

7. FULL APPLICATION – CHANGE OF USE FROM ANCILLARY ACCOMMODATION TO A MARKET PRICE DWELLING AT BURN BOOTH FARM LONGNOR (NP/SM/0220/0105, MN)

APPLICANT: MR RON HALL

Summary

The proposal is to convert a former outbuilding – now in use as an ancillary dwelling – to an open market dwelling.

The development is contrary to planning policy in principle due to the fact that the building is already in a use that secures its conservation, and because it would result in the loss of an ancillary dwelling at the site.

Further, separate ownership and occupation of the two dwellings would give rise to unacceptable amenity impacts for the occupiers of the property.

In addition, no assessment has been made of the scope for the development to adopt climate change mitigation measures, as required by planning policy.

There are no other policy or material considerations that would indicate that planning permission should be granted and the application is therefore recommended for refusal.

Site and surroundings

Burn Booth Farm is a smallholding situated in the open landscape approximately 1.5 km west of Hollinsclough. The site comprises of a farmhouse and attached former agricultural outbuilding, which is now in ancillary residential use. Other agricultural buildings are also present on site. Both the dwelling and the attached building are constructed from natural gritstone under a blue slate roof with Upvc windows in the current dwelling.

Set back from the highway and accessed by a long driveway, the site is not visible from this vantage point due to the undulating topography of the surrounding landscape. Edge Top Farm, a listed property, is the nearest neighbouring dwelling, located 130 metres to the east of the site, adjacent to the main road.

A public footpath runs through the site to the front of the buildings. Areas of SSSI are also located on Leek Moors to the west of the site.

The site is outside of any designated conservation area.

Proposal

To remove the ancillary occupancy restriction currently in place on the converted barn to create a second open market dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. Because the building is already in a use that secures its conservation the conversion to open market housing is not required to secure conservation or enhancement of a valued vernacular building. As a result the proposals are contrary to Core Strategy policy HC1C.**

2. **The development would result in the loss of an ancillary dwelling that was secured by a previous permission, contrary to Development Management policy DMH10.**
3. **The property would have inadequate residential amenity due to its location adjacent to the farmyard and buildings, and a lack of separate outdoor amenity space from that of the existing dwelling, contrary to Development Management policy DMC3.**
4. **No assessment has been made of the scope for the development to incorporate climate change mitigation measures, contrary to Core Strategy policy CC1.**

Key Issues

- Whether the principle of conversion accords with the planning policies of the Development Plan
- Whether the development would have acceptable impacts on residential amenity

History

2014: Planning permission granted for conversion of outbuilding to ancillary accommodation. The permission included a condition restricting the occupancy of the building:

The accommodation hereby approved shall be ancillary to the existing dwelling at Burn Booth Farm and shall not be occupied other than by members of the family of the owner / occupant of that dwelling.

The reason for the condition was specified as:

The accommodation is considered to be unsuitable for independent occupation because of its relationship with the existing property and its proximity to the working farm complex.

1998: Permission granted for erection of loose boxes for cattle housing.

1994: Permission granted for lean-to roof over manure heap off an existing shed.

1993: Permission granted for muck store with effluent tank.

Consultations

Highway Authority – No objections.

Parish Council – Support the application, detailing at length the personal circumstances and credentials of the applicants, and explaining that the property would remain within the family rather than the application being made for financial gain.

District Council – No response at time of writing.

PDNPA – Archaeology – No archaeological concerns due to the building having been previously converted.

Representations

No letters of representation have been received at time of writing.

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3, HC1, CC1

Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMH10

National planning policy framework

The National Planning Policy Framework (NPPF) was first 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 the Development Management Policies document 2019. 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.

Paragraph 172 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.'

Part 16 of the National Planning Policy Framework deals with conserving and enhancing the historic environment.

Amongst other things, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It notes that the more important the asset, the greater the weight should be. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Development plan

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.

Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

Policy L3 requires that development must conserve and where appropriate enhance heritage assets.

Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail. Policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.

Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.

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.

Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.

In relation to proposals under Core Strategy policy HC1CI (i.e. conversion of valued vernacular buildings to open market dwellinghouses for conservation purposes) it states that these will only be permitted where:

- (i) the building is a designated heritage asset; or
- (ii) based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and
- (iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and, where appropriate, the enhancement of the significance of the heritage asset and the contribution of its setting.

Development Management Policy DMH10 states that the subdivision of a dwelling and the creation of new dwelling units will be permitted provided that the subdivision would not prevent or undermine:

- (i) the quality of the landscape and immediate setting of the building in line with conservation policies; or
- (ii) the residential amenity of any nearby residential properties; or
- (iii) the use of the original dwelling where that is already subject to a condition or legal agreement restricting:
 - (a) use as an affordable house for eligible persons in housing need; or
 - (b) use as an ancillary dwelling; or
 - (c) use as an essential worker dwelling; or
 - (d) use by those either requiring or providing care; or

(e) joint use of the building for residential and business use;
or

(iv) the use of any outbuilding as an ancillary dwelling where it is already subject to a condition or legal agreement restricting its use.

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 of development

The proposal states the proposed use of the building as a ‘market price dwelling’. This is understood to mean an open market dwelling.

The current use of the building as approved by the 2014 decision notice is as residential accommodation ancillary to Burn Booth Farm. The approved plans show the accommodation to be entirely self-contained from the house, and to include living, cooking, sleeping, and bathroom and toilet facilities. As a result, as a matter of fact and degree, it is a dwellinghouse. The condition imposed on the 2014 permission restricting its occupation prevents it from lawfully being occupied as an independent and open market dwellinghouse. At present, it therefore represents an ancillary dwellinghouse, and remains a single planning unit with Burn Booth Farm.

Policy DMH10 makes clear that the creation of new dwelling units will not be permitted where that the subdivision would prevent or undermine the use of any outbuilding as an ancillary dwelling where it is already subject to a condition or legal agreement restricting its use.

That is precisely the existing situation here and to create separate planning unit through division to two dwellinghouses would undermine the purpose of the previously imposed restriction.

The proposal is therefore contrary to policy DMH10 in principle.

Further, policy HC1C states that conversion of valued vernacular buildings to dwellinghouses will only be permitted where this is required for their conservation and/or enhancement. Policy DMC10 goes on to state that proposals made under the provisions of HC1C will also only be permitted where the National Park Authority has identified the building as a non-designated heritage asset.

Insufficient details of the heritage of the building have been submitted for it to be possible to establish its heritage value or credentials. Given its construction and appearance, and that it appears contiguous with the farmstead though (itself identified as a historic farmstead by an Historic Buildings, Sites and Monuments Record (HBSMR)), it is anticipated the building would be likely to be concluded to be a non-designated heritage asset following proper assessment.

However, the proposals are not, in any case, required for the conservation or enhancement of the building. This has already been secured by the previous conversion from a redundant agricultural store to residential accommodation.

Because the conversion cannot be concluded to be required to achieve the conservation of a valued vernacular building it would not comply with policy HC1C, even if the building were

concluded to be a non-designated heritage asset. Therefore, the development is also unacceptable in principle on these grounds.

Landscape and built environment impacts

No changes are proposed to the fabric or layout of the property – because it is already functioning as a self-contained ancillary dwellinghouse none are required.

The development would therefore conserve the character and appearance of the built environment and landscape of the area as required by planning policy.

Amenity

We understand that the applicants' intentions at this time are not to sell the property separately from the farmhouse, and that the two units would continue to be occupied by members of the same family. However, there would be no planning control over any future changes of ownership and the Authority is obligated to take a longer-term view of the property and any impacts that approving the development could result in.

The application building is adjoined to the farmhouse and is located adjacent to the farmyard and close to the property's range of farm buildings. It has its own small amenity space to the rear and parking space to the side – both adjacent to the farmyard.

As a single planning unit, these relationships do not give rise to planning concerns in terms of amenity; the owner of the property retains full control over both the occupation of the ancillary dwelling and the activity on site.

However, severing the ancillary link could lead to a situation where the occupier of the newly formed independent dwelling has no relationship to the operator of the farm or occupier of the adjacent dwelling. They would have no control over the farming operations, which in such close proximity to the house would be unlikely to result in unacceptable noise, odour, and safety impacts.

These are the reasons that the ancillary occupancy restriction was originally imposed on the converted outbuilding back in 2014, and the circumstances on the ground remain unchanged.

The proposals are therefore contrary to policy DMC3 and the amenity impacts remain a significant reason why the splitting of the property in to two market dwellings cannot be supported.

Highways

It is not anticipated that the development would result in a significant change in traffic to the site, or in parking requirements. Further, no changes to access or driveway arrangements are proposed.

The development therefore raises no concerns on grounds of highway safety.

Climate change mitigation

No details have been submitted to detail how the proposals would accord with policy CC1 in terms of complying with the energy hierarchy.

Whilst it is acknowledged that no changes are proposed to the building, the uplift in the value of the property that would be secured by the conversion could provide scope for some energy saving and carbon reduction measures to be integrated in to the development.

Without any assessment of these matters, the application is contrary to policy CC1.

Other matters

Whilst the building is of such an age that protected species survey would be commonly required to establish impacts on bat and bird populations, because the building is already in residential use and because no further alteration is proposed this is concluded to be unnecessary in this case.

It is not anticipated that there would be any changes to drainage from the site as a result of the proposals.

Conclusion

The development is contrary to policy HC1 in principle because the building is already in a use that secures its conservation, and because the development would result in the loss of an ancillary dwelling at the site, contrary to policy DMH10.

Whilst there would be no physical changes to the building, the potential for the farmstead and application building to be taken in to separate ownership and occupation would also give rise to unacceptable amenity impacts for the occupiers of the property.

Further, no assessment has been made of the scope for the development to adopt climate change mitigation measures, as required by policy CC1.

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

Accordingly, the 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

Report Author: Mark Nuttall, Senior Planner (South)