does however need to be established if housing needs can be met on the open market. HC1.A and DMH1.A are clear that new affordable housing will only be acceptable where there is a proven need.
 45. Whilst officers appreciate the desire of the applicant to remain in Upper Padley, there does not appear to be an essential need to do so. There appear to have been opportunities on the open market for the applicant to remain in the local area which includes Grindleford parish, or adjoining parishes such as Hathersage. A search of Upper Padley only is considered to be too limited. A number of bungalow properties appear to have been sold within a 3 mile radius of Upper Padley in the previous 3-4 years.
 46. The Authority's policy officer has referred to the Authority's Housing Needs Assessment (HNA) 2023. Table 6.5 of the HNA states in the Derbyshire Dales District area of the Park, lower quartile house prices (2019) averaged at £235,000 whilst median house prices were £319,220. They also reference the Home Options partnership, which is used by constituent authorities to establish housing need. For those in home ownership, regard is had to existing resources available such as existing property value, with the average Derbyshire Dales District property indicated to be £331,141 and Home-Options equity level given at £165,571. Property owners with equity above that level are expected to use their equity to secure suitable accommodation themselves on the open market.
 47. An online estimate of the applicant's property indicates it significantly exceeds the average price values quoted by the HNA and Home Options guidance, suggesting the applicant is likely to have the ability to meet their housing requirements on the open market and they are unlikely to be a high priority on the housing need register. Even if that were not the case, there is no evidence to the contrary. There is therefore no compelling evidence to conclude the applicant is in affordable housing need.
 48. Notwithstanding the support for downsizing in the text of the DMP, the precise policy wording for HC1.A and DMH1 is clear that any new affordable housing must be justified by a proven need. As officers are not persuaded the applicants housing requirements cannot be met on the open market, or that the applicant is in need of affordable housing, the application is contrary to HC1.A and DMH1 and is not acceptable in principle.
 49. Whilst it is acknowledged the applicant is willing to enter into a Section 106 Agreement to restrict occupancy to local connection and suppress the future property value, this does not resolve the conflict with HC1.A and DMH1 in the absence of an identified need.
 50. There is further concern the property size (78sqm plus 11sqm external store) exceeds the Policy DMH1 58sqm threshold for a two person dwelling, and the flexible 70sqm threshold in the DMH1 practice note, and as such the property would not be sized affordably for a two person dwelling. The applicant has however indicated they would be willing to reduce the size to 70sqm if that were a barrier to permission being granted.
 51. The support received by representations and the Parish Council is noted, as is reference made to sustainability, re-use of a building and its quality, enhancement to ecology and

character, proximity to public transport, group value with other station buildings, economic benefit during construction, the unique circumstances of the applicant and social benefits to them and the freeing up of an existing house in Upper Padley. In regard to the latter, the existing house is not an affordable dwelling. Any benefits achieved on site are not significant. Due to the conclusions reached above limited weight is afforded to the case made around meeting the applicant's housing needs. The matters raised are not considered to outweigh or override the policy conflict identified, and the policy harm that would arise through grant of a new dwelling in the absence of a recognised need for affordable housing, given the Authority's strict exceptions to new housing in the Park.

52. The applicant has submitted HC1.A is arguably out of date and should not be afforded weight in determination of the application, given the updates to the NPPF in 2012 and 2024. They also indicate definitions of "affordable" and "intermediate" are subject to change in the 2024 NPPF and draft NPPF under consultation. They infer an "intermediate" dwelling should be taken as a dwelling with restricted occupancy.
53. Officers do not agree that HC1.A is out of date. The English National Parks and the Broads: UK Government Vision and Circular 2010 is clear at paragraph 78 that National Parks are not expected to meet general housing targets and will focus on new housing only to meet affordable housing requirements. HC1.A reflects that approach. DMH1 (adopted 2019) similarly requires there to be a proven need for new affordable housing.
54. With reference to NPPF paragraph 11, the application conflicts with the development plan policies. As the policies are deemed not to be out-of-date, the tilted balance is not engaged. Nor do the material considerations raised outweigh the policy conflict.

Other 'in principle' considerations

55. For the avoidance of doubt and as addressed further below, the proposed conversion is not considered to comprise conservation or enhancement of a heritage asset for the purposes of Policy HC1.C(ii) and Policy DMC10. DMC10 is clear that HC1.C(ii) only applies to buildings that are either listed, or identified as a non-designated heritage asset. The barn is believed to be constructed in the early 1990s and is not of historic merit. Nor would the proposal conserve or enhance other nearby designated assets. The proposed removal of the polytunnel and shed is a minor change which would not achieve a significant enhancement, as required by HC1.C and GSP2.
56. Whilst reference is made to the historic siting of a dwelling on the site and restoration of a residential use within the footprint of that historic use, this is afforded limited weight given the dwellings are long gone and the residential use abandoned.
57. With regard to Policy HC1.C(i), the development would not achieve conservation or enhancement of a Policy DS1 listed settlement. Upper Padley is physically separate from the settlement of Grindleford and Nether Padley, both of which are specifically referenced by DS1, with Upper Padley being omitted. In any case as established, the proposal is not required to achieve conservation, nor would it result in a significant enhancement.
58. The NPPF definition of previously developed land (PDL) confirms this excludes: "*land that is or was last occupied by agricultural buildings*" and "*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*". The former dwelling on site that is long since demolished is considered to fall into the latter exclusion. Whilst the applicant has submitted evidence they consider confirms domestic use of the site, which they state is incidental to their dwelling, also stating the size of the barn is such that it should be considered PDL, the site is considered by the Authority to be clearly outside of any residential curtilage and in agricultural use for growing, processing and storing of fruit and vegetables. Therefore as the NPPF confirms, it is not PDL.

59. Policy DMH6 which deals with redevelopment of PDL for housing is not applicable, nor if it were would the policy requirements for significant enhancement be achieved.

Impact on Character and Appearance

60. The proposal includes conversion and extension of the existing timber barn, which was constructed in 1991 and is not a traditional building of historic or vernacular merit. The extension would increase and compound the extent of untraditional built form on site and result in a less simple appearance, although it is recognised there is existing vegetation that would afford some screening from the south and east, mostly in summer.
61. Whilst the Planning Statement references improvement to the setting of nearby heritage assets through removal of the shed, polytunnel and re-instatement of residential use reflecting location of historic railway cottages on the site, limited weight is afforded to the latter as the buildings are long gone and the building and extension proposed in any case are not traditional in character. The polytunnel and shed removal would be a minor benefit but this would be cancelled out by extension of the existing untraditional building.
62. The addition of a large number of rooflights, particularly to the south, would domesticate the site character. There is some concern with the intervening flat section between the main barn and extension and its glazing on the north elevation.
63. Concerns were raised with conversion of the barn to holiday-let in 2016 (27099) due to domestic use of the lower part of the wider field and building, and harmful impact on the land and setting. This concern remains. Whilst there are structures on site associated with agricultural use of the land, the general extent around the barn remains agricultural as do views into the site from the south east corner through the site entrance.
64. Impact on rural character and setting of surrounding heritage assets could potentially be controlled through restricting the extent of residential curtilage, likely to immediately north and west of the barn, and through improved landscaping and sensitive surfacing of the turning and parking area. These measures could be dealt with by condition such that the application on balance is not recommended for refusal on design, landscape or heritage grounds or in respect of GSP3, L1, L3, DMC3, DMC5, DMC7, DMC8 or DMC9.
65. Notwithstanding the above, mitigation to address concerns around design, landscape and heritage would not overcome the 'in principle' policy conflict identified and for clarity the proposal is not considered to result in any significant enhancement to the area.

Ecology

66. The Protected Species and Activity Survey Report detail a site and dusk emergence survey conducted August 2025. The results concluded the barn had 'low potential' for roosting bats but that no bats were recorded emerging or entering the building, with low numbers of bats commuting through the site. There was no evidence of breeding birds within the barn's external features, although sign of roosting birds within the eaves was observed. No birds were observed returning to the roost within eaves during the survey.
67. Mitigation measures proposed include precautionary checks, sensitive working methods, provision of a bat chamber on the extensions eastern gable and provision of bird boxes.
68. The Authority's ecologist raises no objection to the application subject to compliance with the mitigation and enhancement measures, and pre-checking for nesting birds during the relevant period. Natural England have also confirmed no objection.

69. Subject to conditions, impact would be acceptable on ecology including protected species and sites of interest, thereby according with L2, DMC11 and DMC12.
70. The development is exempt from biodiversity net gains as it is a self-build development.

Other Matters

71. No new foundations are required as the barn, shed and woodstore sit on an existing concrete plinth, with the extension replacing the shed on the plinth, the footprint of which is unchanged. Hedging to the south is separated from the plinth by a stock fence although trimming of hedging (which occurs annually) may be required during construction. There is already a water and electricity supply to site, no gas connection is proposed and foul disposal was approved under NP/DDD/1024/1066. The Authority's tree officer confirms no objection in relation to impact on trees or hedges, or in regard to Policy DMC13.
72. The proposal would have access onto an existing lane used by other vehicles. Due to the nature of the lane, vehicles would likely be travelling slowly such that officers are comfortable there would not be highway safety issues. The lane is also a PRoW. Vehicles can exit site in a forward gear such that they would see oncoming pedestrians, and the increase in vehicles from one dwelling is not considered detrimental to pedestrian safety.
73. The relationship of the site with other properties is such that the development would not result in harm to neighbouring amenity through impact on privacy, overlooking, overbearingness or overshadowing. Construction disruption would be temporary.
74. The Flood Risk Assessment confirms the site is at low risk of flooding (Flood Zone 1), therefore no concerns are raised in this respect.
75. Sustainability measures include re-use of an existing building, rainwater and greywater harvesting, low flow taps, passive heating and cooling, and opportunity for solar panels and air source heat pump which can be secured by condition to comply with Policy CC1.

Conclusion

76. The application seeks conversion and extension of an agricultural building to a two bedroom dwelling. The applicant is willing to enter into a Section 106 Agreement to restrict the occupation of the dwelling to those with a local connection in perpetuity.
77. Whilst the applicant submits they are in housing need due to their increasing age and reduced physical capacity and mobility to cope with maintaining their existing property, and wish to downsize, it is not considered the applicant is in affordable housing need or that their needs would not be capable of being met on the open housing market.
78. In the absence of a proven need for an affordable dwelling, the application is contrary to Policies HC1.A and DMH1.A and the policy harm is not considered to be outweighed by any material considerations. The application is recommended for refusal.

Human Rights

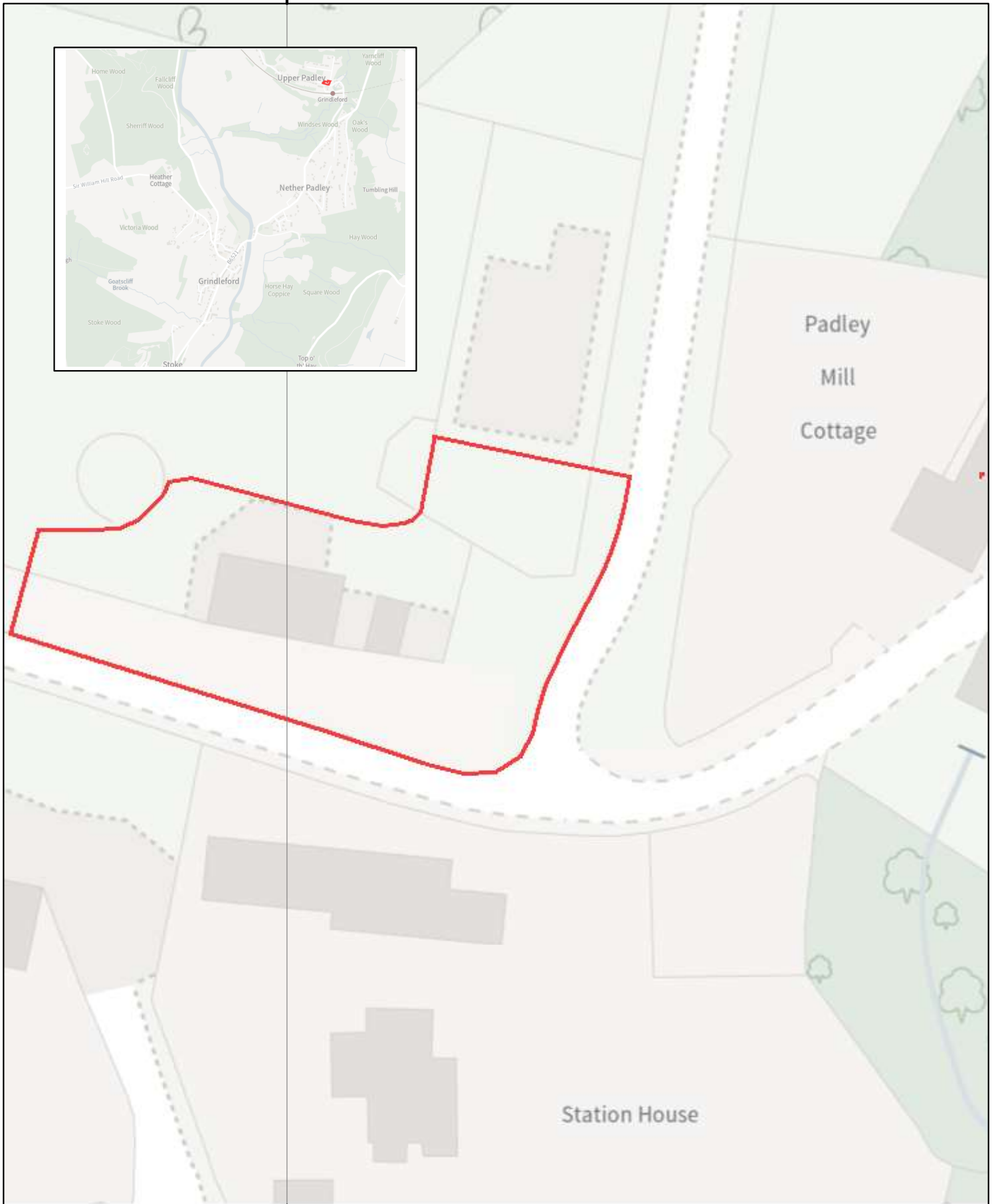
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

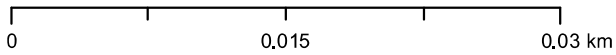
Nil

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Padley Mill Cottage, Grindleford

Item no. 6
 Application no. NP/DDD/0126/0079
 Committee date: 10/04/2026

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 Scale: 1:413 at A4 pagesize
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REQUEST FOR AUTHORITY TO DECLINE TO DETERMINE AN APPLICATION FOR PLANNING PERMISSION UNDER S70C OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) RE: (NEW) FULL APPLICATION FOR HOLIDAY RETREAT WITH HOLIDAY ACCOMMODATION INCLUDING 2 STATIC CARAVANS, 1 YURT, 9 TOURING CARAVAN PITCHES, 17 CAMPING PODS, 5 CAMPING PITCHES AND ANCILLARY FACILITIES INCLUDING TOILET BLOCK, CONVERSION OF POLE BARN TO FLEXIBLE SPACE FOR EVENTS, CONVERSION OF DUTCH BARN TO CATERING AREA, CONVERSION OF OLD MILKING PARLOUR TO 4 HOLIDAY LETS, REPLACEMENT OF 2 STOREY STORAGE BARN WITH 2 UNDERGROUND SINGLE STOREY HOLIDAY LET STUDIOS, A POLYTUNNEL AND ASSOCIATED ACCESS AND ACCESS TRACKS, PARKING AND LANDSCAPE AT HOME FARM, MAIN STREET, SHELDON (JS)

Summary

1. The Authority served an Enforcement Notice (EN) on the land in 2008 and 2020. The 2008 notice was in relation to the construction of a track. The 2020 notice was in relation to the excavation of land and the carrying out of building operations, consisting of the construction of foundations and the erection of walls as part of an extension to the existing guest house, a converted former barn.
2. Both enforcement notices were appealed and dismissed. Both enforcement notices are in effect and no action has been taken to comply with the notices.
3. The landowner has now applied for use of the wider site for holiday accommodation. The proposal includes the retention of the track subject of the 2008 enforcement notice and the creation of 2 units of holiday accommodation within the 'underground studios' which have been built to the rear of the existing guest house and are the subject of the 2020 enforcement notice.
4. S70C of the Planning Act gives a power to local planning authorities to decline to determine a retrospective application for planning permission where the proposal relates in whole or in part to those matters specified as a breach in an enforcement notice.
5. Officers have notified the applicant that they are minded to decline to determine the application but under current standing orders the use of such a power is not delegated. Therefore, this report seeks authority from the Planning Committee to formally decline to determine this application.

Site and Surroundings

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

10. The nearest properties include the church and neighbouring residential properties.

Proposal

11. This application is retrospective and seeks planning permission for the retention of development carried out on site along with use of the land for a glamping, caravan and camping site as described in the application and shown on the submitted drawings.

RECOMMENDATION:

12. **That authority to DECLINE TO DETERMINE the retrospective planning application under S70C of the Town and Country Planning Act 1990 (as amended) for the following reason:**

1. **The application relates to development of land to which an existing enforcement notice relates and seeks permission for the retention of the matters specified in the enforcement notice as constituting a breach of planning control and there has been no material change in circumstances to warrant consideration of the application.**

Key Issues

13. The impact on the landscape, cultural heritage and the character, appearance and amenity of the local area.
14. Public confidence in the planning system through the effective enforcement of the planning regulations.

Planning History

Planning applications and subsequent appeals

15. 2004 – planning permission refused for creation of wildlife observation room, erection of greenhouse and creation of car park.
16. 2009 – planning permission refused for house extension and demolition of concrete frame and block walls of a barn.
17. 2009 – planning permission refused for demolition of large corrugated steel barn and breezeblock store to be replaced with a residential courtyard development for the client's extended family. Twelve ensuite bedrooms will be divided amongst four single storey buildings. This application is for phase 2 of a comprehensive redevelopment of the site.
18. 2009 – planning permission granted conditionally for demolition of large corrugated steel barn, breezeblock store and concrete frame/breezeblock building. In total 3 disused outbuildings are to be removed.
19. 2009 – planning permission refused for installation of three LPG tanks. Change of use from meadow to LPG tank site.
20. 2009 – planning permission granted conditionally for change of use of dwelling house to a guest house.
21. 2010 – planning permission refused for erection of 4.27m by 18.29m poly tunnel for growing fruit and vegetables.

22. 2010 – planning permission refused for extension to guest house.
23. 2010 – planning permission refused for erection of 15.62m by 13.68m glass greenhouse for growing fruit and vegetables.
24. 2011 – planning permission granted conditionally for conversion of part of guest room to tea room. Planning Committee – Part A 10 May 2024
25. 2011 – planning permission refused for erection of conservatory.
26. 2011 – planning permission refused for extension and alteration to guest house
27. 2011 – planning appeal against the above refusal dismissed.
28. 2012 – planning permission refused for courtyard development of 10 rooms for the guest house - change of use from field and storage to guest house.
29. 2012 – planning permission refused for the erection of 2 lamp-posts.
30. 2014 – planning permission refused for re-cladding of the existing concrete frame.
31. 2014 – planning permission refused for change of use from C1 guest house to mixed use of guest house and tearoom.
32. 2014 – planning appeal against the above refusal dismissed.
33. 2014 – planning permission refused for ancillary accommodation, leisure accommodation, owners flat and greenhouse. Change of use from yard area and storage to guesthouse.
34. 2021 – planning permission refused for creation of self-contained ancillary accommodation to create 4 bedrooms in two units, to support the current 5-bedroom holiday accommodation.
35. 2024 – planning permission refused for ‘Proposed holiday Retreat with holiday accommodation including 2 static caravans, 1 yurt, 9 touring caravan pitches, 17 camping pods, 5 camping pitches and ancillary facilities including toilet block, conversion of pole barn to flexible space for events, conversion of Dutch barn to catering area, conversion of old milking parlour to 4 holiday lets, replacement of 2 storey storage barn with 2 underground single storey holiday let studios, a polytunnel and associated access and access tracks, parking and landscape’.

Formal enforcement action and subsequent appeals

36. 2005 – Enforcement notice served in regard to the material change of use of the land to a mixed-use comprising agriculture and the storage of vehicles.
37. 2005 – planning appeal against the above enforcement notice dismissed.
38. 2009 – The owner (with another) was prosecuted for failing to comply with Enforcement notice, found guilty and ordered to pay £4000.00 which was paid.
39. 2008 – Temporary Stop Enforcement notice served in regard to the carrying out of an engineering operation consisting of the construction of a track and the deposit of stone, soil and other materials in connection with that operation.
40. 2008 – Enforcement notice served in regard to the carrying out on the land of an

engineering operation consisting of the construction of a track and the deposit of stone, soil and other materials on the land in connection with that operation. The partially constructed track in in the approximate position edged blue on the attached plan.

41. 2009 – planning appeal against the above enforcement notice dismissed.
42. 2011 – Enforcement notice served in regard to the material change of use of the land to a mixed-use comprising agriculture, use as a guest house and use for the storage of caravans. Enforcement notice subsequently withdrawn.
43. 2011 – Enforcement notice served in regard to building operations consisting of the erection of a polytunnel in the approximate position hatched black on the attached plan. The polytunnel was subsequently removed.
44. 2011 – Enforcement notice served in regard to operational development consisting of the erection of two lamp posts on the Land in the approximate positions circled blue on the attached plan ("the Lamp Posts"). The lamp posts were subsequently removed.
45. 2013 – Enforcement notice served in regard to the excavation of land and the erection of a building.
46. 2013 – planning appeal against the above enforcement notice allowed subject to conditions.
47. 2013 – Enforcement notice served in regard to the material change of use of Land at Home Farm, Sheldon from a guest house to a mixed use of guest house and cafe and tea room. The alleged use has since ceased.
48. 2013 – Breach of condition enforcement notice served in regard to breach of conditions 1 and 2 imposed upon planning permission NP/DDD/0211/0066. The alleged breach of condition has since ceased.
49. 2020 – Enforcement notice served in regard to Engineering and building operations: namely the continued excavation of a void (in the location shown cross-hatched on the attached plan) immediately to the north (rear) of the guest house, the laying of a concrete base and construction of walls in the void, and any engineering or building operations carried out as part of that activity or associated with it.
50. 2021 – planning appeal against the above enforcement notice dismissed.
51. 2020 – Enforcement notice served in regard to (i) Without planning permission, the carrying out of engineering operations, consisting of the excavation of the land; and (ii) Without planning permission, the carrying out of building operations, consisting of the construction of foundations and the erection of walls. Both the engineering operations and the building operations are in the approximate position shown cross-hatched black on the attached plan.
52. 2021 – planning appeal against the above enforcement notice dismissed.

2023 Injunction Order

53. In 2023 the Authority applied to the High Court for an Injunction Order.
54. The Injunction Order was made on 06 December 2023. In summary it is ordered that:
 1. No development be undertaken on the land without the grant of planning permission.

2. Cease the use of land for the manufacturing and/or sale of Eco Pods or timber buildings; and
Cease to use specified buildings on the land for commercial and/or residential and/or holiday use.

3. The requirements of the Enforcement Notices dated 1 December 2008 (as varied at appeal) and 16 October 2020.

4. Remove the following developments from the land:

- 4.1 track and associated works;
- 4.2 single storey building;
- 4.3 all shipping containers;
- 4.4 any tipi-style tents;
- 4.5 all wooden tents/eco pods, including any partly constructed units;
- 4.6 the hardstanding for touring caravans;
- 4.7 the car park next to the track;
- 4.8 any caravans sited on the land;
- 4.9 any associated structures, items or materials.

5. Restore buildings under point 2 (above) to the condition they were in before the change of their use from agricultural/ guest house occurred; and

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

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

The National Planning Policy Framework

56. Paragraph 60 on Enforcement states;

57. 'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.'

The PDNPA Local Enforcement Plan (updated 2024)

58. In respect of Retrospective planning applications this states;

59. '... 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.'

Legislation - The Town and Country Planning Act 1990 (as amended). S70C Power to decline to determine retrospective application

60. This legislation states:

61. 'A local planning authority may decline to determine an application for planning permission or permission in principle for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.'
62. 'For the purposes of the operation of this section in relation to any particular application for planning permission or permission in principle, a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority.'

Assessment

63. Sections 70C is one measure to speed up the planning system and avoid delaying tactics caused by repeat applications. It gives a Local Planning Authority the power to decline to determine a retrospective planning application in cases where the works are specified in a valid enforcement notice, which is the circumstance here.
64. The applicant has already exercised their opportunity to appeal against the enforcement notices, and within those notices, the planning merits of the proposals were considered via their ground (a) appeal and the deemed planning application. In dismissing the appeal against the active 2008 enforcement notice, the Inspector stated: *"My attention was drawn to nearby accesses and I saw that narrow lanes are part of this rural area. However, in comparison the development would appear dissimilar because of its scale. I agree with the Authority that the track would be a scar on the landscape, and it would encroach on the countryside due to the track's positioning and significant distance."*
65. *"I note that trees have already been planted along the edge of the track, but due to the area's topography the development is visible from various vantage points and footpaths. The track's avenue-like appearance is alien to this open setting because of its obtrusive siting. I consider that landscaping would not overcome these serious planning objections, due to the scale of the scheme. And so the track would not appear as a simple limestone roadway. I find that the proposal would substantially alter the area's character, due to the urban appearance, built-form and layout of the track."*
66. *"I find that the proposal's large scale would have a negative effect on the quality of this part of the CA. The development fails to satisfy Planning Policy Guidance Note 15: Planning and the Historic Environment and policy 26 of RSS8 because, the scheme would not protect the region's cultural heritage and it conflicts with Local Plan policy LC5. On this main issue, I conclude that the proposal would not preserve or enhance the character or appearance of Sheldon's CA"*
67. The active Enforcement Notice from 2020 (ref 19/0218) and the subsequent appeal related to excavations and building operations as part of the creation of the proposed 2 units of new building holiday accommodation to the rear of the converted former barn. The appeal was dismissed and the notice upheld. The reasons given by the Inspector are material considerations in the assessment of the current application.
68. *"The unauthorised development is substantial in scale and form, and has a crude and unfinished appearance. The development does not respond to the locally distinctive design details which characterise the adjacent host property, and in this sensitive location it detracts from the valued characteristics of the area. I recognise that a condition could be imposed to require the walls to be finished in natural materials. However, the walls are not complete, the building has no roof and its intended use is*

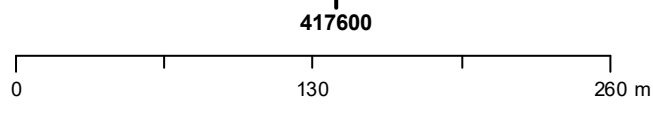
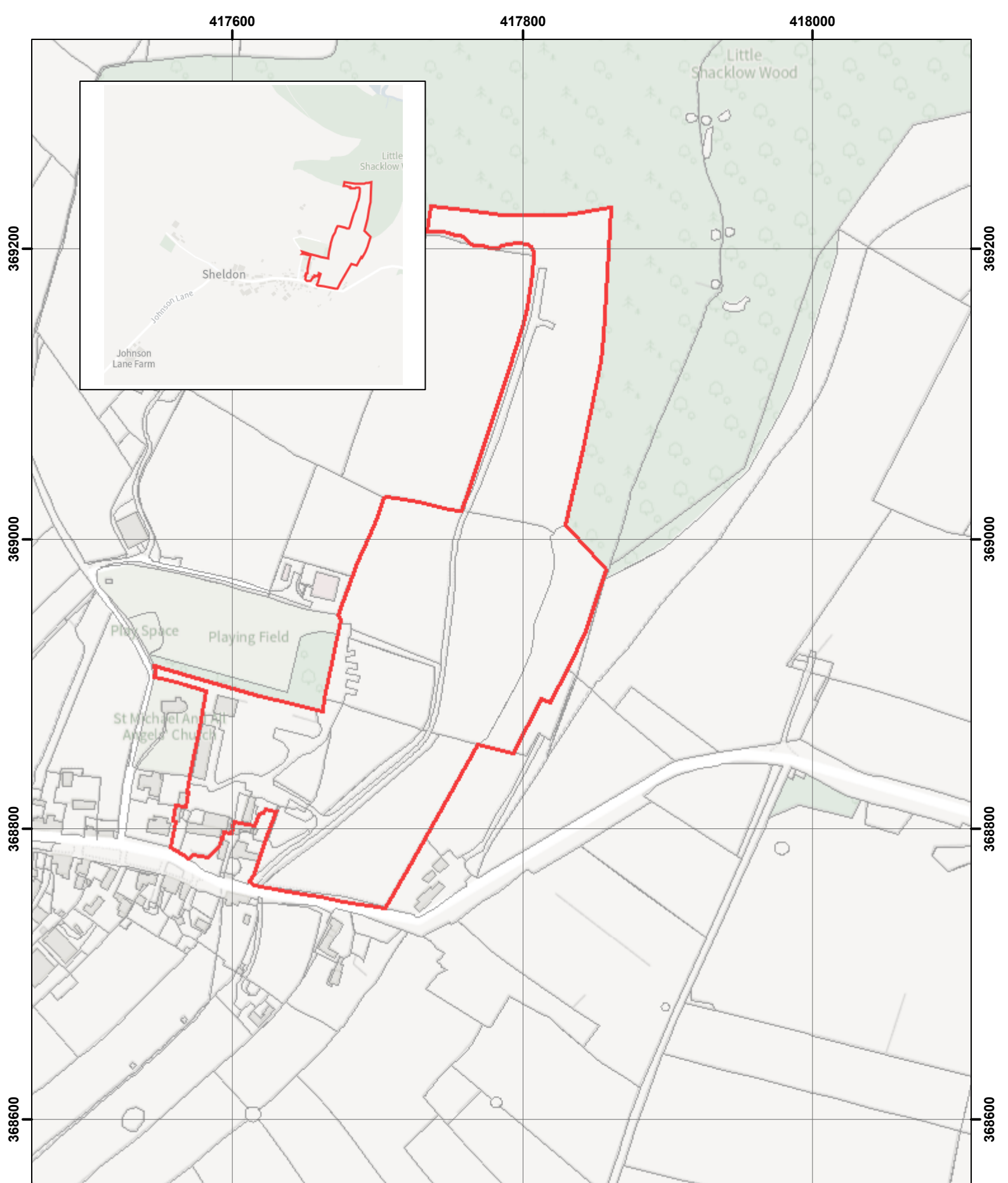
unknown. As constructed, facing the walls in traditional local materials would not overcome the incongruous appearance of this substantial and only partially constructed building”.

69. *“I conclude that the development does not preserve or enhance the character and appearance of Sheldon CA and has a harmful effect on the character and appearance of the host property and the National Park. It causes less than substantial harm to the significance of the CA as a heritage asset. The harm is not outweighed by any public benefit, including any intended improvements to existing holiday accommodation. The development is therefore contrary to policies in the Framework as set out above, including those which seek to conserve and enhance the historic environment. In addition, the development conflicts with the development plan as a whole and in particular with Policies GSP1, GSP2, and GSP3 of the Peak District National Park Core Strategy Development Plan Document, 2011 which, amongst other things, seek to ensure that all development conserves and enhances the valued characteristics of the NP. I also find conflict with the design and heritage aims of Policies DMC3 and DMC8 of the adopted Peak District National Park Development Management Policies, May 2019”.*
70. There has been no significant change in either national or local policy or any other material considerations that would warrant further reconsideration of the justification for the issuing of the enforcement notices. Consequently, Officers consider that the applicant has had his case to retain the works thoroughly examined and would therefore not be disadvantaged by taking this action to decline to determine the new application.

Conclusion

71. Whilst enforcement action is discretionary there were strong grounds in 2008 and again in 2020 to pursue action to remove the significant harm to the landscape and cultural heritage of the National Park that has occurred. The Planning Inspector agreed and dismissed the appeals, confirming the notices and the timescales for the removal of the works. There are no reasonable grounds to delay the removal of the track and the building works to the rear of the converted former barn. The applicant has had his case to retain the works thoroughly examined and would therefore not be disadvantaged by taking this action to decline to determine the new application.
72. The current application therefore represents an unnecessary delaying tactic which frustrates the effective enforcement of planning control. It is therefore now considered both reasonable and necessary to utilise S70C and decline to determine the application.
73. **Human Rights**
74. Any human rights issues have been considered and addressed in the preparation of this report.
75. **List of Background Papers** (not previously published)
76. Nil
77. Report Author: John Shaw – Area Planning Manager – South Team

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Home Farm, Main Street, Sheldon

Item no. Item 7
 Application no. NP/DDD/0326/0247
 Committee date: 15 May 2026

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 Scale: 1:3,307 at A4 pagesize
 Map centre grid ref: 417,785 368,950



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REPORT ON OBJECTION TO TPO 107/2025 FLATS 1-11 LONDON HOUSE, MATLOCK STREET, BAKEWELL DE45 1EE - AND PROPOSAL TO CONFIRM

Proposal

1. To confirm TPO 107/2025 without modification.

Tree identification, Site and Surroundings

2. TPO 107/2025 protects a single tree T1 which is a Hornbeam (*Carpinus betulus*).
3. Tree T1 is within the central built area of Bakewell, on the east side of Matlock Road, opposite the entrance to Derbyshire House. It is approximately 180 m south from Matlock Road's junction with the main Bakewell roundabout. It is approximately 90m to the north from the forecourt of the Co-operative filling station also on Matlock Road.
4. Tree T1 sits in a retained border adjacent to the roadside pavement at the southwest corner of land owned by Platform Housing Group, beside the drive entrance at London House. To its south side is a stone wall separating Platform Housing Group's land from the minor roadway at the rear of properties on Granby Croft. The canopy of tree T1 extends across the narrow roadway, and over the boundary of number 1 Granby Croft.
5. London House and Granby Croft are outside the Bakewell Conservation Area. On the opposite side of Matlock Road from London House, the trees are within the Bakewell Conservation Area.
6. The site is located within the Derwent Valley Landscape Character Area, whose Landscape Character Type in the absence of built development would be Riverside Meadows (Peak District Landscape Strategy 2022-2031). This is however a densely built environment at the heart of Bakewell.

RECOMMENDATION:

7. That TPO 107/2025 BE CONFIRMED without modification.

Key Issues

8. An individual Tree Preservation Order (TPO 107/2025) covering a single Hornbeam at the property named London House (containing Flats 1-11) was made on 9 December 2025. The effect is that the Order applies for six months or until confirmed or modified.
9. TPO 107/2025 was made following a request from Platform Housing Group themselves following the advice of their own tree surveyor, and following a subsequent site visit by the TCO on 24th November 2025 at which the tree was found to be worthy of TPO.
10. An objection was received by PDNPA on 9th January 2026. The objector expressed concern about issues resulting from the tree which they consider problematic.
11. The objector additionally expressed concern around the amenity value of the tree, safety, the site history and the independence of the Authority's decision-making process.
12. In response to the objection, the Tree Conservation Officer (TCO) decided to revisit the tree in February 2026 in order to reassess the amenity and condition of the tree and to consider the objections raised by the objector. This second visit took place on 13th February 2026.
13. Having reassessed the amenity and condition of the tree and considered the objections raised by the Objector, the TCO found that the tree continued to provide significant amenity to the public and was in good health. The TCO found no reason to dispute Platform Housing Group's own surveyor's assessment that the tree presented no significant risk of causing harm to persons or property.
14. The TCO's assessment was that despite the objection received, TPO 107/2025 should be confirmed without modification. A draft report was prepared, and a copy of this was sent to the Objector on 1st April in line with approved Authority procedure.
15. A site visit was attended by the TCO and members of the Planning Committee on 9th April 2026.
16. Further comments were received from the objector on 14th April 2026.
17. The TCO's assessment is that despite the further comments received, TPO 107/2025 should be confirmed without modification.

History

18. On 5th November 2025 the Tree Conservation Officers received an email from Platform Housing Group, enquiring as to the possibility of having a Tree Preservation Order put in place on their own Hornbeam tree (T1) at the southwest corner of their land at London

House, Matlock Street, Bakewell. This enquiry was made by Platform Housing Group on the advice of their own in-house tree surveyor.

19. The TCO spoke by telephone with Platform Housing Group's tree surveyor and was advised that the request was being made due to an approach made by a neighbouring resident - in which the severe lateral pruning of the Hornbeam T1 was demanded. Tree T1's canopy is attractively well-balanced, as is typical of this species. Consequently, it extends in all directions including across the separating access road to its south to above the neighbouring resident's rear garden. The neighbouring resident's request to Platform Housing Group was for "*hard pruning*" (their wording) and a photograph indicating the extent of that proposed pruning was provided by the neighbouring resident to accompany their request. That photograph is included at the end of this report. Platform Housing Group's tree surveyor stated that they had visited and made their own assessment that the proposed hard pruning "*would spoil the aesthetic value of the tree, and unnecessarily introduce potential pathogens also, while leaving it unbalanced and structurally compromised*" (their wording in email to TCO). Having made that assessment, the tree surveyor had asked their employer Platform Housing Group to request the Tree Preservation Order.
20. The TCO visited site early on the 24th November 2025. Tree T1 was viewed from all accessible angles. As is standard practice a TEMPO assessment was carried out to determine whether creation of a Tree Preservation Order was expedient in the interests of amenity (Forbes-Laird, 2009). In the TEMPO assessment, tree T1 scored highly suitable for amenity, and for relative public visibility and suitability for a TPO, and scored very suitable for its expected retention lifespan (at least 40 years). Alongside the expediency represented by the threat of harmful tree work, these assessed amenity factors combined indicated that the tree would definitely merit a TPO, and that this was expedient in the interests of amenity.
21. The TCO prepared the necessary paperwork and the Tree Preservation Order was made by PDNPA Legal team on 9th December 2025. The TCO served the Tree Preservation Order to all relevant addresses and affixed it to the tree on 11th December 2025.
22. A letter of objection was received from the neighbouring resident on the 9th January 2026. This was acknowledged by the TCO in email on 12th January 2026. The Objector expressed concern about issues resulting from the tree which they considered problematic. They additionally expressed concern around the amenity value of the tree, safety, the site history and the independence of the Authority's decision-making process.
23. Careful consideration was given to each of the points raised by the Objector. A second site visit was made on 13th February 2026. That same day the TCO emailed the Objector with a detailed response to each of the points they had raised. In that same email the TCO provided details regarding public participation at the Committee meeting.
24. No further communication was received from the Objector.
25. Having reassessed the amenity and condition of the tree and considered the objections raised by the Objector, the TCO found that the tree continued to provide significant amenity to the public and was in good health. The TCO found no reason to dispute

Platform Housing Group's own surveyor's assessment that the tree presented no significant risk of causing harm to persons or property.

Consultations

26. The Tree Conservation Officer served the Tree Preservation Order to the neighbouring Objector's property (serving this in person) and to each of Flats 1-11 at London House (serving in person where possible, and by post through front door where not). Each served copy of the Tree Preservation Order included the required information on how to submit comments and objections to the PDNPA within a minimum 28-day consultation period – in this case the allowed deadline for comments and objections was 10th January.

Representations and Objections

27. One objection was received by the Tree Conservation Officer on the 9th January 2026.
28. The Objector objected to TPO 107/2025 Flats 1-11 London House, Matlock Street, Bakewell DE45 1EE on the grounds that:
- The Objector believed that that the TPO creation was influenced by connections between PDNPA, Platform Housing Group and Derbyshire Dales District Council.
 - The Objector believed that the Tree Conservation Officer and Platform Housing Group incorrectly thought that the creation of a TPO prevents all future pruning
 - The Objector stated that past removal of trees at this same site is a reason not to create a TPO.
 - The Objector stated that a tree species not native to the region has a lower amenity value.
 - The Objector stated that shade from tree T1 is serving to close off natural light from the dwelling and that this additionally affects two further neighbouring properties on Granby Croft. The Objector stated that the property's garden is continually shadowed and that there is significant light deprivation to windows resulting in a perception of no Spring/Summer at the property.
 - The Objector stated that significant leaf debris is shed onto walkway areas and that this is not supportive of the area's elderly residents.
 - The Objector stated that crows and wood pigeons breed in the tree and that extensive bird excrement creates nuisance issues and health issues. Noise from these birds was cited, and was stated as being particularly bad for a child and all the family. Predation by crows on the eggs and young of other birds was cited. In relation to birds and health, several possible diseases were cited - as were public health obligations pertaining to councils.
 - The Objector stated that tree T1 causes obstruction of the highway, citing section 154 of the Highways Act 1980. A photograph was provided illustrating a large removal van passing beneath the tree in 2018 at which time wall damage was stated to have occurred and a branch from T1 was broken.
 - The Objector stated that due to tree T1 being located in a raised area enclosed by a low retaining wall, alongside possible displacement of that same low wall, the tree will become unstable. They stated that the wall has been breached by the tree.
 - The Objector stated that the proximity of tree T1 to property and persons creates significant anxiety regarding the consequences of any possible tree failure.

- The Objector stated that compaction of tree roots will have harmed the root system of tree T1.
29. Having stated their objections to TPO 107/2025 the Objector again requested that their proposed pruning be carried out by tree owner or council.
30. In accordance with the ‘Procedure in Relation to Objections Received Against the Confirmation of a Tree Preservation Order’ approved by Planning Committee in July 2016, a draft of this confirmation report was sent to the Objector on 1st April. This allowed several weeks for the Objector to submit any additional comments or views on the proposed Confirmation of the TPO prior to the May 15th meeting of Planning Committee at which meeting the TPO confirmation or not must be decided upon by the Committee.
31. In accordance with the ‘Procedure in Relation to Objections Received Against the Confirmation of a Tree Preservation Order’ approved by Planning Committee in July 2016, members of the Committee visited the tree as part of their monthly round of site visits which was undertaken on April 9th 2026. The tree and situation and objections were outlined to the Committee members present by the Tree Conservation Officer, and questions were answered.
32. Further comments from the Objector were received by the Tree Conservation Officer on the 14th April 2026. These were largely based upon the content of the draft report which, as described above, had been sent to the Objector. These further comments, and the Tree Conservation Officer ‘s response to them, are summarised at paragraphs 60 to 71 of this report.

Town and Country Planning Act 1990

33. Section 198 of the Town and Country Planning Act 1980 states that:
- “(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order”.

Main Policies

34. The Authority’s Development Management Policies (Part 2 of the Local Plan adopted in May 2019) state at section 3.1.26:
- “Tree Preservation Orders (TPOs) may be used by the National Park Authority to protect important individual trees or small groups”.
35. The Authority’s Wooded Landscapes Strategy states at policy T6 for the Riverside Meadows Landscape Character that the Authority should promote and support
- “the protection and management of individual trees or groups of trees within/on the boundaries of settlements which contribute to village character and landscape setting.”

National Planning Policy Framework

36. The National Planning Policy Framework (NPPF) is not relevant in this case.

Assessment

37. The Tree Conservation Officer has assessed Hornbeam T1 and has considered the reasons for objection made by the Objector.

38. There is no connection between the Peak District National Park Authority and Platform Housing Group. The Authority is a separate entity to Derbyshire Dales District Council, we would not ordinarily liaise with DDDC in matters of tree protection, and did not in this case.

39. Regarding the Objector's assertion that the Tree Conservation Officer incorrectly thought that the creation of a TPO prevents all future pruning. This assertion is incorrect. The Tree Conservation Officer is well aware that a TPO does not prevent all pruning. What does result from a TPO is the requirement for an application to be submitted with the details of any proposed pruning. The planning authority – PDNPA - can either approve or refuse the application. As a TPO tree works application is a form of planning application, we can attach conditions to any approval. Additionally, due to it being a form of planning application, if a pruning application to a TPO tree is refused the applicant will have the right to appeal to the Planning Inspectorate. The applicant does not need to own the tree for which the application is made, though the tree owner will usually be informed by the Tree Conservation Officers. Pruning applications which are in accordance with good arboricultural practice and are appropriately justified are regularly approved by the Authority.

40. Regarding the Objector's assertion that past removal of trees at this same site is a reason not to create a TPO. As the site is outside the Bakewell Conservation area there would have been no requirement to notify the Authority of any planned tree removals. These past tree removals were immediately adjacent to the main building at London House - the reasons for their removal are not known. These past tree removals are not however relevant to the decision to make a TPO in this case, as the TPO is specific to this particular Hornbeam T1, and was made in response to the specifics of the situation and the assessed merit of this particular tree.

41. Regarding the Objector's assertion that a tree species which is not native to the region has a lower amenity value. This is not correct. Hornbeams are native to the UK though may not be to the Peak District area. This does not prevent them being a fine amenity tree, as in this case. While there is often a stronger emphasis on native species within the wider countryside (and particularly the PDNP 'Natural Zone') the towns and villages of the National Park area and across the UK contain within their built environments many significant amenity trees of species not native to the UK. Examples being the dominant Silver Limes at the centre of Bamford, and the Plane trees which line the streets of London. Being more typical of the southerly regions of the UK where it is native, Hornbeam is a species which might be expected to cope well with the warming climate – such species choices are typically advised in current planning of urban tree environments.

42. Regarding the objection that shade from tree T1 is serving to close off natural light from the dwelling and that this additionally affects two further neighbouring properties on Granby Croft. No complaint from any other neighbouring residents have been brought to the Authority's attention. Tree T1 is in broad terms to the north of the Objector's property. Late in the day (when the Objector's supplied photograph has clearly been taken) the

tree may conceal the last of the sun. With the garden being on the north side of the house, the house itself has a far greater shading effect on the garden and the TCO considers that this is the more significant factor in the perceived lack of Spring/Summer at the property. Many properties experience a far greater degree of shading from trees, and the Authority (and local planning authorities more generally) would not ordinarily consider this to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree.

43. Regarding the objection that significant leaf debris is shed onto walkway areas and that this is not supportive of the area's elderly residents. No complaints from any other party have been brought to the Authority's attention in this regard. A great many properties across the UK experience leaf fall. In managing trees, the Authority (and local planning authorities more generally) would not ordinarily consider leaf fall to be a suitable reason to allow harmful tree work.
44. Regarding the objection that crows and wood pigeons breed in the tree and that extensive bird excrement creates nuisance issues and health issues, with noise from birds and predation of other birds also being cited, alongside reference to public health obligations pertaining to councils. Some trees will attract more birds than others, and this tree may do so as it is one of the few substantial trees in this part of the Bakewell street scene, though no complaints from any other parties have been brought to the Authority's attention as regards these matters. It's regrettable that the noises made by the birds are distressing, but this is not a unique situation and the Authority (and local planning authorities more generally) would not ordinarily consider this to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree.
45. Bird droppings are also a matter which the Authority (and local planning authorities more generally) would not ordinarily consider this to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree. If the Objector believes that there is a serious issue around environmental health this would be a matter about which they should contact Derbyshire Dales District Council. If DDDC agree with the objector that there is a serious issue which needs addressing, they will approach it in the appropriate manner. If they consider that tree work is required, they would raise this with the tree owner. The tree owner could then apply to the Authority, with the DDDC request as justification of the need for works.
46. Regarding the objection that tree T1 causes obstruction of the highway, citing section 154 of the Highways Act 1980. This is a relatively minor access road. If the Objector believes there is an issue around clearance above the highway, they can raise this with Derbyshire County Council who are the Highway Authority. If DCC assess that tree work is required, they will require this of the tree owner under section 154 of the Act as cited. The tree owner could then apply to us, with the DCC requirement as justification of the need for works.
47. Regarding the objection that due to tree T1 being located in a raised area enclosed by a low retaining wall, alongside possible future displacement of that low wall, the tree will become unstable. Regardless of future wall condition, the TCO does not consider that there is any significant risk of tree instability. If any arose the tree owner could apply to apply to us, providing evidence of instability as justification of the need for works. The objector stated that the wall has been breached by the tree. There is a gap between the two adjoining walls, though to the TCO this looks to be primarily due to the walls not being tied in to one another. If any wall is in future displaced by expansion of the root/soil mass, the TCO considers it would far more likely be the more lightweight lower wall of lesser structural significance. The TCO drew this issue to the attention of the tree owner's representatives who confirmed that they do not consider that this issue is significant

enough to over-ride their reasons for requesting the TPO. They are aware that if there is a significant issue in future, an application can be made for tree works – but will only be approved if sufficient evidence is supplied.

48. Regarding the objection that the proximity of tree T1 to property and persons creates significant anxiety regarding the consequences of any possible tree failure. The safety of the tree is the legal responsibility of the tree owner. Platform Housing Group's tree surveyor informed the TCO of their finding that there was no significant risk of tree or branch failure. The TCO saw nothing to contradict this on site, though this was not the purpose of the TCO's visit and cannot be relied upon in that regard.
49. Regarding the Objector's assertion that compaction of tree roots will have harmed the root system of tree T1. The tree is indeed growing in a restricted location. Extensive open ground would make it easier for the tree to thrive, but despite this restriction and associated compaction it has grown well and is in good health and this would be jeopardised by the harmful extent of pruning proposed.

Further comments received from the Objector on 14th April 2026

50. Two additional letters of further comments were received from the Objector on 14th April 2026. Both are appended in full to the end of this report. Much of the further comments received build upon objections made previously, but without adding anything new. Recorded in summary here are primarily only those comments which contain new observations.
51. Lack of public participation in the site visit is commented on. The site visit was carried out under the same approved procedure which enabled the Objector to provide these comments and to participate at the public meeting of the Authority's Planning Committee.
52. A criticism is made that the Tree Conservation Officer has not asked the Objector for their definition of the requested 'hard pruning'. This was unnecessary, as the Objector had supplied a red line on a photograph to illustrate the 'hard pruning' request. See Plate 1, which shows proposed severe and harmful pruning.
53. Matters of light and over-shadowing are repeated but have already been addressed in full.
54. While leaf fall has been previously raised, and addressed, the clogging of gutters by leaf accumulation is newly raised. As this can be addressed by regular maintenance (potentially also with use of gutter guards if desired) it would not ordinarily be considered to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree.
55. The criticism was made that the tree has been stated to be in good condition when it is hosting fungal fruiting bodies. The picture supplied of these is assumed to be recent, though this is not stated. Many fungal fruiting bodies appear and disappear seasonally, forming rapidly when conditions allow. The objector identifies the fungus as Chicken-of-the-Woods (*Laetiporus sulphureus*). This identification may be correct, but it may well not be - this cannot be established from the supplied photograph. Many fungi have quite similar appearances. The Tree Conservation Officer does not consider it would be an effective use of limited work capacity to visit the tree for a fourth time.

56. All trees host a range of fungi, some seen and some unseen. While some can create risk, the great majority are either non-pathogenic - or have pathogenicity at such low levels as to be insignificant. The photograph supplied by the Objector gives the Tree Conservation Officer no cause for concern regarding current risk, regardless of whether the fungus is *Laetiporus sulphureus* or not. Many trees co-exist with *Laetiporus sulphureus* for much of their lives, without presenting any significant risk. If a significant risk were to develop, an application for appropriate remedial tree work could be made, and would be approved if the supporting evidence were satisfactory.
57. Two short videos were supplied of vans passing beneath the tree canopy. These vans are in fact on the drive of London House, from where there has been no complaint regarding clearance. The vans passed beneath with no obvious difficulty, causing minor undulation of slender branch twigs.
58. Further comments are made on apparent highways obstruction, with regard to Section 154 of the Highways Act 1980. The Tree Preservation Order does not prevent all future pruning – it provides the legal mechanism by which uncontrolled and harmful pruning can be prevented. If a suitably evidenced application were made for pruning which is proportionate to the supplied evidence, it would likely be accepted. A request made for pruning by the highways department at Derbyshire County Council would be one such evidence type.
59. Further comments are made on bird activity, droppings, and disturbance with regard to the Environmental Protection Act 1990. Again, if a suitably evidenced application were made for pruning which is proportionate to the supplied evidence, it would likely be accepted. A request made for pruning by the environmental health team at Derbyshire District Dales DC would be one such evidence type.
60. The objector comments that “*necessary maintenance must remain achievable... refusal of reasonable works could lead to continued harm*”. If a suitably evidenced application were made, it would likely be accepted. If an application for works to a TPO tree is refused, the applicant has the right of appeal. This is different to the current TPO Objection process. Any such appeal would be determined by an inspector from the Planning Inspectorate, who are entirely separate to the National Park Authority.

Legal Considerations

61. Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows for the confirmation of an Order with or without modifications.

Conclusion

62. It is recommended that that TPO 107/2025 be confirmed without modification and all people previously served with the Order to be notified of the order’s confirmation, the date it was confirmed, time within which an application may be made to the High Court; and grounds on which an application to the High Court may be made.

63. Human Rights

64. Whilst the making of a Tree Preservation Order interferes with an individual's human rights, such interference would be in accordance with the law and justified by being in the public interest and, on the basis of the restriction of these rights, would be proportionate to the wider benefits of approval. Such a decision would be within the margin of discretion afforded to the Local Planning Authority under the Town and Country Planning Act 1990.

65. Local Planning Authorities may make a TPO if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area' [See section 198(1) of the Act]. Guidance given to ensure good practice is followed by the Tree Conservation Officers in their application of the Act and makes particular reference to expedience, quoted below:

66. *It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.*

[Tree Preservation Orders and trees in conservation areas - GOV.UK](#) (paragraph 010)

67. One of the important functions of the TPO is the effective control on overall tree losses by securing and protecting replacement planting [Forbes-Laird J. 2009]. Under section 206(1) of the Act, the landowner is under a duty to replace a tree that is removed in contravention of the TPO. Outside woodlands the duty also applies if the tree is removed because it is dead, dying or has become dangerous. The duty on the landowner is:

- to plant another tree, of an appropriate size and species, at the same place, as soon as he or she reasonably can.

In cases where tree removal is approved following application to the Authority, conditions requiring replacement tree planting may be attached to the approval.

These duties and conditions transfer to the new owner if the land changes hands.

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

None.



Plate 1. Viewed from the east, looking towards Matlock Road. The proposed harmful extent of pruning is as shown by the red line. (this photograph with red line was supplied by the Objector on 9th January 2026).



Plate 2. Viewed from the pavement beside Matlock Road, looking, east towards Granby Croft residences. Tree T1's stem is visible at to left corner. This photograph was supplied by the Objector on 9th January 2026 as an illustration of leaf debris.



Plate 3. Showing the gap between the two walls adjacent to tree T1. This may be due to the walls not being tied into one another, or it may be due to displacement as asserted by the Objector.
(this photograph was supplied by the Objector on 9th January 2026).



Plate 4. Viewed from the rear garden of the Objector's property. This photograph was supplied by the Objector on 9th January 2026 as an illustration of excessive shading. Due to the orientation of the property, it is clear that this image is from late in the day when the sun is falling in the sky.

Appendix 1 - Letter from Objector dated 13th April 2026

Text below is as was submitted by Objector. Note that the bold text is the Objector's. The standard text is from Tree Conservation Officer's email to Objector, sent on 13th February.

Thank you for your email of 13 February 2026 and the email from democratic.service@peakdistrict.gov.uk on 1 April 2026.

In reply to some of your points raised in your email firstly –

I can see that trees have been removed from the site previously, as you say. I was unaware of this when it happened, and it may well pre-date my time at the National Park Authority. It may have happened for good reason. As the site is outside the Bakewell conservation area there would have been no requirement to liaise with us on the matter. It is not however relevant to the decision to make a TPO in this case, as the TPO is specific to this particular hornbeam, and was made in response to the specifics of the situation and the assessed merit of this particular tree. Each tree and each situation varies.

It seems shameful that the National Park doesn't keep reliable records, when needed. I do believe that the past action of allowing trees to be totally felled and not even trimmed or pruned or whatever term you wish to use demonstrates that those trees meant nothing. Nothing to the amenity values at all.

Now all of a sudden, by my actions last year and seemingly no one else's actions including Peak District National Park Authority, Platform Housing Group, Derbyshire Dales District Council and you, we have a TPO when one was never thought of before for all 4 of the trees, 3 felled and one mismanaged.

As this hornbeam T1 is outside of the Bakewell conservation area, it was not formerly protected in any way. This means that there was no legal control available over the extent or quality of any pruning or the harm which might be caused by it. There is a common law right to prune to the legal boundary within reason, but this does not over-ride the protections provided either by TPO or by conservation area status.

You are correct that a TPO does not prevent all pruning. What it does do is require that an application is submitted with the details of the proposed

pruning. The planning authority, which in this case is ourselves, can either accept or refuse the application. As it is a form of planning application, we can attach conditions to any approval. Also due to it being a form of planning application, if a pruning application to a TPO tree is refused you will have the right to appeal to the Planning Inspectorate.

Why should I be forced to apply for something that restricts and removes my common law rights, when the land owner and yourself should clearly look at the tree and think it needs a bit of work on.

Pruning applications which are in accordance with good arboricultural practice and are appropriately justified will often be approved. In the case of your application for 'hard pruning' as per your submitted photograph, this would definitely not be in accordance with good arboricultural practice. This scale of pruning would result in significant loss of foliage, creating physiological stress in the tree. It is widely understood in arboriculture that trees under physiological stress are vulnerable to colonisation by fungal pathogens and/or decline for other reasons such as drought stress.

You have failed to ask me for my definition of hard pruning. You have made up your own definition and run with that. How judgmental. FYI I have not mentioned felling as you seem to believe that runs parallel with hard pruning. If you had asked me for clarity of my meaning then we could have discussed this, I could have also attended the cloak and dagger meeting on 13 February 2026, to which there was no invite for me.

There is no point in saying more as you have shown a clear bias here.

The 'hard pruning' proposed would also have significantly compromised the visual amenity value, of what is currently a well-formed and attractive example of its species. I would add also that, despite your comment, tree amenity value is not related to whether a tree is native to the area - and particularly so within the built environment. Being more typical of the southerly regions of the UK where it is native, hornbeam is a species which might be expected to cope well with the warming climate – such species choices are typically advised in current planning of urban tree environments.

I have today witnessed, again 2 lorries delivering to Bakewell Carpets, the lower branches are causing damage to their suppliers lorries and what happens when these branches brake off ? You owe a duty of care to the residents and members of the public as do Platform. I attach the videos to my email. Surely these transport issues show that something needs to happen...a smidge of a prune, a trim, a cut? Call it what you will, something needs to happen and in another year, or 5?

Do I wait another 5 years for the tree branches to conjoin with the house roof? Do advise.

What if the residents of Granby Croft wish to access their properties with such vehicles- ie Removals Vans / Lorries / Deliveries. The below properties would be restricted by this tree as companies may refuse to damage their vehicles. The lorries could not operate from the other side of GC due to the tight corner

Shade. The tree in broad terms is to the north of your property. I can see that late in the day (when I assume the photograph was taken) it may conceal the last of the sun. With the garden being on the north side of the house, the house itself has a far greater shading effect on the garden and this is likely a more significant factor in the perceived lack of Spring/Summer at the property. Many properties experience a far greater degree of shading from trees, and we would not consider this to be a suitable reason to allow a harmful extent of tree pruning.

Leaf debris. A great many properties across UK experience leaf fall. In managing trees, planning authorities in general do not consider leaf fall to be a suitable reason to allow harmful tree work.

Birds in trees. I understand that some trees will attract more birds than others, and this tree may do so as it is one of the few substantial trees in this part of the Bakewell street scene. It's regrettable that the noises made by the birds are distressing, but this would not be a suitable reason to allow a harmful extent of tree pruning. I am also not convinced that the issues around bird droppings are so severe as to be a reason to allow a harmful extent of tree pruning. If you believe that there is a serious issue around environmental health this would be something to contact your local council about (Derbyshire Dales DC). If they agree that there is a serious issue which needs addressing, they will approach it in the appropriate manner. If they consider that tree work is required, I would expect that they would raise this with the tree owner (Platform). The tree owner could then apply to us, with DDDC's request as evidence of the need for works.

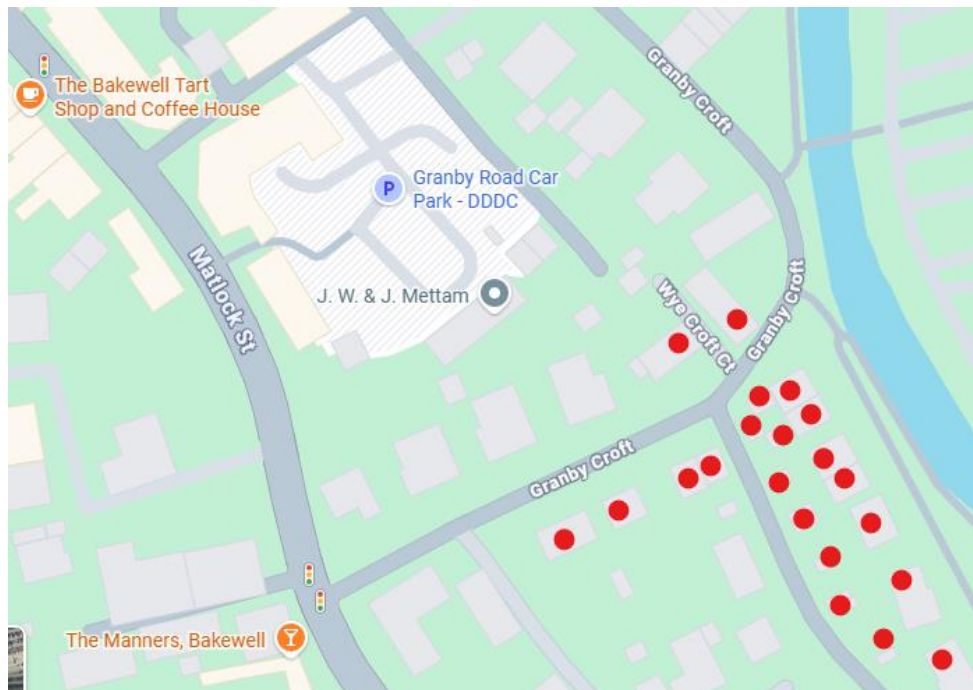
Obstruction of highway. I do not feel qualified to make a judgement on this, particularly with it being a relatively minor road. If you believe there is an issue around clearance above the highway, this is something to raise with Derbyshire County Council who are the Highway Authority for all roads in Derbyshire. If they consider that tree work is required, they would require this of the tree owner (Platform). Platform could then apply to us, with DDDC's request as evidence of the need for works.

I have today witnessed, again 2 lorries delivering to Bakewell Carpets, the lower branches are causing damage to their suppliers lorries and what happens when these branches brake off ? You owe a duty of care to the residents and members of the public as do Platform. I attach the videos to

my email. Surely these transport issues show that something needs to happen...a smidge of a prune, a trim, a cut? Call it what you will, something needs to happen and in another year, or 5?

Do I wait another 5 years for the tree branches to conjoin with the house roof? Do advise.

What if the residents of Granby Croft wish to access their properties with such vehicles- ie Removals Vans / Lorries. The below properties would be restricted by this tree as companies may refuse to damage their vehicles. The lorries could not operate from the other side of GC due to the tight corner



Tree instability. The safety of the tree is the legal responsibility of the tree owner. I understand that Platform Housing Group's tree surveyor found that there was no significant risk of tree or branch failure. I saw nothing to contradict this on site, though this was not the purpose of my visit and cannot be relied upon in that regard.

I have not had a copy of the Surveyor report nor do I know who undertook said survey. Is this top secret or can we all have a read please? We might learn something.

Compaction of tree roots. The tree is indeed growing in a restricted location. Extensive open ground would make it easier for the tree to thrive, but despite this it has grown well and is in good health and this would be jeopardised by the harmful extent of pruning proposed.

Retaining wall. I had also noticed the gap between the low retaining wall (on north and east side of tree) and the higher wall alongside Granby Croft (on south side of tree). To me this looks to be primarily due to the walls not being tied in to one another, though I am not an expert. If any wall is in future displaced by expansion of the root/soil mass, I would expect it to be the more lightweight lower wall. I drew this issue and your comments to the attention of the owner of the tree and wall (Platform) and I can confirm that they do not consider that this issue is significant enough to over-ride the reasons for making the TPO. They are aware that if there is a significant issue in future, an application can be made for tree works – but will only be approved if sufficient evidence is supplied.

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Appendix 2 – Letter from Objector dated 14th April 2026

Text below is as submitted by the Objector.

In reply to your email of 1 April 2026, I submit my points below and repeat my previous points:

While I acknowledge the purpose of Tree Preservation Orders under the Town and Country Planning Act 1990, I believe the current recommendation does not adequately balance amenity with the legal and practical impacts on neighbouring residents.

1. Highway Obstruction – Legal Duty

Under Section 154 of the Highways Act 1980, there is a clear obligation to prevent obstruction of the highway.

Evidence has been provided of vehicle damage and branch failure. This demonstrates that obstruction is not theoretical but has already occurred. The classification of the road as “minor” does not remove the statutory duty to maintain safe clearance.

2. Amenity vs Residential Impact

While the tree provides visual amenity, insufficient weight has been given to the significant and ongoing loss of natural light, overshadowing of habitable space, and reduced enjoyment of the property.

3. Drainage, Waterlogging and Property Impact

A significant practical issue not adequately addressed is the impact of seasonal leaf fall on drainage.

During autumn and winter months, substantial leaf accumulation blocks gutters and drainage systems. This has led to water pooling and waterlogging on the flat roof, requiring repeated maintenance and repairs due to damp conditions. This represents a recurring maintenance burden and a risk of ongoing property damage, which should be considered in the overall balance.

4. Ongoing Management vs Absolute Protection

It is acknowledged that a TPO does not prevent pruning. However, necessary maintenance must remain achievable, and refusal of reasonable works could lead to continued harm.

5. Structural and Safety Considerations

The proximity of the tree to structures raises concerns regarding root interaction and long-term pressure on built features. Under the Occupiers’ Liability Act 1957, these risks should be proactively managed.

I am confused that you state the tree was found to be in good health as the tree has been growing Chicken of the Woods fungus:



As all parties have missed this, it casts serious doubt on any submissions made by the mysterious Platform Housing Group's surveyor and the TPO officer who should have clearly noted this parasite and saprobe. Again this lack of vision confirms the TPO officer's bias in this matter as nothing has been investigated properly regarding this matter.

- ***As a Parasite: It attacks living trees by invading the heartwood. It causes "brown cubical heart rot," which makes the wood brittle and eventually hollows out the tree trunk from the inside. This slowly weakens the tree and will lead to structural failure at some point.***
- ***As a Saprobe: After the host tree dies, the fungus continues to live on the dead wood, decomposing it and recycling nutrients back into the forest***

6. Environmental Health Considerations

Issues relating to bird activity, droppings, and disturbance should not be dismissed without consideration under the Environmental Protection Act 1990.

"The TCO found no reason to dispute Platform Housing Group's own surveyor's assessment that the tree presented no significant risk of causing harm to persons or property."

I would submit again, that transport issues are affected by the tree's

branches which will cause harm to property or people. I have emailed the videos of the lorries hitting branches.

I have still not been privy to this report and do not know undertook the same. Don't we share information anymore?

See my points above – the tree is clearly not in good health and risk and harm are being caused to property, it's only a matter of time before a person is injured.

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London House, Matlock Street, Bakewell

Item no. Item 8
Application no. TPO 107/2025
Committee date: 15 May 2026

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PLANNING APPEALS MONTHLY REPORT (A.1536/BT)

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>
6007476 NP/S/1025/1079	S73 application for the variation of conditions 2 and 3 on NP/S/1024/1107 at Low Flatt Farm, Heads Lane, Bolsterstone	Written Representation	Delegated
6007791 NP/DDD/0725/0715	Against condition 2 of planning application for alterations to Listed Building 16 The Square, Middleton by Youlgrave	Written Representation	Delegated
6008552 NP/CEC/0126/0107	Listed Building consent - Internal alterations to Grade II listed property including the replacement of a modern stair and removal of modern brick wall at Tower Hill Fold, Rainow	Written Representation	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
6001731 NP/DDD/0925/0885	Side extension and pool house at Underlowe, Lydgate, Eyam	Householder	Allowed	Delegated

The main issue is the effect of the development on the character and appearance of the host dwelling and the area, including Eyam Conservation Area.

The Inspector found that Underlowe has different characteristics to the groupings of closely-knit historic dwellings within the vicinity. It is a substantial dwelling, set within its own large grounds, with a formal driveway entrance. It is largely concealed from views within the village itself, due to its well-established tree groups, and raised ground in the rear garden. Its main, front elevation, faces away from the village, and looks out over open fields.

The Inspector acknowledged that the building had been extended previously. The development would include further extensions to one side of the dwelling, within a spacious part of the garden. Although the plant room / store would be built on to an existing side

extension and would be the element most visible from Mill Lane, it would be significantly stepped down and also set back. It would have a simple form and appearance, with a roof shape mirroring that of the existing dwelling. As such, the Inspector found that the proposal would not compete with the existing building range or have a complicated form. It would also allow the original part of the dwelling to continue to be appreciated as the principal feature.

The Inspector also found the following in respect of other elements:

“The pool building would be set low down within the side garden, with a low profile roof form, a contemporary design to its frontage, and stone walling to the side and rear. It would also be accessed via a simple and deeply set back, glazed link. Its form, scale, height and design would be such that it would appear as a separate garden building. It would be set forward of the existing building range, with different proportions and design details. However, it would not compete with the original dwelling or diminish its quality or integrity. It would appear as a visually distinct and subservient building, partially set within a dip in the contours of the garden.

Whilst the roof would have a utilitarian appearance with solar panels and rooflights, views towards the roof would be contained to the terrace within the site itself, and it would not be conspicuous when viewed from outside of the site. As such it would not detract from the character and quality of the wider extent of garden to the front and rear of the dwelling.

The proposed rear, two-storey extension and flat-roofed element, would be contained within a small area on an elevation that already has variety, both in its detailing and form of projecting elements. It would also be largely concealed from views from outside of the site.”

So overall, even though the development would have a large footprint, the Inspector found that it would not result in a confusing massing or complicated form. Nor would it dominate or diminish the character and quality of the original dwelling. It would sit comfortably within the spacious garden, making use of the different levels within the site.

Therefore, while the development is large views are only partial and in the context of a significant building. Therefore, the Inspector considered that the development would still preserve the character and appearance of the CA and would not harm the landscape setting of the village.

As such the Inspector felt the proposal would comply with the development plan and there were no other material considerations that indicate a decision should be taken other than in accordance with the development plan. Therefore the Inspector concluded that the appeal should be allowed.

4. **RECOMMENDATION:**

To note the report.