

7. FULL APPLICATION - SITING OF ONE SHEPHERD HUT FOR USE AS HOLIDAY ACCOMMODATION AND ASSOCIATED WORKS AT 9 AVENUE CLOSE, STONEY MIDDLETON. (NP/DDD/1217/1258, P1093, 423301/375200, 15/12/2017)

APPLICANT: MS DREYFUSS AND MR WILLIS

1. Site and Surroundings

- 1.1. The site is located on the outskirts of Stoney Middleton, to the South East of the main body of the village at a cul-de-sac of dwellings on Avenue Close.

Number 9 Avenue Close is a semi detached dwelling on a corner plot. It has no off road parking available to it and the access path runs over land which is not in the applicants ownership before it enters the site. The access path runs along the boundary of the neighbouring property and right up to the neighbours lounge window.

- 1.2. The property has a relatively generous sized rear garden and there are a mix of mature shrubs and trees on the boundary. The proposed site for the shepherd hut would be at the western-most end of the site, which is as far away from neighbouring properties as it could possibly be. From the front of proposed shepherds hut to the boundary of the neighbours rear garden it is approximately 30m.
- 1.3. Officers have visited the site three times to better understand the parking issues in the cul-de-sac twice (including the initial site visit and an evening site visit) there has been very limited space available. A third visit in the daytime had all the spaces at the head of the cul-de-sac taken with some free space on the approach road.
- 1.4. There is a mature tree close to the site which overhangs the boundary but is situated on the field which adjoins the site.
- 1.5. The site is visible from the nearby footpath to the north, which is approximately 60m away from the site. Parts of the footpath run through the designated Conservation Area.

2. Proposal

- 2.1. The proposal is to site a shepherds hut for use as holiday accommodation in the rear garden of number 9 Avenue Close. No off-street parking is proposed.
- 2.2. The dimensions of the shepherds hut are approximately 2.5m wide x 6.1m long and 3.2m tall. The hut would have horizontal larch cladding to the walls under a dark metal corrugated roof. The finish for the timberwork would be natural so that it weathers to natural silver/grey.
- 2.3. The hut would be separated from the rest of the garden by a new fence and steps and it would be sited on a gravel base with some hardstanding for seating.
- 2.4. The shepherds hut would link into the existing dwellings power, water and waste services.
- 2.5. Amended plans have been submitted which now also show a new pedestrian access path over the applicants land.

3. RECOMMENDATION

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

1. The proposal is unacceptable in principle as it amounts to the creation of a new holiday let dwelling in a permanently sited 'Shepherds Hut' type caravan in the rear garden of an existing dwelling. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policy RT3 and Local Plan policy LR3.
2. The materials and general design do not reflect that of the original dwelling or the National Park's local building traditions. Therefore the proposal is not considered to be of a high quality design or detailing. The proposal is incongruous in this domestic setting and wholly contrary to the design policies of the development plan. The site is open to public view from the nearby footpath to the north of the site and would detract from the character of the original dwelling and the established character of the area and the National Park's Landscape. The proposal is therefore contrary to the policies of the development plan including Core Strategy policies GSP1, GSP3, L1, RT3 and Local Plan Policy, , LR3 as well as the Authority's 'Design Guide', 'Detailed Design Guide for Alterations and Extensions' and the National Planning Policy Framework.
3. There is no off street parking available to the property. The proposal will generate the need for an additional parking space. The policies of the development plan require adequate parking space and no more and seek to protect residential amenity and the living conditions of communities. The representations and consultation responses that have been received suggest that residents experience difficulty parking already. This demonstrates that there is clearly pressure for the existing parking spaces. The proposal will add further pressure for parking to the existing situation and this is likely to cause an amenity issue for the residents in this community. The proposal is therefore contrary to Core Strategy Policies GSP3, RT3, T7 and Local Plan Policies, LR3, LT11 and the 'Design Guide' paras 5.7-5.9 and the National Planning Policy Framework.

4. Key Issues

- Principle, design, amenity, impact on the landscape.

5. Relevant Planning History

- 5.1. 2005 - Planning permission granted for a 2 storey extension to the rear which enlarged the property from a 2 bedroomed dwelling to a 3 bedroomed dwelling (NP/DDD/0805/0819).
- 5.2. Pre application advice has been provided in 2017 – Enq 30812, This related to the siting of a shepherds hut in the rear garden of the property and the use of one bedroom in the property as for Bed and Breakfast. This advice was given without the benefit of a site visit. This concluded there is more scope for provision of a shepherds hut under the existing development plan policies in comparison to the forthcoming Development Management Policies which although specifically having provision for shepherds huts, this is only for single shepherds huts at farmsteads.
- 5.3. The advice explained that at present, the policies require a judgement to be made on the landscape and amenity impacts of an application proposing shepherds huts. The advice was that subject to appropriate design and colouring, the screening of the site and its relatively private position mean any landscape impact would be low, and therefore acceptable; and that given the distance of the proposed shepherds hut to the neighbouring property's boundary. Furthermore, provided it didn't directly overlook this property, then

impact on this property's amenity would be acceptable.

- 5.4. The advice also explained that the enquirer should consult the Highway Authority as the property does not benefit from any off street parking.
- 5.5. In summary the advice was that the proposal for a shepherds hut would comply with the current development plan policies but not the forthcoming Development Management Policies.
- 5.6. The advice about the bed and breakfast proposal was that the use of one bedroom for bed and breakfast in a four bedroomed property would not represent a material change of use of the property and therefore not require planning permission.

6. Consultations

- 6.1. Derbyshire County Council – Initial response of no objection subject to application demonstrating 1 off street parking space for the holiday let. This was later revised to the following detailed consultation response.
- 6.2. The applicant doesn't own sufficient frontage to 'The Avenue' to create any off-street parking spaces.
- 6.3. Whilst an increase (albeit occasional) in parking demand on 'The Avenue' is likely to lead to additional inconveniences to local residents who already park on The Avenue, this is more of an amenity issue rather than a safety concern.
- 6.4. Therefore, as current guidance only allows the Highway Authority to object to an application if the application proposal is likely to lead to a severe highway safety concern, there is no objection to this application purely from a highway safety viewpoint.
- 6.5. Stoney Middleton Parish Council – No objections but do have concerns on the increased level of parking on Avenue Close.
- 6.6. Derbyshire Dales District Council – No response to date.

7. Representations

- 7.1. Five letters of support have been received. These offer support for the proposal on the following basis –
 - Cannot see a problem with parking in the close so cannot understand why anyone would object. There are ample spaces. Do not drive myself but have many visitors at various times of the day and evening, these visitors have never had difficulty parking.
 - Since the carriageway was widened a few years ago parking on the close has vastly improved. The supporter considers that 1 or possibly 2 cars (at most) extra cannot be detrimental and will not cause undue disturbance to the residents. A number of the homes (over 50%) already have off street parking which helps considerably.
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 - A neighbour having lived there for 30 years states they have never once failed to have a parking space. The verge has been reduced a few years ago and there is more parking spaces available than there are cars, parking is not a problem.
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 - A good way of providing visitor accommodation on a small scale basis.

7.2. Three letters of objection have been received. These object to the scheme on the following grounds.

- Parking spaces are limited on Avenue Close.
- The site has no private parking. There are 3 drivers living there and currently 2 vehicles. On Avenue Close, 6 properties have off road parking. It is not possible to create any private parking to numbers 4,5,8 and 9 due to the shape of the cul-de-sac. Currently there are elderly non-drivers resident in the cul-de-sac but this will inevitably change and the pressure on parking will be critical. Parking for the proposed shepherd hut will add pressure to this, impacting our visitors and the well-being of neighbours.
- There are 10 dwellings on the close and approximately 12 parking spaces. At the top of the close there are six parking spaces. Any additional cars have to be parked on the sides of the close. Parking is already a problem, which results in people using grass verges as there isn't an alternative nearby. 2 of the existing properties are Bed and Breakfast properties. One, at Number 8 has no off-street parking and has only started operating recently.
- This is a residential cul-de-sac, as a business venture shouldn't it have off street parking?.
- The site has no private access to their property. They gain access via the path over the neighbours land (number 10), for private use by themselves, their guests and maintenance. Use for commercial purposes will raise liability issues.
- Occasionally visitors to number 9 obstruct the entrance to the adjoining neighbours (number 10) driveway for short periods. The neighbours are concerned that the frequency and duration of this obstruction will increase should this application be successful.
- The location of the unit is in full view of and overlooking the neighbour's house (number 10) and paying guests will be able to see into this property, including its bedroom and garden. This would be distressing and an invasion of privacy.
- Holiday makers paying to stay in a small private garden will impact on the neighbours in terms of noise, cooking smells and privacy invasion.
- The proposal may require commercial dustbins. The location and collection of this will cause impact on the cul-de-sac and could attract vermin.
- Disposal of foul waste.
- Security risk.
- Precedent.

7.3. A second consultation of the neighbouring properties has been undertaken as amended plans have been received which propose a new footpath over the applicant's land so they no longer need to use the existing one over the neighbour's land.

7.4. Responses from three properties have been received including the neighbour to the south. No objections have been received in relation to the repositioned path.

8. Policies

8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

8.2. 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 as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and 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.

8.3. Para 115 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

8.4. Para 17 of the NPPF has the core planning principles which includes amongst other things-

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.5. Para 56 explains that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.6. Para 60 explains that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Development Plan policies

8.7. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major

development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

- 8.8. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.9. Policy DS1C allows for recreation and tourism development in the open countryside outside the natural zone and within all settlements .
- 8.10. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
- 8.11. RT3: Caravans and camping - Proposals for caravan and camping sites must conform to the following principles:
- A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.
 - B. Static caravans, chalets or lodges will not be permitted.
 - C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
 - D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.
- 8.12. Core Strategy Policy T7 requires in part B that residential parking be the minimum required for operational purposes taking into account environmental constraints and future requirements.
- 8.13. Local Plan Policy
- 8.14. Policy LC4 Design, Layout and Landscaping
- (a) Where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area.
 - (b) Particular attention will be paid to:
 - a. scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting;
 - b. the degree to which design details, materials and finishes reflect or complement the style and traditions of local buildings;
 - c. and the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features and an appropriate mix of species suited to both the landscape and wildlife interests of the locality;
 - d. the amenity, privacy and security of the development and of nearby properties;
 - e. and any nuisance, or harm to the rural character of the area, caused by lighting

schemes.

8.15. Policy LR3: Touring camping and caravan sites –

- (a) The development of a new touring camping and caravan site or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.
- (b) Shopping, catering or sport and leisure facilities at camping and caravan sites will be permitted provided that there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities and the development is of a scale and nature suited to the needs of the site itself.
- (c) Permanent dwellings for site warden's accommodation at camping and caravan sites will not be permitted.

8.16. Policy LR5: Holiday occupancy of camping and caravan sites

- (a) Where the development of a touring camping or caravan site is acceptable, its use will be restricted to holiday accommodation.
- (b) For an existing camping or caravan site, the removal of any existing condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that it is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity.

8.17. Local Plan Policy LT11 requires the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

8.18. Together there are two SPDs which are relevant these are the 'Design Guide' and the Detailed Design guide for alterations and extensions', these explain the local building traditions and promote high quality design that is designed in sympathy with the local building traditions. The design guide section 2 discusses peak traditions, section 3 new development designing in sympathy and section 4 materials. Para 4.13 when discussing new materials explains that there is no tradition of external timber boarding in the Peak District.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, GSP4, , L1, , RT3, T7.

Relevant Local Plan (LP) policies: LC3, LC4, LR3, LR5, LT11, LT18.

9. **Assessment**

Principle of the Development

- 9.1. Whilst there has been pre-application advice which was generally supportive of the principle of the development, having considered the relevant policies and examined the site in detail this position cannot now be supported, for the reasons discussed below.
- 9.2. Policy RT3 deals with caravans and camping. Part (A) is permissive in principle of small touring camping and caravan sites and backpack camping sites. However as this is the permanent siting of a caravan it does not comply with this provision. Whilst such structures are on wheels they are not known to be suitable to be towed on the public highway, so are not touring caravans by definition. RT3 B states that static caravans will not be permitted.

The proposal is contrary to the intentions of RT3 as it would be a permanent siting of a shepherds hut caravan. The Emerging Development Management Policies explain that wooden camping structures and shepherds huts have the same potential (as static caravans) for adverse landscape impact and will therefore be determined against RT3B; essentially they are treated as static caravans. The supporting text to RT3 sets out that exceptionally, static caravans may be acceptable in locations where they are not intrusive in the landscape. This proposal is not considered to be an exception as it involves the permanent siting of a caravan for short let holiday accommodation in the back garden of a dwelling. This is a situation that could be replicated many times over if this proposal were allowed, and there are further amenity reasons which will be set out later that the proposal raises. The proposal is therefore contrary to the provisions of core strategy policy RT3.

- 9.3. The emerging Development Management policies can also be given some weight as they set out a future policy direction likely to be arising after the plan is adopted. In the case of policy DMR1 in particular, there are no outstanding objections to the policy which develops the idea of when shepherds huts in particular may be acceptable. The policy sets out that a single shepherds hut may be acceptable on farmsteads due to the benefits of farm diversification and the historic link of shepherds huts to farms. The proposal would not be in accordance with the policy.

Design

- 9.4. A shepherds hut is not something that would normally be seen in a domestic setting. The materials and general design do not reflect that of the original dwelling or the National Park's strongly defined local building traditions. Therefore the proposal is not considered to be of a high quality design or detailing.
- 9.5. The proposal is one which is capable of making sense at a farmstead, due to the historic link with farming, but not in the rear garden of a dwelling. Its design is therefore incongruous in this domestic setting and wholly contrary to the design policies of the development plan including CS GSP3, as well as the Authority's 'Design Guide', 'Detailed Design Guide for Alterations and Extensions' and the NPPF.
- 9.6. The agent has included an argument that similar structures would be classed as permitted development and this should therefore be taken into consideration to accept the design. However in this location which is over 20m from the rear of the dwelling there is a cumulative floor space total of 10m² in the permitted development rights. The proposed building is approximately 15m² so exceeds this provision. Furthermore, due to its height and proximity to the boundary and also the height of the structures eaves, it also exceeds the provisions in householder permitted development rights. Therefore only very limited relevance can be given to the permitted development rights.

Character/Landscape

- 9.7. The proposal is over 3m tall and at the highest part of the garden so would be difficult to screen from public and private vantage points. Whilst it would be seen in a domestic setting, its height and form would appear incongruous / unusual in this setting and is therefore considered to be obtrusive and would detract from its landscape setting, particularly when seen from the footpath to the north. Therefore the proposal is contrary to Core Strategy Policies GSP1, GSP3, and L1 as well as RT3 and Local Plan policies LC4 and LR3.

Amenity

- 9.8. As submitted the proposal raised some significant amenity issues related to the access path, parking and impact on neighbouring properties. The issue in relation to the path was that the property is currently accessed via a path over the neighbours land. The footpath

runs directly up to the neighbours lounge window. As the holiday makers would not be familiar to the neighbours and may well come and go more frequently the impact is considered to be greater than normal domestic use.

- 9.9. This issue has now been resolved via a amended plan '1:500, March 2018' which proposes a new path over the applicants land. Neighbouring properties have been consulted on this new path and no objections have been received. Officers consider that the amended plan resolves this particular amenity issue and if the scheme were to be approved this could be secured by a planning condition which requires the path to be completed prior to commencing use of the proposed accommodation.
- 9.10. The proposed siting of the shepherds hut is over 30m from the neighbours boundary so it is unlikely that direct overlooking could be significant and the boundary has a range of mature shrubs to help screen and filter intervisibility between the two properties. However the presence of the holiday makers, the potential of hearing them and their comings and goings to the proposed accommodation is enough to change the nature of the impact of the site on the adjacent neighbouring property. This would not however be so much of a changed impact to constitute harm to their amenity or warrant refusal of the application for this reason.
- 9.11. The amenity of the host property will also be affected as the privacy of the garden that currently exists would be lost by the introduction of the shepherds hut, particularly when it is accessed via comings and goings and whilst it is in use, including the use of the outdoor seating area that has been provided for. However the host property would have control over this, so it is therefore considered that the host property would be able to endure the impact on their own amenity, without it being a reason for refusal in its own right.
- 9.12. There is no off street parking available to this property and the cul-de-sac has only limited parking which already appears to be upto or close to capacity. Current and emerging policies would require the property to have a minimum parking provision of 3 spaces (2 spaces for a three bedroomed dwelling and 1 space for the holiday let). It is considered that the proposed permanent siting of the shepherds hut will add to the existing pressures for parking spaces that is already experienced by the residents of the cul-de-sac. This position is one which is reflected in the representations that have been received including the Highway Authority's final response. Subsequent to this the planning agent has submitted a photographic record to demonstrate that there are generally spaces available. Officers have visited the site outside of normal business hours to ascertain what it is like in the evening. The position was that whilst space was available it was very limited. Officers have also visited the site during the day, and there has been mixed experience of limited space during the initial site visits and more availability on a second daytime visit. On the second daytime visit the on-street parking at the head of the cul-de-sac was full but the approach road had parking spaces adjacent to the verge.
- 9.13. It is acknowledged that the representations show a mix of responses on the availability of parking in the close with some saying there is an issue and others that there is not. It is therefore considered that based on the representations, it can only be concluded that for some residents there is an issue with the availability of parking spaces.
- 9.14. The agent has tried to quantify the parking requirements for the cul-de-sac, however this analysis bases its findings on the level of car ownership that currently exists on the site, rather than the need as a whole for the cul-de-sac based on size of dwellings (in terms of number of bedrooms). Figures based on the level of car ownership cannot be relied upon as this could be subject to considerable change, and the level quoted by the agent is relatively low. No figures have been submitted which quantify the existing number of spaces in comparison to the level of parking that would be considered to be adequate. The highway Authority suggest the issue is not a highways safety one but one of amenity. This is also reflected in the Parish Council's response who have concerns about the

increased level of parking on Avenue Close and is also reflected in some representations.

- 9.15. Considering these findings, and the representations and consultation responses that have been received, it is therefore considered that this demonstrates that there is clearly pressure for the existing parking spaces. Adding further pressure (even though the holiday let unit will add the need for 1 additional parking space) for parking to the existing situation is likely to cause an amenity issue and this is considered to be sufficient to warrant refusal as it is contrary to Core Strategy Policies GSP3, RT3, T7, Local Plan Policies, LR3, LT11 the 'Design Guide' paras 5.7-5.9 and the NPPF which essentially together require adequate parking and no more and seek to protect residential amenity and the living conditions of communities.

Highway Considerations

- 9.16. Whilst there is an amenity issues stated above, there is not considered to be a highway safety issue. This is reflected in the Highways Authority's final response which explains that whilst an increase (albeit occasional) in parking demand on The Avenue is likely to lead to additional inconveniences to local residents who already park on The Avenue, this is more of an amenity issue rather than a safety concern.

10. Conclusion

- 10.1. The proposal to site a new holiday let dwelling via a shepherds hut in the rear garden of an existing dwelling is contrary to the policies of the development plan in principle, design, and because a lack of off street parking will impact on the residential amenity the neighboring properties.

11. Human Rights

- 11.1. None

12. List of Background Papers (not previously published)

None

Report Author and Job Title

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