

**13. FULL APPLICATION – CONVERSION OF EXISTING BUILDING WITHIN THE CURTILAGE OF A DWELLING HOUSE TO FORM LIVING ACCOMMODATION FOR ANCILLARY USE OF THE MAIN DWELLING - RETAINING 1 STABLE, EQUIPMENT STORE AND TACK ROOM WITHIN THE APPLICATION BUILDING – LANE FARM, BAR ROAD, CURBAR (NP/DDD/0419/0378, JF)**

**APPLICANT: MR & MRS J WARREN**

**Summary**

1. The proposed development seeks to convert a former barn to living accommodation for ancillary use of the main dwelling. The application was previously presented at Planning Committee on 13<sup>th</sup> September 2019 and was deferred, due to concerns that the intention was to use the building as a holiday let. The agent handling this application has now confirmed that the applicant would like the application to proceed on the basis that it will be for domestic ancillary use, the report is as previously presented.
2. Subject to conditions the development would conserve the character of the building, would provide ancillary accommodation in accordance with the Authority's adopted planning policies, and would not result in adverse planning impacts.
3. Accordingly, the application is recommended for approval.

**Site and surroundings**

4. The building subject to the development proposal is a modestly sized former barn located to the South of the village of Curbar, in a Conservation Area.
5. The property is a single storey natural stone structure, with a pitched tiled roof and timber windows and doors. A series of timber barn doors are situated to the southern front elevation, with glazing behind. A small stable is attached to the western side of the property, and incorporates timber boarding and a catslide roof. Solar panels are attached to the northern rear elevation.
6. Access to the building is via a track to the north of the property, leading from Bar Road. A parking area is situated to the north of the structure, and the main dwelling on the site is situated to the north of this.
7. The main dwelling on the site is a substantial stone farmhouse with garages. A horse riding arena is situated to the north east of this, and further stables are situated to the south east of the site.

**Proposal**

8. Conversion of existing building within the curtilage of a dwelling house to form living accommodation for ancillary use of the main dwelling - retaining 1 stable, equipment store and tack room within the application building.

**RECOMMENDATION:**

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

1. **3 year implementation period.**
2. **Development to be carried out in accordance with specified amended plans.**

3. **Ancillary domestic use only and tied to Lane Farm.**
4. **No use of the building for holiday or other letting.**
5. **Tack room, equipment store and stable for equestrian use only.**
6. **New door to be in timber and recessed to match.**
7. **Permitted Development Rights removed.**
8. **Area shown for parking, garaging, circulation and standing of vehicles being provided prior to use**

### **Key Issues**

- Whether the building is suitable for conversion
- The impact of the development on the character and appearance of the building
- The landscape impact of the development
- The highways impact of the development

### **History**

1988 – WED1088524 – Reinstatement of vehicular access – Approved

1989 – WED1188567 – Alterations and extensions to dwelling – Approved

1989 – WED0289085 – Erection of stable block – Approved

1991 – WED0291104 – Formation of horse menage – Refused

1991 – WED0291103 – Erection of hay barn – Approved

1996 – DDD1096405 – Demolition and rebuilding of porch; and erection of conservatory – Refused

1996 – DDD0896356 – New Menage & Landscaping – Approved

1996 – DDD0896333 – Extension to hay barn – Approved

1999 – DDD0999433 – Erection of conservatory – Approved

2001 – DDD1001470 – Conversion of stable block to small private therapy centre and covered garden – Refused and dismissed on appeal

2003 – DDD1202613 – Conversion of stable to therapy centre and home office – Approved

2004 – NP/DDD/0704/0764 – Extension to dwelling – Withdrawn

2005 – NP/DDD/0205/0169 – Extension to dwelling – Approved

2009 – NP/DDD/0709/0590 – Erection of dwelling – Refused

2014 – NP/DDD/1213/1137 – Retention and alteration of stable building – Approved

2016 – NP/DDD/0616/0526 – Application to increase the size of an existing horse exercise ménage and associated works – Approved

### **Consultations**

9. Highway Authority – No objections subject to area shown for parking, garaging, circulation and standing of vehicles being provided prior to use.
10. Parish Council – Object to the plans because they feel that the proposals would lead to an increase in activity on the site, a loss of stabling creating a further demand for outbuildings, and highway safety concerns.

### **Representations**

11. One letter of support has been received in relation to this application. Representations have been received from a Parish Councillor, raising the same concerns as those highlighted by the Parish Council.

### **Main policies**

12. Relevant Core Strategy policies: GSP1, GSP3, L1, L3
13. Relevant Development Management Plan policies: DMC3, DMC8, DMH5, DMT2, DMT7

### **National planning policy framework**

14. 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.
15. 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.
16. 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

17. 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). GSP1 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.
18. 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.
19. 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.
20. Policy L3 states that development must conserve and enhance any asset of archaeological, architectural, artistic or historic significance or its setting that has statutory designation or registration or is of other international, national, regional or local significance.

### Development Management Policies

21. 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.
22. Development Management Policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the significance of the Conservation Area will be preserved or enhanced.
23. DMH5 states that the conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that: (i) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property at a later date through demand for further outbuildings; and (ii) the site can meet the parking and access requirements of the proposed development; and (iii) the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling.
24. Development Management Policy DMT2 emphasises the importance of safe access to developments.

25. Development Management Policy DMT7 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

26. Policy DMH5 states that the conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that it would not result in an over-intensive use of the property. The property is situated close to the main dwelling at Lane Farm, and the site and building in question are large enough to prevent an over-intensive use.
27. The proposed plans would provide an adequate standard of accommodation or amenity space adhering to Policy DMH5.
28. The building has been converted for use ancillary to the main dwelling for conversion to a therapy centre and home office in 2003. The plans would not be over intensive development of the property now or at a later date through demand for further outbuildings
29. The accommodation provided would remain within the curtilage of the main house, would be accessed via the same access route, sharing services and utilities, and would remain under the control of the occupier of the main dwelling.
30. The building is relatively modern and is not a heritage asset, though it has been constructed from traditional materials in part. It's retention by allowing ancillary use is acceptable. The adjoining stable would not be suitable for conversion. As such, a condition should be imposed restricting this to equestrian use only.
31. The proposed alterations include the replacement of a glazed door with a fixed timber barn-style door, the slight raising of the internal floor level, the conversion of existing rooms to a sitting room, kitchen/diner, bedroom and bathroom, and the introduction of a small section of internal wall. Given that very few alterations are proposed to facilitate the proposed plans, I consider the principle of use as ancillary accommodation to be justified.
32. The approval for conversion to a therapy centre and home office in 2003 was a personal consent. As such, the building should have been returned to use as a stable and any current ancillary residential use may be unauthorised. Nevertheless, the principle of conversion to ancillary domestic accommodation is in accordance with policy.

### Character/Landscape

33. Policies L1 and L3 state that development must conserve and enhance valued landscape character and any asset of archaeological, architectural, artistic or historic significance. Policies DMC3 and DMC8 state that development should conserve the surrounding landscape and preserve the Conservation Area.
34. As previously stated, very few alterations are proposed to facilitate the proposed plans. There would therefore be no additional impact from a character or landscape perspective.

### Amenity

35. Policies GSP3, DMC3, and DMH5 indicate that development should not result in any adverse impact on amenity and the living conditions of communities
36. The proposed conversion and alterations would not result in any significant adverse impact on neighbouring properties. The alterations relate to an existing structure that has already been converted, and there are no other properties situated in close proximity. As such, the plans would result in no issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. This is a large site with ample outdoor amenity and parking space, so the proposed plans would not result in overdevelopment.

### Highways

37. Policies DMT3 emphasises the importance of safe access and appropriate parking provision.
38. The proposed plans indicate that a parking space would be allocated to the front of the property, with no other alterations in terms of access or parking.
39. DCC Highways was consulted on the application and raised no objections. The following comments were made:
40. 'The Highway Authority requested further information from the applicant to address concerns regarding access visibility and whether or not this proposal would result in an intensification of vehicular activity. The previously approved use of the proposal site is a therapy centre and office; the Highway Authority raised no objection when this use class was proposed under ref NP/DDD/1202/613.
41. With this in mind, it is unlikely that this current proposal would result in an increase in vehicular activity over what could occur under the existing approved use class, which satisfies the Highway Authority's previously raised concerns. Accordingly, there are no highway objections and the following condition should be included with any consent given:
42. 1. Before the unit is brought into use, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
43. In addition to the above conditions, the following notes should be appended to any consent for the applicant's information:- The application site is affected by a Public Right of Way (Footpath/ Bridleway number ...[Parish] on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place'.
44. The comments from DCC Highways are accepted. The use of the building as a therapy centre and office in the past resulted in no highways objection, and the proposed plans would result in any additional vehicular movements. There would be no further impact in terms of highway safety. Ample parking is available on site, and I consider that the imposition of the suggested parking condition is justified.

### Representations

45. As a result of consultation, one letter of support has been received in relation to this application. Curbar Parish Council objected to the plans because they feel that the proposals would lead to an increase in activity on the site, a loss of stabling creating a further demand for outbuildings, and highway safety concerns. A further representation was received from a Parish Councillor, raising the same concerns as those highlighted by the Parish Council.

### Conclusion

46. The proposed amended plans are appropriate in terms of principle, scale, form and materials, subject to the imposition of conditions. No harm would arise from the the conversion which is of a quality appropriate for conversion, and the alterations would result in no adverse impact to the appearance of the existing structure or the surrounding Conservation Area.
47. The application is acceptable in terms of amenity, parking and highway safety, subject to the imposition of conditions. It is necessary to impose a condition restricting occupation to ancillary use tied to Lane Farm, as the creation of a separate independent dwelling would be contrary to policy. It is also necessary to remove Permitted Development Rights, to prevent any inappropriate alterations.
48. Therefore in the absence of any other material considerations the proposals are considered to be acceptable and in accordance with the development plan and accordingly are 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

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