

**10. FULL APPLICATION - CONVERSION OF 3 AGRICULTURAL BUILDINGS TO 2 HOUSES AND GARAGES/GAMES ROOM ANCILLARY TO DWELLING, IVY HOUSE FARM, UPPERTOWN, BIRCHOVER (NP/DDD/1114/1155, P.9270, 414217 361642, 27/02/2015/JRS)**

**APPLICANT: MR & MRS D LENG**

**Site and Surroundings**

Ivy House Farm is situated in a relatively isolated position on the northern side of Clough Lane in open countryside about 480m south-east of Birchover village. It comprises a large detached traditional farmhouse with a range of four detached modern agricultural buildings situated around a courtyard to the western side of the farmhouse.

Although recently constructed, the modern farm buildings have been built to a high standard in the local building vernacular style using traditional materials. These buildings are all single-storey with the exception of the laneside two-storey workshop/office building. There is also a modern agricultural building (sheep and poultry shed) situated on the opposite side of Clough Lane. This building has vertical-boarded timber wall cladding and a corrugated sheet roof.

The main approach road to the site from the village is via Uppertown Lane, a tarmacked single vehicle width lane which provides access to the local recreation ground and is used by walkers. This section of the road is sign-posted at the village end by the Highway Authority as being 'unsuitable for motor vehicles'.

The last 280m section of access track is off Upper Town Lane via Clough Lane, which is narrow winding section of lane surfaced with gravel, which serves a working farm (Cowley Knoll Farm) and a private dwelling (Upper Town) in addition to Ivy House Farm. Clough Lane is also a popular footpath route and beyond Ivy House Farm is unsuitable for vehicular traffic.

**Proposal**

The current application seeks permission for the change of use of two detached single-storey agricultural buildings in the courtyard to two open market dwellings. Consent is also being sought for the change of use of the two-storey agricultural building in the courtyard to ancillary garaging for the farmhouse with a games room on the first floor.

**RECOMMENDATION:**

**That the application be REFUSED subject to the following reasons:**

**The proposal fails to meet the requirements of Core Strategy Policy HC1 because it proposes the conversion of a relatively modern range of buildings in a relatively isolated location in the open countryside. It has not been demonstrated that the impetus of the open market value of new houses is required to secure any conservation or enhancement to the site and its setting. The proposal would also be contrary to the National Planning Policy Framework which promotes sustainable development in rural areas, notably paragraph 55 of the Framework which seeks to avoid isolated new homes in the countryside unless there are special circumstances.**

**Key Issues**

- whether the proposed conversion of two buildings to open market dwellings is acceptable in principle in relation to the Authority's Core Strategy policies and the National Planning Policy Framework in respect of sustainable development

## **Relevant Planning History**

The following planning history is relevant to the grouping of farm buildings, which are the subject of the current application:

June 1998 – GDO Prior Notification Approval granted for Units 1 & 4. No conditions were attached requiring the buildings to be removed when no longer required for agricultural purposes. This approval also granted consent for the modern timber sheep shed on the other side of Clough Lane opposite the main complex of stone buildings.

March 2004 – GDO Prior Notification approval granted for the erection of a feed storage building (Unit 2). No conditions were attached requiring the buildings to be removed when no longer required for agricultural purposes.

December 2004 – Planning Consent granted for the erection of a sheep building (Unit 3). Consent granted subject to a conditions requiring that the building to be used solely for agricultural purposes and to be removed when no longer required for agricultural purposes.

November 2007 – GDO Prior Notification Approval granted for the erection of an agricultural building (pig sty) attached to the western end of Unit 4. This was withdrawn as the applicant was advised that full planning permission would be required as the proposal was for a livestock building.

February 2008 – Full Planning Permission granted for the erection of an agricultural building (pig sty) attached to the western end of Unit 4. A condition was attached requiring that the building shall not be used for any other purpose than a livestock building in accordance with the submitted details without the National Park Authority's prior written consent. This consent was not implemented.

March 2008 – GDO Notification Approval granted for a small agricultural building extension between Units 2&3. This consent was not implemented but amongst the conditions was condition 'g' which required that when the approved buildings hereby were no longer required for the purposes of agriculture they should be dismantled, removed from the site and the site shall be restored to its original condition.

This condition was imposed as whilst the buildings were to be of a traditional form and constructed of natural materials, GDO Notification Approval permitted to the use of the buildings solely for agricultural purposes. The officer's report stated that the applicant and agent may have been better advised to apply for full planning permission if they did not wish to be bound by this condition. However, it further stated that the opportunity existed for the applicant's to apply for planning permission to retain the building in any case should it no longer be required for the purposes of agriculture.

December 2013 – Full planning application submitted for the conversion of Units 1-4 to seven holiday units and a shop/café. This application was subsequently withdrawn following concerns raised about the scale of the proposed scheme, particularly with respect to highway issues and the principle of the proposed shop/café use, given its remote position well outside the village confines. Following discussions with the Authority's officers the applicant was advised to reduce the overall scale of the proposal and to omit the shop/café element.

May 2014 - Full planning application submitted for the change of use of three detached single-storey agricultural buildings in the courtyard to six units of holiday accommodation, and for the change of use of the remaining two-storey agricultural building in the courtyard to ancillary garaging for the farmhouse with a games room on the first floor. This application was withdrawn prior to determination by the Authority's Planning Committee in June 2014, but following a Committee site visit.

**The following planning history relates to alterations and extensions to the existing house at Ivy House Farm:**

August 1998 – Planning Consent granted for renovation of the farmhouse and conversion of a detached outbuilding to ancillary living accommodation.

December 2004 – Planning Consent granted for the erection of a rear two-storey extension to the farmhouse (implemented).

July 2005 – Planning Consent granted for the erection of a single-storey extension linking the farmhouse to the adjacent detached dependant relative annexe.

September 2008 – Planning Consent granted for the erection of a single-storey utility/laundry room extension between the annexe and Unit 1 (not implemented and now expired).

**Consultation:**

County Council (Highway) – on an “as submitted” basis, the application is open to a highway safety objection but if the applicant were to carry out improvements to Clough Lane then the County Council would have no objections to the proposals subject to conditions including agreement on the improvements to be carried out to Clough Lane.

District Council – No reply to date.

Parish Council – No response to date on this application but the Parish Council have previously commented that an increase in traffic along Clough Lane is undesirable, particularly as more vehicles would pass the recreation ground to gain access to Ivy House Farm. The Parish Council have also pointed out previously that Uppertown Lane is marked as unsuitable for traffic, there are no footpaths and there is an increasing problem with off-road users which the applicant has complained about on several occasions.

**Representations**

Four letters of objection have been received from nearby residents of this part of Birchover village, which raise the following issues:

- highway safety concerns, increase in use of a narrow lane that is unsuitable for motor vehicles, that has no passing places or traffic calming measures, and is the main access route for pedestrians, particularly young children, to the recreation ground;
- disturbance to properties from vehicles travelling up and down the lane late at night;
- increase in traffic will be a significant risk to elderly residents and young children.
- the traffic will also pass directly adjacent to a working farmyard adjacent to Clough Lane and the proposal would have a massive impact on that business and the quality of life to the family that own it in respect of privacy and disruption of extra traffic;
- original planning consents stated that the buildings would only be used for agricultural purposes. The new owners would have been aware of this stipulation when they purchased the property; and
- the highway is signposted unsuitable for vehicles, so altering the amount of traffic would contradict what the highway is designed for.

## **Main Policies**

### National Planning Policy Framework ('the Framework')

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage. Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities. The Framework is otherwise supportive of the re-use of existing buildings for housing and economic development.

Paragraph 54 of the Framework also says in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 goes on to say that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

The most relevant policies in the Development Plan (below) are consistent with national planning policies in the Framework because they promote the conversion of existing buildings in the Peak District where the proposed use of the building and associated development would be consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests, and would not harm the valued characteristics of the local area.

### Development Plan

The policies in the Authority's Core Strategy that are most relevant to the current application include policies: DS1, GSP1, GSP2, GSP3, HC1, and L1. These policies are supported by saved Local Plan policies: LC3, LC4, LC8, LC24, LH1, LH4, LH6, LT11 and LT18. Of these policies, HC1, LH1 and LH6 are most directly relevant to the proposals in the current application.

Policies HC1 and LH1 carry forward the policy approach used in the Peak District National Park since 1994, that it is not appropriate to permit new housing simply in response to the significant open market demand to live in its sought after environment. The limited number of opportunities for new residential development emphasises the importance of concentrating on the eligible need within the National Park for affordable homes, rather than catering for a wider catchment area.

Therefore, HC1 and LH1 prioritise addressing eligible local need for affordable housing and support the provision of affordable housing for those who cannot compete in the open housing market. HC1 otherwise supports the provision of housing for key workers in rural areas, where they can be justified with reference to functional and financial tests, and the conversion of valued vernacular buildings to new housing to meet general demand where the impetus of open market values is required for their conservation and enhancement.

Policy LH6 says the conversion of an outbuilding within the curtilages of an existing dwelling to ancillary residential use will be permitted provided that:

- (i) it would not harm the character of the building, the dwelling and the surrounding area; and

- (ii) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or the need to replace outbuildings at a later date; and
- (iii) the site is large enough to meet the parking and access requirements of the proposed development; and
- (iv) the new accommodation provided would remain under the control of the occupier of the main dwelling.

### **Assessment**

The key issue raised by this application is whether the principle of conversion of the buildings to open market dwellings can be justified, either as being in accordance with policy or as an exception to it. This fundamental issue is dealt with in the last section of this assessment.

#### **Conversion of farm building to garage and games room**

This proposal concerns the former machinery store, which is a substantial stone-built two-storey building that runs parallel to Clough Lane and is to the immediate west of the existing house at Ivy House Farm. The submitted plans show that it is intended to use the ground floor of the building for the garaging of three domestic vehicles, and the first floor would become a games room. The physical works to achieve the proposed conversion comprise the installation of three new rooflights in the courtyard-facing roofslope, minor alterations to the boarded doors in the large door openings facing the courtyard, and an external stone staircase would be provided on the east facing gable (nearest the existing house) to provide access to the games room.

In design terms, the proposed conversion does not give rise to any concerns as there would be only very minor changes to the external appearance of the building which has been constructed to a particularly high specification of design, and the external staircase would be typical of many rural outbuildings. Therefore, there are no concerns that the proposed conversion would have any significant visual impact on the character of the surrounding landscape also taking into account the building is situated within an existing courtyard that is contingent with the curtilage of the farm house. The proposed uses of the building would not intensify the use of the property given that the garaging and games room is intended for the use of the occupants of the existing house, and the proposed conversion would not in itself generate additional vehicular movements to and from the property.

It is therefore considered that this proposal accords with the provisions of policy LH6 and the wider range of design and conservation policies in the Framework and the Development Plan, including policies GSP1, GSP2, GSP3, L1 and LC4, subject to conditions securing minor design detail and a condition that the converted building would remain under the control of the occupier of the main dwelling at Ivy House Farm.

#### **Conversion of 2 farm buildings to 2 open market houses**

These proposals concern the former feed store and sheep amenity building that are located at the western end of the courtyard at Ivy House Farm. These buildings, like the former machinery store, have been constructed to a high standard, with coursed natural gritstone walling under Staffordshire Blue natural plain clay tile roofs. The buildings are provided with dressed coped gables and quoinwork to the external corners and have large arched openings with dressed natural gritstone segmented arch details and dressed quoinwork surrounds. All pedestrian door and window openings are provided with dressed lintel and sills and dressed quoinwork surrounds.

Therefore, the buildings closely follow the local building tradition in terms of their size, form and detailing and have the character and appearance of stone-built farm buildings found within the National Park that often contribute positively to its landscape character.

The current application proposes the conversion of the food store to a four-bedroom house (with an internal floor area of c.160m<sup>2</sup>) and the sheep amenity building to a three-bedroom house (with an internal floor area of c.97m<sup>2</sup>). The works required to convert the food store would comprise the installation of a single rooflight in its north-facing roofslope to light a mezzanine bedroom and one boarded full-length arched opening and all the pedestrian door openings would be replaced with full-length glazing. All boarded openings on the east and west facing elevations of the sheep amenity building would be provided with full-length glazing with boarded timber shutters used on the west facing elevation that overlooks open countryside.

In design terms, there are no objections to the proposed changes to the external appearance of the buildings because it is considered that the conversions would be sensitive to the character and appearance of the existing buildings. Equally, in landscape terms, the proposed conversions would have a negligible visual impact on their landscape setting, and the proposed parking spaces for the new dwellings would be sited discreetly adjacent to Clough Lane amongst the existing group of buildings. There are no other concerns that the proposals would adversely impact on any protected species, or any heritage asset.

Providing the boarded south facing arched opening remained boarded in the former sheep amenity building (as shown on the submitted plans), there are no concerns that the two new houses would impinge on each other's privacy, and the two properties could sit side by side without being unneighbourly. The two buildings are sited far enough away from the existing house to avoid the proposed conversions having any substantial impact on the residential amenities of the existing house at Ivy House Farm. There are no other neighbouring properties that would be directly affected by the proposed conversions other than it is acknowledged there are local concerns that additional vehicular movements would have a harmful impact on the amenities of the local area.

Providing works are carried out to improve a section of Clough Lane, the Highway Authority has no objections to the current proposals, and officers also consider that access and parking provisions for the two new dwellings would be appropriate. On this basis, whilst officers acknowledge the concerns of the Parish Council about the width and nature of the access road, it is not considered that the extra vehicular movements along Clough Lane, Uppertown Lane and Main Street that would be generated by the two new houses would give rise to such substantial adverse impacts or cause such highway safety concerns that refusal of planning permission could be justified on these grounds.

It is therefore considered that the proposals accord with the design and conservation policies in the Development Plan and the Framework that require high standards of design and are permissive of development that would not detract from the valued characteristics of the local area and would be sensitive to its landscape setting within the National Park. Consequently, the key issues in the determination of the current application are whether the current proposals are consistent with conservation and housing policies in the Development Plan and with the policies in the Framework which support development in sustainable locations.

#### Principle

The proposals fail to meet the requirements of Core Strategy policy HC1 because the two buildings would not be converted to affordable housing to meet local need or for a key worker and the proposals are not required for the conservation or enhancement of valued vernacular buildings. The current proposals do not meet the requirements of policy LH1 of the Local Plan because the two buildings would not be converted to affordable housing to meet local need.

The Core Strategy, notably in policy HC1, carries forward the policy approach adopted by the Authority for many years, that it is not appropriate to permit new housing in the countryside simply in response to the significant open market demand to live in its much sought after environment. This reflects the conservation purpose of the National Park's statutory designation, to which, according to the National Planning Policy Framework (the Framework) great weight should be afforded. Accordingly Core Strategy Policy HC1 states that new housing, including the reuse of existing buildings, will only be accepted under exceptional circumstances. These include where it addresses eligible local need; provides for key rural workers or is required in order to achieve conservation/enhancement of a valued vernacular or listed building. This policy is consistent with paragraph 55 of the National Planning Policy Framework which sets out criteria where residential development in rural areas might be found acceptable. These criteria include the re-use of a redundant or disused building where it would lead to an enhancement in the immediate setting, or in order to meet an essential need for a rural worker to live permanently at or near their place of work. The Framework promotes sustainable development in rural areas; consequently, paragraph 55 of the Framework seeks to avoid isolated new homes in the countryside unless there are special circumstances, as outlined above. This approach has been consistently supported by Inspectors on appeal since 2011.

Although the buildings have been built to a high standard of design and architectural specifications, and are in keeping with the local building tradition, they have been built recently and do not have any special historic or architectural interest that would elevate the status of the buildings to a point where they could be regarded in the same way as a non-designated heritage asset, for example. The quality of the construction works and the relatively limited length of time that has elapsed since they were built means that the impetus of open market values is not required to conserve the buildings. Other than by way of the improvements to Clough Lane proposed by the Highway Authority, granting permission for the proposals would not achieve any other physical enhancements to the local area and these improvements are only required to serve the proposed development.

It might be argued that seeking to retain the buildings in an agricultural use where there is no reasonable prospect of the site being used for that purpose would not serve any meaningful purpose and there is no other viable use for the buildings, particularly given the size, nature and location of the buildings. However, the buildings have been constructed in recent years (by the previous owner) with a clearly stated agricultural purpose (and some were permitted development under the GPDO on that basis). The conversion of these buildings to open market dwellings after such a relatively short period on the basis that they have been built with a traditional vernacular appearance is considered to be an unsound approach which fundamentally conflicts with the Authority Core Strategy policies, notably GSP1, DS1 and HC1, and with the Framework, notably paragraph 55.

The buildings are in a very sound condition, given that they are of recent construction, so there is no imminent prospect of them falling into disrepair. Whilst conversion to open market dwellings may be an attractive option, it is not the only one that is possible. A mix of uses which fall within policy would be possible, even though it may not be the current owner's preference. For example, some buildings could be converted to holiday accommodation, but at a lower level than the previous scheme which was recommended for refusal, together with ancillary uses (storage, home-working, ancillary residential accommodation), and for the agricultural uses for which they were originally built. It is possible that the previous owners of the site over-invested in new buildings, but this does not provide a strong or valid justification for permitting the conversion of what are relatively new buildings in an isolated location in the open countryside, served by a poor access, into open market dwellings with no other policy justification.

It may be that alternative uses of the two buildings would require improvements to Clough Lane but would not be sufficiently viable to fund the improvements. For example, holiday lets have already been found to be contentious within the local area and there is little incentive to go forward with fewer units if even a very low number of units would trigger objections on highway safety grounds unless the lane is improved.

With regard to the possibility of conversion to affordable local needs dwellings, as submitted, the proposed conversions would be too large to be considered to be likely to be affordable to local people on low or moderate incomes, but this does not preclude an alternative design for smaller dwellings which would meet the Authority's guidance on the size of affordable dwellings.

### **Conclusion**

In conclusion, it is considered there are no exceptional circumstances in this that would allow an exception to the Authority's housing policies to be considered on this occasion. The buildings are of a traditional style and materials but they are not "valued vernacular" buildings and are not in a suitable location for open market dwellings. There are no exceptional circumstances that justify an approval contrary to policy in this case. Approval of this application could encourage other landowners with relatively recently constructed buildings to consider their conversion to open market dwellings. This is a concern which is often expressed when the Authority is presented with proposals for high quality modern buildings in a traditional vernacular style. It is important to maintain a consistent approach to the re-use of these modern buildings, otherwise this may be abused; it would also make it more difficult to require or accept high quality designs in a traditional style if there is a prospect that they may be the subject of proposals for conversion to dwellings within a relatively short time.

With the benefit of hindsight, it may be that the site has been 'over developed' with four separate and substantial stone-built buildings that are not well-suited to modern farming practices and would not now be generally considered to have been purpose-designed for agricultural purposes. Applicants for such buildings need to be aware that they could be over-investing in such buildings and that the Authority's policies, together with the policies in the National Planning Policy Framework, are unlikely to allow conversion to an open market dwelling should the intended agricultural or other functional use cease.

Accordingly, the current 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