
7. FULL APPLICATION - CHANGE OF USE OF 'CROFT' TO DOMESTIC CURTILAGE, ERECTION OF GRITSTONE CLAD RETAINING WALL AND ASSOCIATED GROUND WORKS AT THE FORMER GOLDCREST ENGINEERING SITE, MAIN ROAD, STANTON IN PEAK (NP/DDD/0215/0074 P.2530 424040/364384 01/06/2015/CF)

APPLICANT: PETER HUNT

Introduction

A decision on this application was deferred at the meeting of the Authority's Planning Committee in May 2015. Members resolved to defer this item to allow for a site visit and further consultation with the Authority's Built Environment Team. This report has been updated to include consultation responses from the Authority's Built Environment Team and the Authority's Landscape Architect and has been updated to include letters of representations on this application that were received by the Authority after the original report had been published.

This report has also been updated to reflect the fact that the nearest neighbouring property to The Croft is a dwelling actually known as The Byres, which is to the immediate west of the new house on the Goldcrest site and was incorrectly called Croft View in the previous report. This report also picks up on points raised by the occupant of The Byres at a recent site meeting with officers regarding the original report and the potential impacts of these proposals on the quiet enjoyment of The Byres.

Site and Surroundings

The current application concerns the site of the former Goldcrest Engineering Works, which closed around 2007. The site is located on the north western edge of Stanton in the Peak and lies on sloping land behind the houses which run alongside the main street through the village. The site is accessed from by a narrow lane from the main road through the centre of the village, which is shared with three residential properties, and is set back from the road by approximately 40m northwards from the road. The site lies within the designated Stanton in the Peak Conservation Area, and is designated as an Important Open Space within the Conservation Area.

In 2009, planning permission was granted for the re-development of the site, which then comprised the former works building and a grassed area to the north of the building bounded by gritstone walls. Permission was granted for demolition of the pre-existing industrial building and the erection of a three bedroom dwelling. The 2009 permission was renewed in 2012 subject to amendments to include a fourth bedroom that was achieved by altering the internal layout of the approved house. The house is now nearing completion and whilst it is constructed primarily from local building materials, it has several contemporary design features so the new house is quite different in character and appearance to many other properties in the village that are more in keeping with the local vernacular.

However, it is particularly relevant to the current application that the permission granted in 1999, and the subsequent permission granted in 2012 sought to retain the grassed area to the north of the former engineering works as agricultural land. This area shown as 'The Croft' on the approved plans for the new dwelling is subject to planning conditions that seek to prevent The Croft being used as a garden for the new house. The approved curtilage for the new house includes a small area of garden immediately adjacent to the eastern side of the property.

Proposal

The current application seeks planning permission for the change of use of The Croft to domestic curtilage and retrospective planning permission for the erection of a retaining wall and associated engineering works carried out in The Croft. It should be noted that this application supersedes

the original submission of an application that sought retrospective planning permission solely for the retention of the retaining wall.

In this case, the retaining wall has been constructed 5m away from the eastern boundary of The Croft and runs parallel to the original eastern boundary of this parcel of land for almost its full length. The wall stops short of the northern boundary of the parcel by around 3.6m, leaving space to access the remainder of The Croft. The wall also reduces in height from 2m to 0.5m to deal with the changing levels of the associated engineering works that have created a relatively flat platform close to the house before the levels are ramped down as the wall gets closer towards the northern boundary of The Croft.

The retaining wall has been laid with randomly coursed gritstone so it now has the appearance of a drystone wall. The submitted plans show that it is intended to install estate-style fencing along the length of the wall. The railings would be cast iron and painted black. Information in the covering letter submitted with the application states that during the construction process, it became evident that the graded solution for The Croft (as approved) would not be practical in reality due to stability issues and that a more robust engineering solution was required instead. The covering letter also states that a fence would be needed above the height of the existing wall because of the relative low height of the wall on one side and the height of the wall above the remainder of The Croft.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, Drawing No. P10 Revision A, subject to the following conditions or modifications:**
- 2. Prior to the extended curtilage hereby permitted being taken into a domestic use, a detailed scheme for landscaping (including walling, tree and shrub planting and seeding and/or turfing) shall be submitted to and approved in writing by the National Park Authority. Once approved, the walling and planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following the land being taken into a domestic use. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.**
- 3. The estate railings for the retaining wall hereby permitted shall be cast metal, and painted black at the time of their installation. Thereafter, the railings shall be permanently so maintained.**
- 4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no buildings or enclosures, free-standing structures such as bouncy castles or trampolines, swimming or other pools required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or any containers used for domestic heating purposes for the storage of oil or liquid petroleum gas shall be erected on the site without the National Park Authority's prior written consent.**

Key Issues

- The effects of the change of use of The Croft to residential curtilage and the retention of the retaining wall and associated engineering works on the setting of the designated Conservation Area and the character and appearance of the surrounding landscape; and
- Design and amenity.

History

The following planning history is the most relevant to the current application following the closure of the former Goldcrest Engineering Works in 2007.

- 2009 Planning permission granted for demolition of former engineering works and erection of a 3 bedroom house of a contemporary design (NP/DDD/1208/1109).
- 2011 Approval of non-material amendments to NP/DDD/1208/1109 to alter cladding from copper to lead, relocation of garage and retention of boundary walls (NP/NMA/0411/0294).
- 2012 Renewal of 2009 planning permission granted conditionally (NP/DDD/0112/0075).
- 2012 Approval of non-material amendments to NP/DDD/0112/0075 to vary window design, add two additional windows, change the cladding materials from lead (as approved by NP/NMA/0411/0294) to zinc, alteration to the garage roof, and add a fourth bedroom (NP/NMA/0912/0890)
- 2013 Approval of non-material amendments to NP/DDD/0112/0075 to alter windows and relocate door in east elevation (NP/NMA/0513/0428).
- 2015 Approval of non-material amendments to NP/DDD/0112/0075 comprising the addition of copper cladding to the south elevation; an additional cladding panel to the west of the main entrance; the addition of a solid front door with a small glazed inset panel; and the change of colour of the window and door frames on the north elevation from the agreed Anthracite Grey to RAL8000 (NP/NMA/1015/0069).
- 2015 Conditions 1, 2, 4 and 5, and conditions 8-13 attached to the 2012 renewal permission discharged (NP/DIS/0115/0070).

Consultations

County Council (Highway Authority) - No objections to the original submission

District Council – No response to date

National Park Authority (Built Environment) – Having recently visited the site, the Authority's conservation officer has no objection to the scheme saying that the eastern part of this site appears to have been occupied by the previous industrial buildings, and the western part also appears to have been enclosed for some lesser time. As such, the Authority's conservation officer agrees that the conversion to domestic curtilage will not appear incongruous in the wider landscape, and will also help the new house to make its own contribution to the character and appearance of the conservation area. Therefore the Authority's in-house specialist has no conservation area objection to the current proposals.

National Park Authority (Landscape Architect) – Having recently visited the site, the Authority's Landscape Architect comments as follows:

The Authority's Landscape Architect believes that the retaining wall is excessive for the requirements required; however the wall is not a visual problem from public viewpoints. The Croft when viewed from the public footpath outside of the school appears to relate to the new house rather than being seen as a separate grazed area due to its size and location. Therefore, Authority's Landscape Architect does not have any objections to The Croft being included as part of the property boundary but would like to see the following landscape conditions:

- That the large gap in the boundary wall is closed off with a matching drystone wall and not estate fencing.
- That the beech hedging is removed and replaced with a double staggered row of hawthorn, blackthorn, holly hedge, similar to native hedges found in the locality.
- That PD rights are removed.
- That the paved area for the removed summer house is also removed.

The Authority's Landscape Architect would also like to see a landscaping/garden design for the site which includes at least one tree on the boundary.

Parish Council - Stanton in Peak Parish Council objected to the original submission as it could not see any reason why the originally approved plan could not be achieved using a similar "robust engineering solution" (retaining wall) at the originally agreed wall (east to west) forming the border between the residential curtilage and the agricultural Croft. The Parish Council also objects to the encroachment on the agricultural field and considers this will create a dangerous precedent for all other properties bordering agricultural land if allowed to continue. The original bordering wall has now been completely removed from the new application plans so no longer divides the residential from the agricultural side.

The Parish Council went on to say the new retaining wall would need a fence (running directly out from the residential curtilage into the agricultural Croft) to make safe the newly created drop, this and the fact that applicant has also laid paving from the garden into the croft and erected a summerhouse (since removed) meant the Parish Council had good reasons to believe that the only reason for building this new retaining wall in this position would be to extend the garden and increase the value of the development.

In these respects, The Parish Council noted that the area of the agricultural croft has, throughout the whole of the planning process, been repeatedly stated only to be used for agricultural purposes as it would "undermine the enhancements achieved by demolition" of the original building, as stated in all the Delegated Item Reports and Planning Consents from the very start. Even when the number of bedrooms were increased from three to four the Delegated Item Report stated the area "would not need to be taken into use as domestic curtilage to provide sufficient amenities for a larger house".

The Parish Council concluded their comments on the original submission by saying the policy considerations quoted by the applicant in the covering letter submitted with this application would be better served by sticking to the original graded plan for the agricultural land than the new proposed retaining wall (even if clad in gritstone).

In response to consultation on the revised application, the Parish Council continues to object to saying that the original application (for redevelopment of the site) and others up to now have insisted that the frontage and garden of the original plans were as required for a property of this size and therefore consider allowing an agricultural field to change use to expand the garden for the new house is not justifiable.

In addition, the Parish Council object to this development cutting into the "important open space" classed area of the Stanton in Peak Conservation Area, citing the Conservation Area Appraisal where it says: *"Looking north from the village, extensive open views add much to the attractiveness of Stanton and should be safeguarded for the future"*. The Parish Council conclude that the agricultural land should not be classed as domestic to safeguard it from future development.

Representations

At the time of writing, one letter of objection had been registered by the Authority against the original submission. This letter from the owner/occupier of a neighbouring property pointed out that planning permission for the site was granted on the basis that the croft area followed the contours of the adjacent field and this application would fundamentally change the natural landscaping of the croft in relation to the surrounding area. The letter went on to say that with the deep excavation works bordering (and immediately above) the author's garden over the last two years, the land has appeared to be stable throughout.

Therefore, the author of this letter considered the only reason for the retaining wall and fence, in their proposed position, appears to be to flatten the top area for paving and now that the Authority have required the paving to be removed (as it breached the original planning permission), there is no reason not to return to the original planned landscaping which distinctly separates the croft from the domestic garden.

A further seven letters of objection were received by the Authority after the previous report on this application had been published. Six of these letters were from local residents and raise similar concerns, the seventh letter was written by the owner/occupier of The Byres. Taking the six letters from the local residents first, the main focus of these letters is that the change of use of The Croft to domestic curtilage would run counter to the present settlement pattern of the village where as almost all the houses in the village have small gardens that do not project out into the surrounding fields. The proposed change to the domestic curtilage would cause this garden to project out from the existing settlement line and would be particularly inappropriate given that the dwelling adjoins the conservation area of the Village. A number of these letters mention that if this application is allowed, it would set a precedent that would permit many other dwellings to apply to increase the size of their gardens and this would change the character of the village.

As noted above, the seventh letter of objection received by the Authority after the previous report was published is from the owner/occupier of the nearest neighbouring property and sets out in some detail the author's concerns about the original report and the previous objections the Authority itself has expressed previously and consistently to the use of The Croft as domestic curtilage. This letter also sets out a number of objections to the current application, which are summarised by the author in to three key points as follows:

1. The croft is in the Stanton in Peak Conservation Area and furthermore falls within an area described in the Conservation Area plan as an "important open space". Allowing the area to be developed as a garden would be contrary to the ethos of the conservation area and would detract from the established character and appearance of the local area. The boundary of the village would be extended into protected agricultural land, and this would be the only garden to protrude in this way out of the Home Farm area. The proposed garden is shown in yellow on the attached plan of the conservation area.
2. Allowing the croft to be used as a garden sets a precedent for the other properties in the village which have croft areas that have not currently been taken into domestic curtilage. There is a real risk that approval of this application will lead to the village boundary being extended more widely.

3. The garden of my property ('The Byres', erroneously described as 'Croft View' in the plans) is directly overlooked by the croft area. The effect is exacerbated by the slope of the landscape which means that the croft is at eye-level with our bedroom windows (see attached photograph). The Planning Officer's report states that the croft is a minimum of 20 metres from our house, but in fact the distance is less than 15 metres from the lounge (see the attached location plan which has been corrected to show the actual footprint of our property in relation to the croft). It overlaps almost two thirds of the garden boundary and almost the entirety of the lawned area. The proposal would therefore have a significant impact on our privacy.

Main Policies

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, L1 & L3

Relevant Local Plan policies include: LC4, LC5 & LH4

There are no policies in the Development Plan that provide specific criteria to assess proposals to extend the garden of an existing dwelling house. The Local Plan says that this type of development should be assessed with reference to the Authority's design and conservation policies but this assessment should also be made taking into account relevant policies in the National Planning Policy Framework ('the Framework'). In this case, the key issues in the determination of the current application include design and amenity considerations and the effects of the proposed change of use of The Croft and the retention of the retaining wall and associated engineering works on the setting of the designated Conservation Area and the character and appearance of the surrounding landscape.

In these respects, 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, which is consistent with the aims and objectives of policies GSP1, GSP2 and L1 of the Core Strategy. The Framework otherwise states that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, including safe and suitable access provisions. These provisions are consistent with the requirements of Policy GSP3 and saved Local Plan policy LC4, which set out a range of criteria to assess the suitability of all new development within the National Park.

The Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development that would affect the setting of a Conservation Area, which are set out in policy L3 of the Core Strategy and saved Local Plan policy LC5.

Assessment

Condition 6 attached to the permission for the new dwelling on the site of the former Goldcrest Engineering Works says the area within the red-edged application site, as shown on the submitted site plans, and labelled 'CROFT' on the approved drawings shall not be taken into use as domestic curtilage and the croft shall not be used for any purpose, other than for agriculture, at any time during the lifetime of the development hereby permitted. Any permission for the current application would override this condition, which was imposed to minimise the impact of the development on the surroundings and to safeguard the landscape character of the area.

In the associated officer report written in 2012, it was said that the use of the enclosed croft, as shown on the approved plans, would need to be restricted by condition to prevent it being taken

into use as residential curtilage. The use of this area for domestic curtilage and the presence of domestic paraphernalia would undermine the enhancements achieved by demolition of the existing building alongside giving rise to potential neighbourliness issues.

In terms of neighbourliness issues, it is considered the only property that would be most directly affected by the proposed change of use of The Croft would be a dwelling known as The Byres, to the immediate west of the new house. The southern boundary of The Croft overlaps the garden at The Byres, which gives rise to the potential for overlooking from The Croft into the garden at The Byres and a potential loss of privacy. It is also considered first floor windows in The Byres would overlook The Croft, which rises in terms of ground levels from The Byres and this factor exacerbates the potential for intervisibility between the higher level of part of the Croft and the facing windows in The Byres.

However, the garden at The Byres is a generous size and The Croft is a minimum of 20 metres from the first floor bedroom windows overlooking The Croft at the nearest point between the boundary of The Croft and the main house at The Byres. There is also a ground floor window serving a lounge at the Byres between 14 and 15m from the boundary of The Croft but this window is orientated in such a way as to be less directly affected by the proposed change of use of The Croft. Although it is recognised the owner/occupant of The Byres has strong objections to these proposals and it is clear a lawned area with a summer house at one end of the garden furthest from the house would feel less of a private space than it does now it should be noted that there is already a glazed panel in the gable of the new house facing The Byres. Therefore, The Byres would not suffer an outright loss of privacy if this application were to be approved because the potential for the garden and facing windows to be overlooked already exists.

Taking all these factors into account, it is considered that the proposed change of use would not have such a significant impact on the living conditions of the owner/occupants of The Byres that the current application should be refused on amenity grounds. However, it is considered the potential neighbourliness issues can be fully resolved by the provision of additional planting along the southern boundary of The Croft to safeguard the privacy and amenities currently enjoyed by the owner/occupants of The Byres. This type of boundary treatment would otherwise address any residual concerns that the amenities of the nearby West View and Laburnum Cottage to the south of the application site would be affected by the proposals.

By virtue of the orientation of The Croft, the nature of the proposed use, and the distance between The Croft and other nearby houses, there is no likelihood that the proposals would have any significant impact on any other property within the local area including Holly House, which is a listed building set back to the immediate east of the new house on the Goldcrest site. However, with regard to the amenities of these properties and in particular the quiet enjoyment of The Byres, permitted development rights should also be removed so the Authority can retain control over the siting of any outbuildings such as summer houses to ensure they do not impact on the living conditions of nearby properties. This report goes on to explain why permitted development rights for further development in the proposed curtilage should also be removed in the interests of limiting the impact of the proposed development on the visual amenities of the local area.

In terms of the potential visual impact of the proposed development, the surrounding landscape is characterised in the Authority's Landscape Strategy and Action Plan as a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls within the Limestone Village Farmlands. In these respects, the proposals would not impact on the existing field boundaries around The Croft, which would prevent the proposals having a significant impact on the character of the surrounding landscape.

The Croft is a relatively small field parcel and reads as the edge of the settlement when viewed from public vantage points. The retaining wall and associated engineering work including the alterations to the levels in The Croft and the provision of a ramp do not otherwise have a

significant visual impact on the surrounding landscape and cannot be readily picked out from distant vantage points looking towards the village. Therefore, it is highly unlikely that changing the use of The Croft would be seen as a visually intrusive development in the wider landscape providing permitted development rights are removed for development within the extended residential curtilage.

Furthermore, The Croft lies within a designated Important Open Space within the surrounding Conservation Area albeit neither the inset map that shows the designation nor the map attached to the Conservation Area Appraisal show the boundary walls around The Croft or that The Croft is an enclosed field parcel within the area designated as Important Open Space. It is clear from the planning history of the site that the enclosed field parcel now known as The Croft was not created recently and it is not considered that taking this field parcel into a domestic use would significantly undermine the special qualities of the much larger extent of open fields beyond The Croft. The fact that the Croft appears to be the only enclosed small field parcel in this area of Important Open Space means it is highly unlikely approval of this applicant would create a precedent that could be easily followed by others.

It is also considered that the domestic use of The Croft would have no substantial impact on the extensive open views looking north from the village, which add much to the attractiveness of Stanton. This is because existing developments including the new house on the site of the former industrial building already block views of the countryside to the north of the village from public vantage points within the Conservation Area, such as Main Road, for example. In these respects, from within the Conservation Area, The Croft is most readily seen from School Lane around 80m to the east of the site, and from this vantage point; the proposed curtilage would also be seen within the setting of Holly House, a Grade II listed building which is set back from but to the immediate east of the application site.

Subject to the removal of permitted development rights for development within the extended residential curtilage, it is not considered that the proposed development would have a significant impact on the appreciation of the Conservation Area or Holly House from this vantage point. Notably, the Authority's conservation officer considers that the conversion of The Croft to domestic curtilage will not appear incongruous in the wider landscape, and will also help the new house to make its own contribution to the character and appearance of the conservation area. The Authority's Landscape Architect agrees and says that The Croft when viewed from the public footpath outside of the school appears to relate to the new house rather than being seen as a separate grazed area due to its size and location and therefore does not have any objections to the application subject to conditions including conditions removing permitted development rights and requiring a landscaping scheme.

It is otherwise acknowledged in the submitted application that the presence of domestic paraphernalia such as large outbuildings within The Croft could undermine the enhancements achieved by demolition of the former industrial building. It is therefore considered that exceptional circumstances exist that warrant removing permitted development rights also taking into account the Parish Council would strongly oppose further development of this site alongside objecting to the current application in the first instance and taking into account this type of control is necessary to safeguard the amenities of the neighbouring properties.

In terms of the development already carried out on site, the retaining wall and associated engineering works are not especially conspicuous from public vantage points, and it is not considered that the estate railing would be visually intrusive or significantly increase the visual impact of the development on the surrounding Conservation Area. It is not considered these works give rise to any additional neighbourliness issues that would not be addressed by the landscaping scheme discussed earlier in this report.

In terms of the design, the retaining wall, estate fencing and associated works do not otherwise give rise to overriding concerns because the retaining wall does have the appearance of a typical

drystone wall, and estate railings are a reasonably common feature within the local area. Although it is acknowledged these features and the associated engineering works would not necessarily be justified in terms of whether such substantial works were required to maintain the integrity of the pre-existing boundary wall, in design terms, they harmonise with their surroundings and would facilitate the use of The Croft as a garden. In summary, this means these works can be approved if the change of use of the land is also accepted because these works may not otherwise be acceptable if The Croft were to be retained as an agricultural field.

However, officers cannot see any likelihood of The Croft being used for agricultural purposes in the future and there is no evidence to suggest that The Croft was used extensively for agriculture in the recent past. There does not appear to be any particular reason why it would be important to retain The Croft in agricultural use, or why The Croft would be particularly valuable to any person farming the adjacent fields. Taking The Croft into a domestic use would not otherwise compromise the use of the surrounding fields for agriculture.

Conclusion

It is therefore concluded that Condition 6 attached to the permission for the new dwelling on the site of the former Goldcrest Engineering Works, which requires The Croft to be retained as agricultural land, does not serve a proper planning purpose. It is also concluded that The Croft could be used as extended residential curtilage for the new dwelling without having any significant impact on the surrounding Conservation Area or its wider landscape provided permitted development rights are removed for householder development within the extended curtilage, as proposed.

The proposed use of the land would not be unneighbourly subject to additional landscaping, which should be secured by a planning condition, and there are no overriding objections to the retention of the retaining wall and associated engineering works on design grounds, or in terms of their visual impact. The railings that would be added to the wall are also considered to be acceptable subject to a condition requiring the railings to be cast metal and painted black. Consequently, it is considered the current application meets the requirements of the relevant design and conservation policies in the Development Plan and national planning policies in the Framework subject to appropriate planning conditions.

Accordingly, the current application is recommended 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