

## **7. FULL APPLICATION – CHANGE OF USE OF APPROVED STABLE BUILDINGS TO 4 NO. BEDROOM SUITES, AN M&E ROOM AND A DOMESTIC STORE – BLEAKLOW FARM, BRAMLEY LANE, HASSOP (NP/DDD/0520/0404 TS)**

**APPLICANT: MR P HUNT**

### **Summary**

1. The application is for the change of use of a building that was previously approved as stables to be used for additional bedrooms for the main house instead. The development would not result in adverse planning impacts. In a recent appeal decision the Planning Inspector considered the cumulative impacts of using the stables as ancillary accommodation and a now approved change of use of a barn to letting rooms. The Inspector concluded that there would be no harmful amenity or highways 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 farmhouse in a deleterious condition 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. An

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 change the use of the building that has been approved for use as stables to additional bedrooms, plant room and storage for the main house.
10. 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 external doors and windows shall be of timber construction.**
4. **All timber work shall be in accordance with the details submitted for application NP/DIS/0217/0144 and shall be permanently so maintained.**
5. **The window frame glazing bars shall not exceed 18mm in thickness.**
6. **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.**
7. **All pipework, other than rainwater goods, shall be completely internal within the building.**
8. **There shall be no external meter boxes.**
9. **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.**

## **Key Issues**

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

## **History**

11. The most relevant planning history is application NP/DDD/0519/0460. This application proposed the same development that is under consideration now, i.e. the use of the approved stables as additional accommodation for the main house. The application was submitted as a section 73 application to vary the conditions on the original planning permission for redevelopment of the site.
12. The application was therefore a Section 73 application for the development of land without complying with conditions subject to which a previous planning permission was granted, rather than being a new full planning application.
13. A S73 application can be used to seek an amendment, where there is a relevant condition that can be varied to effect this. The resulting development cannot be substantially different from the one which was initially approved.
14. The inspector dismissed the appeal because he felt that the proposed change of the stables to ancillary accommodation was development that was not covered by the original development description. The inspector said that *“permission would be for something that was not covered by the original description of development, ie ancillary accommodation, rather than stable buildings. Although I acknowledge that the external appearance of the building would not be significantly altered, I consider the proposed ancillary accommodation, in terms of use, to be fundamentally different to the approved stable buildings. As such, I conclude that the proposal would go beyond the parameters of a ‘minor material amendment’.”*
15. This means that the proposed use of the stables as ancillary living accommodation was outside of the scope of the original planning permission because the original development description referred to stables and not ancillary accommodation. The application should therefore have been a new full planning application instead of a section 73 application.
16. In coming to the decision that the proposed development could not be considered under a section 73 application, the Inspector referred to some recent case law. This was a high profile court case that was determined a short time before the appeal. It is commonly known as the “Finney” case. In that case the Court of Appeal quashed a secretary of state decision to allow the height of a wind turbine to be increased under a section 73 application. The court of appeal found that as the height of the wind turbine had been set out in the original development description it could not be changed through a section 73 application. The key finding aspect relevant to this proposal was, therefore, that development which does not reflect the original description cannot be permitted by a section 73 application. The Inspector has strictly followed that finding in dismissing the appeal.
17. The appeal was dismissed because of this procedural issue, and not because of any unacceptable planning impacts. As the inspector took the view that the wrong type of application had been made, he did not consider the planning merits in detail. The inspector did however note that he had considered the cumulative impacts of this development and a proposed change of use of a barn to holiday accommodation together in a separate appeal that was considered at the same time (and allowed).

Costs were awarded to the appellant against the Authority.

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 retention of a parking area.

### **Consultations**

**Rowland Parish Meeting** – Object to the application noting *“Once again, in the application submission, the developer dismisses the concern of the residents of Rowland. We cannot state strongly enough the impact this extensive development is already having on the traffic through our village. This request, for a further four bedrooms, making 14/15 bedrooms in total, will obviously generate even more traffic.”*

**Great Longstone Parish Council** – no objections.

**Derbyshire County Council Highways** – *“In view of recent appeal decisions (APP/M9496/W/19/3238013 and APP/M9496/W/19/3238015), together with previous highway comments in relation to planning applications NP/DDD/1117/1128, NP/DDD/0519/0460 and NP/DDD/0519/0462 associated with the site, it is considered the Highway Authority is not in a position to raise objections to the above proposal.”*

### **Representations**

18. Two letters of objection have been received which raise the following concerns:

- Increase in traffic and harm to highway safety.
- Contrary to policy DMT5.
- Adverse landscape impacts.
- Harm to amenity from additional traffic movements.
- Access to the site should be via Bramley Lane instead of through Rowland.
- The proposed plans are inaccurate in respect of parking and curtilage.
- If approved, the extra bedrooms should not be let out to paying guests.

### **Main policies**

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

20. Relevant Development Management Plan policies: DMC3, DMH5, DMH7, DMH8, DMT3, DMT5.

## National Planning Policy Framework

21. 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.
22. 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.
23. 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

24. 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.
25. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide visitor accommodation.
26. 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.
27. 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.

28. 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.
29. 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,
30. 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.
31. Policy DMT5 states that Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.
32. 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**

33. The application seeks to alter the approved stables building in order to provide four bedrooms a plant room and store that would be ancillary to the main house.
34. The proposed development is essentially the same as that proposed under previous application NP/DDD/0519/0460. That application was deferred at the Planning Committee meeting in August 2019. Members deferred the application for the following reasons:
  1. Further details of overall scheme, including access arrangements
  2. Clarification on changes to plan for garage/games room
  3. Clarification on additional parking and extension of rear curtilage
  4. Clarification of extension of curtilage at front of property
  5. Intended use of barn
35. The applicant appealed against non-determination of the application. As outlined further above, the appeal was dismissed because the wrong application type had been made. However, the Planning Inspector found that the Authority's failure to determine the application was unreasonable behaviour. This was because there was sufficient information to understand the impacts of the development without any more information being submitted. He considered that: the applicant has been clear that the proposed additional bedrooms would be ancillary that the appellant has confirmed that their intention is to use the renovated dwelling as permitted within the scope of approved application Ref NP/DDD/1117/1128, ie C3 use class, and that the appellant has made it clear, via the 2 applications, what the proposed uses on the site would be and how they would be accessed.
36. The Inspector noted that other than what has been approved and what was applied for,

from which the cumulative impacts can be appreciated, in order to determine the proposals, the Authority was not required to consider whether the appellant wishes to use the site, or parts of it, for different uses in the future. In addition, as noted in the decision for allowed appeal for three letting rooms, if the Authority considers that a breach of planning control has occurred, it has the necessary powers to act to address such matters. The aspects that were being considered as possible breaches of planning control did not form part of the applications. The Inspector concluded that sufficient information was available to the Authority to be able to determine the application.

37. The Inspector was therefore absolutely clear that there is sufficient information on which to base a decision. Any fears about potential change of use of the site in the future must be set aside for the purpose of considering the current application. The application is submitted on the basis that the additional bedrooms, plant room and store are extra rooms for the main house. The application must be assessed on that basis. If the applicant wished to change the use in the future then further planning permission would be required. If the use of the property changes in the future without planning permission being obtained then the Authority can address that through planning enforcement. If the Authority fails to determine this application there is a very high likelihood that further costs will be awarded against the Authority.
38. 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.
39. 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.
40. 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

41. The building lies within the defined curtilage of Bleaklow Farm, adjoining the main house and is positioned in very close proximity to other outbuildings. 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.
42. The development would conserve the landscape character of the area as required by policies L1, DMC3, DMH5, DMH7 and DMH8.

### Ecological impacts

43. 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. .
44. Subject to this, the development would not be harmful to protected species or ecological interests and accords with policy LC2.

### Parking Provision

45. The parking provision as already approved is for parking to be within the large central courtyard and a garage. A separate application is also under consideration for the retention of an car parking area to the rear of the site. Even if the application for the parking area to the rear is refused, there is ample parking for the host dwelling as proposed to be extended by the additional bedrooms and the approved letting rooms within the central courtyard.

### Highways Impacts

46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. During the consideration of the allowed appeal for the three letting rooms in a detached outbuilding, the Inspector made it clear that they had considered the cumulative impacts of the traffic generated by both the letting rooms and main house with the additional bedrooms proposed under this application. The Inspector stated:

*“The proposals would result in the cessation of vehicle movements that could currently be generated from the use of the appeal buildings for agriculture and stabling, e.g. agricultural vehicles and horse boxes. I note that the Highway Authority did not object to either of the proposals, having concluded vehicle volumes on the surrounding highway network are low, and taking account of the corresponding vehicle speeds.*

*I conclude that the nature and extent of the proposed uses, both individually and/or cumulatively with development already approved within the site, would not result in an increase in traffic of an extent that would be raise any highway safety concerns or be detrimental to the enjoyment of any users of the surrounding highway network.”*
57. The Inspector has essentially already considered the highway impacts of the proposed development, only not allowing the appeal because of a procedural issue with the type of application that was made. In light of the continued lack of objection from the Highway Authority and the Inspector's comments, there are absolutely no grounds on which the Authority could justify refusal of the current application on highways grounds.

58. The proposal accords with policies DMH5, DMT3, DMT5 and DMT8.

### Amenity impacts

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. As with the highways impacts, the Inspector's decision for the letting rooms application was also absolutely clear in respect of the cumulative amenity impacts, noting:

*"I have concluded above that the proposals would not result in an increase in traffic of an extent that would be raise any highway safety concerns. Also as noted, as traffic increase, if any, would be minimal, I also therefore consider that there would not be a noticeable change in the number of vehicles passing any of the residential properties in the surrounding area, particularly those located in the hamlet of Rowland. As such, I conclude that the proposals, both individually and/or cumulatively, would not result in additional noise and disturbance from vehicle movements that would be harmful to the living conditions of occupiers of existing residential properties within the surrounding area."*

66. The recent appeal decision makes it clear that there are no grounds on which to refuse the application due to amenity impacts.

67. The proposal 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**

68. 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, DMT5 and DMT8.

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

70. 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

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