

**7. FULL APPLICATION – CHANGE OF USE OF BARNs TO FOUR HOLIDAY UNITS AT MANOR FARM, JOHNSON LANE, SHELDON (NP/DDD/0817/0897, P11187 + P4706, 06/09/2017, 416997/368967/ALN)**

**APPLICANT: MR AND MRS J HACKETT**

**Site and Surroundings**

Manor Farm is situated approximately 180m to the north west of the settlement of Sheldon. Despite being physically separated from the main body of the village, the property is within the adopted Conservation Area for Sheldon. For clarity Sheldon is not a named settlement in terms of policy DS1 and so the site is within open countryside for policy purposes.

The property consists of a farmhouse, a range of traditional former agricultural buildings (now vacant) and two modern portal framed farm buildings. The applicant owns 50 acres (20.2 hectares) of land around the farmstead.

There is a plantation of mature trees to the south and west of the building group. Within the wooded area and approximately 10m to the south west of the application site edged red there is a Scheduled Ancient Monument (a bowl barrow).

**Proposals**

Planning consent is sought for the conversion of the traditional barns to four units of holiday accommodation. Three units would be provided within a U shaped range of one and two storey buildings on the south side of the former farmyard and one within a single storey building on the northern side of the yard. The accommodation would consist of one 1-bed unit, two 2-bed units and one 4-bed unit.

The submitted plans show that the conversion would take place within the shell of the existing buildings. Three parking spaces would be provided to the south of the larger building range and a further 9 would be provided in an existing yard area to the north west of the traditional buildings.

It is also proposed to change the use the northernmost two bays of a five-bay portal framed farm building that sits directly to the west of the traditional buildings to a games room to be used in association with the holiday units, together with a store and plant room for a biomass boiler/pellet store.

**RECOMMENDATION:**

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

- 1. 3 year time limit.**
- 2. Adopt submitted and amended plans.**
- 3. Holiday occupancy condition.**
- 4. Remove permitted development rights for alterations, extensions, outbuildings, fences, gate and walls.**

5. Foul sewage to be disposed of via a package treatment plant unless otherwise agreed in writing by the National Park Authority, details of the siting and design of which to be submitted and agreed.
6. Games room hereby to remain ancillary to the holiday accommodation hereby approved. Remaining space within the building to be used for agricultural purposes only.
7. Before any external lighting is provided, full details of the number, siting, design and luminosity of the lighting to be submitted to and agreed by the National Park Authority.
8. No construction works to take place on Sundays or Bank Holidays or before 8am nor after 6pm on weekdays and before 9am nor after 1pm on Saturdays unless otherwise agreed in writing.
9. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
10. The premises, the subject of the application, shall not be occupied until the on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) and turning have been provided for laid out and constructed in accordance with the approved plans maintained thereafter free from any impediment to designated use.
11. Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.
11. Foul sewage to be dealt with by means of a package treatment plant unless otherwise agreed in writing by the National Park Authority. Details of the location and design of the plant to be submitted and agreed.
12. Minor architectural and design details.

### **Key Issues**

1. The principle of the conversion of the buildings to holiday accommodation.
2. Whether the proposals would conserve and enhance the character of the Conservation Area.
3. Access and Parking Issues
4. Impact on Residential Amenity

### **History**

February 2012 – consent granted for extension to dwelling.

December 2013 – planning consent granted for agricultural building to house livestock.

April 2014 – GDO notification accepted for erection of agricultural building (not implemented).

June 2014 – planning consent granted for agricultural lean to building to handle livestock.

February 2015 – consent granted for replacement of roofing sheets with blue slate on existing traditional agricultural buildings.

### **Consultations**

Highway Authority – *‘The junction of the track onto the public highway is afforded with suitable exit visibility. The applicant is proposing an acceptable level of parking within the site. Given the distance from the public highway turning is recommended and this should be suitable for service/delivery vehicles as well as visitors. There would appear to be sufficient space within the site curtilage to provide this. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days. The proposals would re-use existing buildings and this Authority has taken commensurate use into its consideration of the proposals. In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.’* Recommends conditions with regard to provision of parking space, bin dwelling area and construction compound.

District Council – no response

Parish Meeting – A detailed letter of objection has been received from the Parish Meeting (which can be viewed on the application file). In summary the points raised are as follows:

- Proposals are for an intensive, commercial holiday unit and ancillary accommodation development in a non-designated settlement. The application would be to a scale that would overwhelm the applicant’s property and represent a threefold increase in the residential footprint of the site.
- The impact on the social fabric of the community would be considerable and intolerable with the potential to increase the transient holiday accommodation population in the village by 22 persons; which represents approximately 28% of the current permanent population.
- The proposals would not benefit the village as the village already has more than adequate provision of holiday accommodation and has only one public house, no shops and no visitor attractions.
- The application represents a change of use of buildings that were previously stated to be run-down, impractical for modern day farming practice and beyond economical repair. They are clearly not beyond economical repair and could easily be restored to agricultural use and the existing modern sheds demolished in accordance with conditions.
- Policy RT2 prohibits the change of use of entire farmsteads to holiday accommodation. It is acknowledged that the buildings do not form the entire farmstead but when the dwelling and the modern farm buildings are excluded they form the entirety of the remaining structures on the site.
- The proposed use and its intensity would not conserve and enhance the landscape context of the heritage assets and a lower intensity use should be considered.

- The access track is poorly maintained crushed limestone and passes in front of Rose Cottage. Vehicle movements to and from the development would adversely impact on the residents of Rose Cottage.
- Intensification of use of the track would adversely impact on the quality of the adopted road surface, the road/track interface and the usability of the bus turning circle.
- Danger of increased traffic to local residents and people waiting at school bus shelter. Parking in the main street is an increasing problem.
- No sustainable design and waste and water management details submitted.
- Additional external lighting would have an adverse impact on dark skies and the character of the landscape.
- No mention is made of the nearby Scheduled Ancient Monument.
- There has been no consultation with the local community.
- Request that if permission is granted that a section 106 agreement be required to prevent conversion of the holiday units to open market dwellings and requiring their retention for affordable local needs.

### **Representations**

Seven individual letters of objection have been received from residents of the village on the following grounds (in summary):

- Proposals would result in overdevelopment of the site and the village.
- The access tracks and local highway network is unsuitable to service the development.
- Development would cause nuisance and disturbance to local residents.
- Sheldon is already well served by existing holiday accommodation.
- Local farmers would find it difficult to move stock due to additional vehicles.
- Proposals would cause an imbalance between the resident and visitor population and so the development would not represent sustainable tourism.
- Future absentee landlords could allow the nature of the business to evolve into larger functions, events and extended activities.
- Concerns that the property could be split and sold as separate dwellings.
- Concerns about light pollution.
- Modern farm buildings are no longer required and should be removed in accordance with conditions.
- Request section 106 agreement should consent be granted to ensure that once no longer required for holiday purposes the units are retained for locals in housing need in perpetuity.

Full copies of the correspondence are available on the application file.

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GPS3, DS1, L3, RT2

Relevant Local Plan policies: LC4, LC8, LT18

### **National Planning Policy Framework**

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

### **Assessment**

#### **Issue 1: The principle of the conversion of the buildings to holiday accommodation.**

The starting point for the consideration of the current application is Core Strategy policy RT2, which allows for the provision of self-catering accommodation provided that the change of use involves a traditional building of historic or vernacular merit and provided the proposals would not create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.

In this case the buildings in question are clearly of some age, being evident on the 1<sup>st</sup> edition Ordnance Survey map (1879). They comprise a traditional range of barns/outbuildings occupying three sides of a central courtyard. They are an attractive range of the buildings that contribute to the character of the Conservation Area and as such are considered to be non-designated heritage assets.

Prior to 2013/14 it appears that the buildings were in agricultural use and at that time a new agricultural building was permitted on the basis that the traditional range was no longer fit for purposes for modern day agricultural practices. In 2015 consent was granted to re-roof the buildings (which were then clad in metal sheets) with natural blue slate. This work was carried out by the previous owner together with re-pointing and other repairs. The buildings are now in a good state of repair and are largely vacant, other than the eastern end of the single storey detached outbuilding, which houses a boiler and domestic store.

Subject to the details of the scheme resulting in the conservation of the character of the buildings, it is considered in principle that the proposals to convert the buildings to four units of holiday accommodation would comply with the first part of policy RT2.

The second part of policy RT2 states that the conversion of entire farmsteads to holiday accommodation will not be permitted. The explanatory text to the policy at para 10.21 gives the context to this part of the policy. It states that *'accommodation can provide valuable additional income for the farming community, but the conversion of entire farmsteads will not generally be acceptable where it adversely affects the function or character of the main group of farm buildings. Farms will need to retain an appropriate range of buildings to continue the operation of*

*the primary business and to prevent the need for additional replacement buildings.* Whilst the proposals would result in the conversion of the majority of the traditional buildings on the site, the majority of the modern agricultural buildings, together with the 20 hectares of land owned, would remain in agricultural use. It is considered that these buildings constitute an appropriate range of buildings to continue the operation of a farming business of a scale to service the land now in ownership.

The Parish Meeting and other objectors have questioned the scale of the proposals. They consider that it would have a harmful impact on the social fabric of the community by increasing the number of visitors in comparison to the resident population. Whilst officers appreciate the concerns of residents in these respects, the proposals would not result in the loss of any permanent dwellings in the village. Due to the distance of the property from the edge of the village it is unlikely that the proposals would cause any undue disturbance to the residents when the occupiers are residing at the property and it is unlikely that the occupiers of the holiday accommodation would converge on the village in such a way that they would 'swamp' the village with visitors. As a result officers cannot give this argument significant weight. On the other hand, the proposal is likely to result in some limited economic benefit to the public house in Sheldon and businesses in the wider area.

Objectors have also queried whether the traditional buildings are truly redundant and whether they could be returned to agricultural use, with the modern sheds demolished in accordance with conditions. For clarity there is a condition on the most recent modern shed requiring its removal when no longer required for agriculture. The building included in this application, part of which it is proposed to convert to a games room, is not subject to such a condition. During the course of the application the applicant has provided further information with regard to the farming activities at the site. Of the 50 acres in ownership, 35 acres are let out to local landowners. On the remaining land the applicant runs a flock of 53 sheep. They state that they are proposing to expand the farming business and to take more of the land owned in hand in the future and the modern sheds will be used for livestock and hay storage.

Due to the constrained proportions of the traditional buildings officers are satisfied that they are not suitable for modern day agricultural purposes and that there is sufficient space within the remaining modern shed to serve the needs of the holding. The use of part of the older portal framed shed as a games room in association with the use of the holiday accommodation is considered to be an appropriate re-use of part of the building. The amount of land associated with the property has reduced since the previous owner sold off a large amount of land to neighbouring landowners – thus the requirement for building space is likely to be somewhat less than was previously the case. As stated above there is no condition that requires this building to be removed and it is clear that the remainder of the building would continue to be used for agricultural purposes.

In conclusion it is considered in principle that the proposals would accord with the requirement of policy RT2.

#### Issue 2 - Whether the proposals would conserve and enhance the character of the Conservation Area.

Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and building that are subject to the development proposals. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest. Policy LC5 seeks to protect the character and appearance of Conservation Areas and policy LC4 seeks high standards of design.

Saved Local Plan Policy LC8 states that the conversion of buildings of historic or vernacular merit to a use other than that for which it was designed will be permitted provided that it can accommodate the new use without changes that would adversely affect its character (such changes include significant enlargement, or other alteration to form and mass, inappropriate new window spacings or doorways, major rebuilding).

In this case the submitted plans show that the buildings would be converted within their shell with no requirement for extensions. The larger U shaped range is unusual because there are a significant number of openings on the north (courtyard) facing elevation. However it is evident from photographs taken before the buildings were re-roofed by the previous owner that these openings are original or at least of some age. Existing openings would be utilised together with the introduction of rooflights. The buildings as a whole are in sound condition following the repair, re-roofing and repointing works and there is no reason to suggest that any re-building works would be required. On the whole the proposals represent a sensitive scheme of conversion that would conserve the character of the heritage assets.

With regard to the proposals to convert part of the modern shed to a games room, the submitted plans showed the introduction of a large glazed opening in the north facing gable end of the building. Officers considered that this was inappropriate and out of keeping with the simple, functional character of the building. Amended plans have now been received showing the glazed opening omitted and replaced with two simple, solid metal doors to match doors on the opposite gable end. The building would continue to be lit by existing rooflights.

Objectors have expressed concerns about outdoor lighting. Officers agree that excessive external lighting could have a detrimental impact on the character of the area and therefore a condition to submit and agree a lighting scheme (including any lighting along the access track) is considered to be necessary and reasonable.

In conclusion, as amended the proposals would conserve the character of the traditional buildings and their setting within the Conservation Area in accordance with policies GSP3, L3 LC4, LC5 and LC8.

#### Access and Parking

Saved Local Plan policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development.

Vehicular and pedestrian access to the property from the public highway (Johnson Lane) is via a roughly surfaced access track. It had been confirmed that the applicant owns the whole of the access track from the property to the point where it meets Johnson Lane. The Highway Authority has confirmed that visibility at the point where the track meets the highway is at acceptable levels.

Whilst there are no passing places along the 200m stretch of access track, forward visibility is generally good and there is a surfaced turning area just before the entrance to the property.

Objectors have raised concerns about the safety of residents (in particular children) at the nearest residential property, Rose Cottage. Rose Cottage sits on the northern side of the access track and presumably has a right of access over the applicants land to reach their property. The property is set back some 12m from the edge of the track and its front garden is enclosed by a drystone wall. Whilst there would be an increase in vehicle movements along the track in front of this property, as a result of the proposals, it is not considered that these levels are likely to cause unacceptable levels of harm to the safety of residents, given the relatively low frequency of vehicle trips that would be anticipated and the enclosed nature of the garden. The resulting vehicle movements would be little different to any other property in the village that fronts onto Johnson Lane itself.

Concern has also been raised with regard to the ability of local farmers to move their stock along Johnson Lane. Whilst there would be some increase in vehicle movements in the area as a result of the proposals, it is not considered that this would prohibit stock movements.

Finally the applicant has confirmed that he owns the land upon which the local bus turns (at the start of the private access track off Johnson Lane) but that he intends to continue with this informal arrangement. There is no reason to believe that the proposals would prevent the bus from turning. The bus stop is set back from the edge of access track and is served by an enclosed stone shelter. It is not considered likely that the increased vehicle movements would compromise its safety.

The submitted plans show the provision of 12 parking spaces within the curtilage of the property. The Highway Authority has confirmed that this is sufficient to meet the needs of the development.

In conclusion it is considered that the proposals would be served with a safe and suitable access in accordance with the NPPF and policy LT18 and parking provision would be within acceptable standards.

#### Issue 4 – Impact on Residential Amenity

Core Strategy Policy GSP3 and Saved Local Plan policy LC4 require that the amenity, privacy and security of the development and of nearby properties be given due consideration.

The nearest residential property is Rose Cottage, which is located approximately 180m to the south east of the application site. Due to the distances involved it is unlikely that there would be any significant impact as a result of noise from the proposed holiday properties. There may be some noise as a result of occupiers either walking or driving along the access track in front of the property. Whilst this may represent an increase in noise levels above those that the property experiences at the moment it is not considered likely that it would be unduly harmful to living conditions in accordance with policies GSP3 and LC4. It is recognised that as with any development there may be some disturbance during the construction period but a condition restricting hours of construction works should restrict this to manageable levels.

#### **Other Matters**

##### Archaeology

With regard to potential impact on the Scheduled Ancient Monument, the Authority's archaeologist was consulted at the pre-application stage. The response was that as the proposals are for conversion within the shell of the existing buildings archaeological assessment would not be required with regard to impact on the bowl barrow. However any proposed changes in levels externally or internally or any service provision would need to be considered carefully (no changes to ground levels are proposed). The response also requested a brief heritage statement be submitted to assess the significance of the non-designated heritage assets. This has not been submitted but officers are satisfied that the scheme, as assessed above, would conserve the buildings in question.

##### Environmental Management

Core Strategy Policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy. The submitted plans show that the proposed accommodation would be heated by means of a biomass boiler, which is a low carbon, more sustainable form of heating than oil or gas for example.



### Conditions

The Parish Meeting has suggested that if planning permission is granted, a section 106 agreement should be entered into to prevent the properties being sold off as open market dwellings. Government guidance is clear that legal agreements should only be used where a condition would not suffice, and in this case a standard holiday occupancy condition would effectively control the occupancy of the properties.

The National Planning Policy Guidance makes it clear that conditions that remove permitted development rights should only be appended in exceptional circumstances. It is considered that exceptional circumstances do exist in this case which mean that a condition to remove permitted development rights for alterations and extensions/outbuilding is necessary, because inappropriate alterations or extensions could harm the established character of the non-designated heritage assets, and their enhancement is a key driver for the recommendation of approval of the proposals.

### Foul Sewage Disposal

The application states that foul sewage would be disposed of via a septic tank. The National Planning Policy Guidance advises that septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible. Consequently it is considered that a condition that requires foul sewage to be dealt with by a package treatment plant is necessary in this case.

### **Conclusion**

In conclusion the Authority's policies with regard to recreation and tourism offer scope to provide accommodation for staying visitors, which can contribute to the local economy and enable visitors to enjoy the National Park. However the Core Strategy also makes it clear that there is a need to be sensitive to the needs of local communities whilst enabling the sustainable growth of tourism businesses. In this case, whilst the concerns of the residents who have objected are recognised, for the reasons given above it is not considered that they would constitute a sound reason for refusal. Officers consider that the proposals represent a sensitive conversion scheme that would conserve the traditional barns in question and subject to conditions it is not considered that the level of use would cause undue harm to amenity, road safety or to the social fabric of the village. The proposals are therefore recommended for approval.

### **Human Rights**

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

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

Nil