

7. SECTION 73 APPLICATION – VARIATION OF CONDITION 1 ON NP/DDD/1117/1128 TO ALLOW THE APPROVED STABLES AND TACK ROOM TO BE USED AS ANCILLARY DOMESTIC ACCOMMODATION – BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/0519/0460 TS)

APPLICANT: MR P HUNT

Summary

1. The application is for the variation of an approved scheme to allow part of the site to be used for additional bedrooms for the main house instead of as a stable block and tack room as approved. The development would not result in adverse planning impacts. The application is recommended for approval.

Site and surroundings

2. Bleaklow Farm is a vacant farmstead situated in an isolated hilltop position close to the ridge of Longstone Edge, 900m north of Rowland hamlet. The farmstead is situated in a slight hollow and is bounded to its north, east and west sides by mature tree plantations. Although it is situated in a remote and isolated position it is not unduly prominent in the wider landscape, but is visible from a public footpath which passes directly through the farmstead.
3. The farmstead originally comprised a derelict farmhouse with adjacent outbuildings to the west and north sides, forming a courtyard. There is a further detached traditional outbuilding to the north of the farmhouse (subject to the current application) and formerly to the north of the courtyard buildings was a dilapidated range of modern farm buildings.
4. The former farmhouse was vacant and in a poor structural condition and appearance and had been the subject of inappropriate additions, including a 16.7m long x 4.5m wide single-storey extension attached to its western side.
5. Consent was granted in June 2014 for the demolition of the existing farmhouse and erection of a larger replacement farmhouse of a similar character to the original farmhouse. The approved scheme included the replacement of the single-storey extension with a contemporary extension, part rebuilding of the stable building at the western end of the courtyard, and the erection of a secondary courtyard of buildings behind the main building courtyard to accommodate stabling and garaging.
6. The applicant then began constructing the replacement dwelling, which has been constructed up to first floor level. However, following an officer site inspection it was subsequently discovered that the replacement dwelling was being constructed to significantly larger dimensions than that given approval, and other unauthorised design changes had been made to the scheme.
7. Rather than revert to the originally approved scheme, the applicant chose to submit a retrospective planning application to build the replacement dwelling to the larger dimensions and amended design, as presently constructed. This application was refused by Planning Committee on 11 December 2015. A subsequent appeal against the Authority's decision to refuse planning permission was dismissed on 19 May 2016. An amended scheme was subsequently applied for in November 2016 under application reference NP/DDD/1116/1095 which was approved in January 2017. A material amendment was made to this permission (reference NP/DDD/1117/1128). That permission has now been implemented and construction work is ongoing.

8. Under the approved scheme, the wing that projects northwards at the western side of the main dwelling is to be a stable block, tack room and office. Condition 1 of the approval pursuant to NP/DDD/1117/1128 requires that the development is carried out in accordance with the submitted plans. Condition 2 of that approval states that the stables shall remain as stabling in perpetuity and shall be used for no other purpose. The stabling shall be ancillary to and for the personal use of the occupants of Bleaklow Farmhouse.

Proposal

9. The application seeks to vary condition 1 on approved application NP/DDD/1117/1128 in order to allow the approved stables to be used as ancillary domestic accommodation.
10. The submitted plans show that the building that was approved as stables would instead provide four additional bedrooms for the main house. The bedrooms would not form a self-contained living unit as they do not have any kitchen or living facilities. They would be additional accommodation for the main house and would not form an independent unit.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Development to be carried out in accordance with specified plans.**
2. **The accommodation hereby approved shall only be used in a manner that is ancillary to the use of the main house.**
3. **The existing two storey barn shall be used solely for agricultural purposes and for no other purpose.**
4. **Removal of permitted development rights.**
5. **Landscaping scheme to be implemented.**
6. **Restriction on the extent of the residential curtilage.**
7. **Environmental management measures to be implemented.**
8. **The windows to the replacement farmhouse shall be of vertical sliding sash construction and constructed in timber and shall be permanently so maintained.**
9. **The external doors and windows shall be of timber construction.**
10. **All timber work shall be in accordance with the details submitted for application NP/DIS/0217/0144 and shall be permanently so maintained.**
11. **The window frame glazing bars shall not exceed 18mm in thickness.**
12. **The rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.**

13. All pipework, other than rainwater goods, shall be completely internal within the building.
14. There shall be no external meter boxes.
15. The replacement dwelling hereby approved shall not be occupied until the garaging and parking/manoeuvring space has been laid out within the site (in accordance with plan no. IDS/PH/16/037 08) for 4 cars to be parked. The parking and manoeuvring area, including garaging, shown on the approved plan shall then remain unobstructed for use at all times.
16. All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.
17. The development shall not be brought into use until the foul and surface water drainage systems as shown on plan reference IDS/PH/16/037 07 have been fully implemented. The drainage systems shall thereafter be retained.
18. No trees on the site shall be wilfully damaged or destroyed or felled, topped, lopped or uprooted without the prior written consent of the National Park Authority, other than those which are specifically shown on the approved plan for removal. Any trees proposed for removal shall be replaced as part of a replanting scheme to be submitted to and agreed in writing by the Authority. Such a replanting scheme shall be submitted at the same time as any felling proposals.
19. Prior to the installation of any external lighting or any source of illumination attached to the replacement dwelling, within its curtilage, or associated with the access or access track to the replacement dwelling, full details of the precise design and specifications of the lighting, or source of illumination including its location, and luminosity, shall be submitted to and approved in writing by the National Park Authority. The lighting or any other source of illumination shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.
20. The development shall be carried out fully in accordance with the Bat Mitigation Strategy detailed at section 6.3 and Swallow Mitigation Strategy detailed at section 6.4 of the Whitcher Wildlife Ltd. Report dated 03 November 2015.
21. The development shall then be implemented fully in accordance with the scheme of great crested newt mitigation as approved under application NP/DIS/0217/0144. Post development monitoring results for great crested newts must be submitted to the PDNPA National Parks Ecologist.
22. Works shall avoid the main breeding bird period spanning March to September (inclusive). If works are undertaken during this period a check for breeding birds shall be undertaken. If breeding birds are subsequently discovered the young shall be allowed to fledge before works proceed.
23. The existing track to the south-east of Bleaklow Farm complex, between the farm complex and the public highway, shown edged red on the submitted 1:10000 scale and 1:2500 scale Location Plans shall remain surfaced as a limestone chatter track in perpetuity.

Key Issues

- The impact of the development on the character and appearance of the building
- Amenity Impacts
- Highways Impacts

History

June 2014 – Full planning consent granted for the replacement farmhouse, demolition and rebuilding of stables to form additional living accommodation, erection of stable buildings and garaging.

December 2015 – Full planning application to regularise unauthorised amendments to the previously approved scheme. The application was refused by Planning Committee. A subsequent appeal was dismissed.

January 2017 – Application for an amended scheme for the replacement dwelling approved.

October 2017 – Application approved for a variation to the approved plans for the replacement dwelling. This approval has been implemented.

Several applications to make non-material amendments to the approved scheme and to discharge conditions have also been approved.

A separate planning application is current under consideration for the conversion of an outbuilding to holiday accommodation.

Consultations

11. Rowland Parish Meeting – Object to the proposal because of the impact on access and traffic levels in the village. Note that Rowland comprises a single-track road (no passing places) with no safe pedestrian pavement or verge. There are two blind bends that make the road unsuitable for increased traffic use. Also raise concerns that the size of the property has increased considerably since the replacement farm house was first approved. Concerns also remain regarding light pollution and increased noise.
12. Great Longstone Parish Council – no objections.
13. Derbyshire County Council Highways – no highways comments.

Representations

14. One letter of objection have been received which raise the following concerns:
 - There is no reason to remove the condition which requires the stables to only be used for that purpose.
 - Overdevelopment of the site.
 - Increase in traffic would adversely affect the hamlet of Rowland.
 - The access to the site and through the village is not adequate and cannot accommodate the additional traffic.

Main policies

15. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1.

16. Relevant Development Management Plan policies: DMC3, DMH5, DMH7, DMH8, DMT3.

National planning policy framework

17. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales which are to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When National Parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the National Parks.
18. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) 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 particular Paragraph 172 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.
19. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. 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 government guidance in the NPPF with regard to the issues that are raised.

Development plan

20. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
21. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide visitor accommodation.
22. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.

23. DMH5 supports the conversion of outbuildings close to a dwelling to ancillary dwelling use providing that it would not result in over-intensive use of the property, the site can meet the access and parking requirements of the development and the new accommodation would remain under the control of the main dwelling.
24. DMH7 supports extensions and alterations to dwellings provided that the proposal does not detract from the character, appearance or amenity of the original building, does not dominate the original dwelling and does not have adverse impacts on the landscape or other valued characteristics.
25. Policy DMH8 states that alterations and extensions to existing outbuildings will be permitted provided changes to the mass, form, and appearance of the existing building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape,
26. Policy DMT3 sets out that development will only be permitted where a safe access that is achievable for all people can be provided in a way that does not detract from the character and appearance of the locality.
27. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

Principle

28. An application can be made under section 73 of the Town and Country Planning Act to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment.
29. The application seeks to vary conditions attached to the existing planning permission for a replacement dwelling to allow the building that has been approved as a stables block to be used instead for additional accommodation that would be ancillary to the main house.
30. Condition 1 of the approved application requires the development to be carried out in accordance with the submitted plans. The submitted plans show the stable block to comprise of four stable bays, a tack room, feed store and farm office. This application seeks to vary condition 1 to allow a new plan to become the decision document which shows four en-suite bedrooms, a linen and servicing store and a mechanical and electrical services area.
31. Condition 2 of the permission states that the stabling hereby permitted shall remain as stabling in perpetuity and shall be used for no other purpose. The stabling shall be ancillary to and for the personal use of the occupants of Bleaklow farmhouse.
32. Condition 2 was imposed in order to enable the National Park Authority to retain control over the extent of the use and to prevent any adverse effect upon the character of the area and the interest of nearby residents. This condition does not mean that any uses other than stables are necessarily unacceptable; it simply allows the Authority control over the use and prevents the stables being turned into alternative uses without planning permission being required.

33. Policy DMH5 supports the conversion of existing outbuildings to ancillary dwellings. The supporting information describes the proposed new rooms as being ancillary accommodation. It is important to note though that the application does not propose a new self-contained ancillary dwelling. The new rooms would simply be four extra en-suite bedrooms to the main house. No kitchen or living facilities would be proposed so the new space could not be used independently of the main dwelling. The additional rooms could only be used as part of the main house. The supporting information notes that the additional bedrooms might be used by live-in staff or by visitors. Because of the large scale of the main dwelling and because the new bedrooms could not be used independently of the main house, there is no doubt about the scale and extent of the use being ancillary to the main house. The proposal accords with policy DMH5.
34. DMH7 and DMH8 both support extensions and alterations to existing dwelling, provided there are no adverse impacts on amenity, landscape or other special characteristics. These issues are discussed further below.
35. The proposal to use the space as additional accommodation for the main house is acceptable in principle.

Impacts on the character and appearance of the landscape

36. The building lies within the defined curtilage of Bleaklow Farm, adjoining the main house and is positioned in very close proximity to other outbuildings buildings. The site has existing parking and outdoor areas. Parking for the site is provided within the large yard area and the approved garage block. As the proposal is for additional bedroom space to the main house, no additional outdoor amenity space is required beyond the existing defined area. Externally, only minimal alterations are proposed with the previously approved stable doors being replaced with glazed openings and the insertion of new windows. These alterations are acceptable and preserve the character of the new development as a whole. As such, the proposed use of the stables as additional accommodation would have a minimal impact on the character of the site as a whole and would have no impact on the character of the wider landscape.
37. The development would conserve the landscape character of the area as required by policies L1, DMC3, DMH5, DMH7 and DMH8.

Ecological impacts

38. The site has previously been surveyed for protected species on 2016, 2015 and 2013 as part of the previous applications. Ecological mitigation measures are a condition of the implemented permission and should be carried forward if this application is approved. .
39. Subject to this, the development would not be harmful to protected species or ecological interests and accords with policy LC2.

Highways Impacts

40. Letters from a local resident and the Parish Meeting have raised concerns about traffic generated by the site and that the road through Rowland is unsuitable to accommodate this traffic. Such concerns are noted.
41. The Highway Authority has raised no objections to the application. The scheme would add four additional bedrooms to the main dwelling. This would increase the number of bedrooms from seven to eleven.

42. The as approved scheme for a seven bedroom dwelling would appeal to a large family, it is quite possible that a future household could have more cars than an average household. It is very difficult to quantify or predict that though. The proposed addition of four further bedrooms may result in some further increase in traffic movements if extra people live at the site or if there are more visitors as a result of it having more space, but these bedrooms would still be extra bedrooms for the main house and would not create a separate dwelling. No significant increase in traffic could be attributed to creating four additional bedrooms for an already substantial private dwelling because those four bedrooms would only be extra space for the existing dwelling.
43. It is also important to note that the site would no longer have any stables. Whilst the stables are only approved for the private use of the site, and not for commercial livery purposes, even private stables would inevitably generate some traffic through vets trips, feed and bedding deliveries, horse box movements to take horses to and from the site etc. As such, it would be very difficult to argue that four additional bedrooms for a private house would generate significantly more traffic than the existing stables that would be lost.
44. Overall, it is possible that an eleven bedroom dwelling might generate more car trips than a seven bedroom dwelling. However, the car trips generated by the four extra bedrooms are unlikely to be more than the trips that would be generated by a four-horse stable block. The development is therefore unlikely to generate any notable material increase in vehicular movements to and from the site over and above the approved development.
45. Even if the development was to generate an increase in traffic movements (and it is impossible to say with any degree of confidence that it would) any such increase would inevitably be limited and is highly unlikely to be more than a handful of trips per day.
46. Given the lack of objection from the Highway Authority, and that it is not possible to evidence a likely increase in traffic from providing extra bedrooms for the main house, the view must be taken that the development would not result in harm to highway safety over and above the established situation.
47. The submitted plans for the approved application show that the site is to be accessed from the track to the south via Rowland village. There is a second access to the north of the site that joins Moor Road and heads west towards Great Longstone.
48. The applicant's agent has confirmed that the site can indeed be accessed from either of these routes. Both routes already have access points to the Bleaklow Farm site and both have historically been used to access it. It is understood that construction traffic has been using the Moor Road access during the construction of the new dwelling. The applicant's agent has stated that once the site is brought into use that the applicant is willing to direct any visitors to the site to use the Moor Road access. The Moor Road access is therefore available to use for access to and from the site. The use of the Moor Road access would seem to alleviate the concerns that residents of Rowland have about the traffic impacts.
49. It must be remembered though that the road through Rowland is adopted public highway all the way through the village and the public highway continues along Bramley Lane to Hassop Road. Only the unsurfaced section of the access track from Bramley Lane to Bleaklow Farm is a private road. As such, whilst two access routes are available and the applicant can direct visitors towards the Moor Road route, it would not be possible to apply a planning condition to stop residents and visitors from using the Rowland access and they would be entitled to do so should they make that choice. As such, there are two access routes available but it is not possible to dictate through the

planning application which one should be used. The option to use Moor Road is available though and that further weakens any argument that traffic levels through Rowland would be unacceptable, as is discussed further below.

50. Parking is to be provided within the existing yard area and approved garage. There is ample room for parking for the increased size of the dwelling as well as sufficient space for turning and manoeuvring.
51. The proposal accords with policies DMH5, DMT3 and DMT8.

Amenity impacts

52. The site is located approximately 900 metres from the nearest neighbouring property. There would clearly be no harm to the amenity of any neighbouring dwelling by way of overlooking from the proposed additional bedrooms or from any noise and disturbance associated with their use.
53. Concerns have however been raised about harm to the amenity of residents within Rowland caused by an increase in traffic through the village caused by the Bleaklow site. These concerns are noted. It is also acknowledged that Rowland is a small village with only 12 houses that lie either side of the road. As such, existing levels of car movements are likely to be low and residents may be more sensitive to increases in traffic than settlements in busier places with the National Park.
54. However, as is discussed above, it is very unlikely that the provision of four additional bedrooms for an already large private dwelling would result in any significant increase in traffic movements, particularly considering that the additional bedrooms would replace a stables block that would itself generate some traffic.
55. Even taking the very quiet and tranquil nature of the village into account, there is no way that an argument that the noise and disturbance caused by traffic from the additional bedrooms would be significantly harmful could be substantiated when it is not possible to identify that there would be any increase in traffic over and above the approved situation.
56. The use of the Moor Road access would have no impact at all on the residents of Rowland. Whilst we cannot control visitors to the site using the Rowland access, the applicant has stated that visitors would be asked to use the Moor Road access. Assuming that some visitors take note of this advice, the low level of traffic associated with the proposed additional bedrooms would be further reduced in terms of movements through Rowland village.
57. It is not possible to identify any significant harm to the amenity of residents of Rowland village given the low level of traffic that would be generated by the proposed additional bedrooms and it would not be possible to substantiate a reason for refusal on this basis.
58. The variation of condition to allow the approved stables to be used as additional bedrooms for the main house would not result in any identifiable harm to the amenity of the locality and the development accords with policies DMC3, DMH5, DMH7 and DMH8 in this respect.

Conclusion

59. The proposal will conserve character and appearance of the building and those of the landscape, would conserve the ecological interests of the site and would not give rise

to harm to amenity or highways safety in accordance with policies L2, L3, DMC3, DMH5, DMH7, DMH8, DMT3 and DMT8.

60. There are no other policy or material considerations that would indicate that planning permission should be refused.

61. We therefore recommend the application for conditional 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

Report Author: Tom Shiels, Area Team Manager