

14. FULL APPLICATION: CONVERSION OF 3 AGRICULTURAL BUILDINGS TO 2 SELF-CATERING HOLIDAY UNITS AND GARAGES/GAMES ROOM ANCILLARY TO DWELLING, IVY HOUSE FARM, UPPERTOWN, BIRCHOVER (NP/DDD/0315/0244, P.9270, 414217 361642, 30/04/2015/CF)

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 self-catering holiday units. 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 APPROVED subject to the following conditions/modifications:

Statutory Time Limit

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**

Approved Plans

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, Drawing No.s 1272-10D, 1272-11C, 1272-13B and 1272-14A, subject to the following conditions or modifications:**

Ancillary Uses

3. The garaging/games room building hereby permitted shall remain ancillary to the existing house at Ivy House Farm and shall be used solely for garaging of domestic vehicles on the ground floor, and solely for purposes incidental to the ordinary domestic use of the existing house on the first floor.

Holiday Occupancy Restriction

4. The accommodation hereby permitted (i.e. holiday unit A and holiday unit B) shall be retained as short-let holiday residential use ancillary to Ivy House Farm and shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The existing house and the approved holiday accommodation shall be maintained as a single planning unit.

The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request.

Parking and Access

5. No development shall take place until precise details, including a timetable for its implementation, of improvements of Clough Lane, to include limits of the surfacing improvement and proposed construction have been submitted to and approved in writing by the National Park Authority. Thereafter, the scheme shall be implemented in accordance with approved details and timetable and retained throughout the life of the development hereby permitted.
6. Prior to the commencement of any other works on the conversion of the two buildings hereby permitted, a new vehicular access shall be created to Clough Lane in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.
7. Prior to the first occupation of either of the two houses hereby permitted, space shall be provided within the application site in accordance with the approved plans for the parking and maneuvering of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Foul Water Drainage

8. Foul drainage associated with the new houses shall be disposed of to a private treatment plant, the details of which shall be first submitted to and approved in writing by the National Park Authority. The provision of the private treatment plant shall thereafter be carried out in accordance with the approved details and shall be completed prior to the first occupation of either of the houses hereby permitted.

Design Details

9. Prior to the installation of any glazed panel, full details of their precise design including external finish, recess from the external face of the wall, and glazing bar detail shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.
10. All new doors and door shutters shall be constructed from vertically boarded timber and shall be stained dark brown to match the existing timberwork at the time of their installation.

11. The external staircase to the garage/games room building shall be constructed of natural gritstone to match the existing walling in terms of stone colour, size, texture, coursing and pointing.
9. The handrails to the external staircase to the garage/games room building shall be painted black at the time of installation and shall thereafter be permanently so maintained.
10. All pipework, other than rainwater goods, shall be completely internal within the building.
11. Any new 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.
12. The rooflights shall be fitted flush with the roofslope.

Permitted Development Rights

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of either of the three buildings subject of this application shall be carried out other than those expressly authorised by this permission and no extensions, porches, ancillary buildings, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.

Key Issues

- Whether the proposed conversion of two buildings to self-catering accommodation would demonstrably harm the amenities of the local area.

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 permission 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.

March 2015 - Planning permission refused by the Authority's Planning Committee for the change of use of two detached single-storey agricultural buildings in the courtyard to open market dwellings and 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.

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

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

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

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

September 2008 – Full 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) – The Highway Authority is concerned about the state of Clough Lane and the additional traffic using Clough Lane and the current proposals have the potential of generating additional traffic.

The Highway Authority goes on to say whilst this current application is only for 2 holiday lets, they are substantial in size (1 x 4 bed and 1 x 3 bed). Also, whilst the proposals will obviously be changing the use of these buildings, the farming traffic associated with this site/land will remain as the applicant leases out the surrounding land to a third party. Therefore, if this third party accesses the land via Clough Lane, then in theory the holiday traffic would be additional to the farm traffic not a replacement.

However, on an as-submitted basis, the Highway Authority would be able to support the current application subject to conditions and providing Clough Lane is improved by the applicant, including works to improve its surface and maintain it fit for purpose.

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

Five letters of objection have been received from nearby residents of this part of Birchover village, which raise a number of issues including:

- 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.

One resident also comments that 'each time planning is refused, another one goes in immediately with only slight alterations each time to the previous ones, hoping the Authority will eventually change their minds and give in to these plans'. Several letters also comment on the adverse impact of increased traffic movements along Uppertown Lane whilst the B5056 was closed from Birchover to Winster recently for maintenance.

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 leisure and tourism development.

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, Rt2, and L1. These policies are supported by saved Local Plan policies: LC3, LC4, LC8, LC24, LH1, LH4, LH6, LR6, LT11 and LT18. Of these policies, RT2, LR6 and LH6 are most directly relevant to the acceptability in principle of the proposals in the current application.

Firstly, RT2(A) says the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted. Policy LR6 says where self-catering accommodation is acceptable outside of named settlements, its use will be restricted to holiday accommodation.

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

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 is acceptable 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 stair case 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 self-catering holiday units

These proposals relate to 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 lintels 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. In these respects, the subject buildings are suitable candidates for conversion to holiday accommodation within the provisions of Core Strategy Policy RT2. In these respects, if permission were to be granted for the self-catering accommodation, a holiday occupancy restriction should be imposed on any permission in accordance with the requirements of saved Local Plan policy LR6.

In this case, the current application proposes the conversion of the food store to a four-bedroom holiday unit (with an internal floor area of c.160m²) and the sheep amenity building to a three-bedroom holiday unit (with an internal floor area of c.97m²). The works required to convert the food store 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 original 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 otherwise 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 south facing arched opening remains boarded in the former sheep amenity building (as shown on the submitted plans), there are no concerns that the two new units would impinge on each other's privacy, and the two holiday units 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.

However, 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. In this case, officers do not consider that the extra vehicular movements along Clough Lane, Uppertown Lane and Main Street that would be generated by the two new holiday units 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 wide range of 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, it is considered that the impact of the development on the amenities of the local area would not be so substantial to warrant refusal of the current proposals, which are otherwise acceptable in principle, despite the buildings being relatively recently built and were granted permission on the basis that they were required for agriculture.

It is considered that whilst it is highly unlikely that these buildings will be brought back into use for agriculture, any condition requiring their demolition would be difficult to enforce. This is because demolition of a substantial stone built building that has actually been granted planning permission would be an overly onerous requirement even though the justification for the original approval may now seem particularly weak with the benefit of hindsight. It is therefore appropriate for the Authority to consider approving a new use for the buildings at Ivy House Farm that accords with Development Plan policies rather than insist that they are demolished or retained for agriculture.

It is also relevant to the planning merits of the current application that the Highway Authority is concerned about the state of Clough Lane and has recommended conditions securing improvements to Clough Lane if this application were to be improved. The applicant has previously expressed a willingness to carry out these works that would address any residual concerns that the existing vehicular access is unsuitable or unsafe and these works would provide an enhancement to the amenities of the local area, improving Clough Lane for the benefit of other highway users as well as facilitate the change of use of the buildings proposed in this application.

Conclusion

It is therefore concluded that the benefits of granting planning permission for the current application outweigh the likely adverse impacts of doing, so subject to appropriate planning conditions. As such, it is considered the current proposals constitute a sustainable form of development that are consistent with planning policies in the Development Plan and the Framework when taken as a whole. Accordingly, the current application is recommended for conditional approval.

In this case, a holiday occupancy restriction should be imposed on the proposed holiday units as required by LR6 also taking into account it has been demonstrated in the determination of the previous application at Ivy House Farm for conversion of these buildings that this Authority does not consider conversion of the two buildings to permanent dwellings would comply with housing policies in the Development Plan or national planning policies in the Framework.

A condition securing the improvement works to Clough Lane proposed by the highways authority would also be reasonable and necessary to ensure the benefits associated with approving this application would be achieved and to make the proposed development acceptable in planning terms. It would also be reasonable and necessary to restrict the use of the converted workshop building to uses ancillary to the existing house in accordance with the provisions of LH6 and to retain control over any further intensification of the use of this building in the interest of safeguarding the amenities of the local area.

Conditions imposing the statutory time limit for commencement of the proposed development and compliance with the submitted would be reasonable and necessary in the interests of the proper planning of the local area. Conditions addressing design details, architectural specifications and foul water drainage would also be reasonable and necessary in the interests of the character and appearance of the completed development and minimising the impact of the development on its landscape setting.

Finally, it is considered that exceptional circumstances exist in this case that justify removing permitted development rights for external alterations, including extensions, from the three converted buildings. In particular, these buildings have been built to a high standard of design and occupy a prominent position in the landscape adjacent to a public right of way.

Therefore, it would be a reasonable and necessary for the Authority to seek to manage any future changes to these buildings and their immediate settings by removing certain permitted development rights. It would also be important to ensure that future changes to the either of the two new holiday units are carefully considered in neighbourliness terms because of their close proximity to each other and the proximity of these units in relation to the farmhouse and associated curtilage.

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