

9. S73 APPLICATION – VARIATION OF CONDITION 23 ON PLANNING APPROVAL No NP/DDD/1220/1211 FOR THE CHANGE OF USE OF BARNs TO CREATE 2 HOLIDAY COTTAGES WITH ASSOCIATED WORKS TO BUILDINGS; MINOR ALTERATIONS TO LISTED FARMHOUSE TO ENABLE ITS USE AS A HOLIDAY COTTAGE; ASSOCIATED WORKS TO ACCESS AT GREENWOOD FARM, SHEFFIELD ROAD, HATHERSAGE (NP/DDD/0721/0775 JK)

APPLICANT: NATIONAL TRUST

Summary

1. Planning Permission and Listed Building Consent was granted for the conversion of this Grade II listed farmstead to 3 holiday lets at the April 2021 Planning Committee. Work is currently underway and the applicant is now seeking an amendment to the condition which requires prior approval of the hard landscaping details. All other aspects of the approved application remain the same.
2. The condition specifically required the submitted details to provide for drystone boundary walling to define the garden areas associated with the two cottages created in the converted barns which the applicant refers to as 'barnhouses'.
3. The applicant is willing to bound the curtilage of barnhouse 1 with a stone wall but seeks the use of post and wire fencing for the less prominent garden area for barnhouse2.
4. We conclude that the proposed garden area to Barnhouse 2 is adequately screened by existing walling and tree planting and therefore support the revision. However as the applicants suggested wording for the revised condition omits reference to drystone walling altogether, we recommend that reference to drystone walling to barnhouse 1 curtilage only is retained for the avoidance of doubt. Subject to this amended wording the application is recommended for approval.
5. The application is brought to the committee basis of the objection from the Parish Council

Site and Surroundings

6. Greenwood Farm is situated on the hillside to the south of Hathersage Booths and the A6187 Sheffield Road and some 1.5km to the SE of the village of Hathersage. The site is a historic farmstead dating back to 1874. It encompasses a Grade II 18th century farmhouse and two 19th century agricultural barns together with ancillary facilities and fields. The proximity of the L shaped traditional barns to the farmhouse means that they are curtilage listed.
7. The property is currently being redeveloped to form three holiday cottages following the grant of planning and listed building consent.
8. The buildings are constructed to a good standard in high quality gritstone with quoins, deep lintels and stone slate roofing of diminishing course and thickness. These qualities contribute to its vernacular appearance and the resulting traditional agricultural character has largely been preserved through its listed status. Stone boundary walls separate the farmstead from the adjacent tracks and bound the agricultural paddocks below the building group.

9. Access to Greenwood Farm is situated off a bend of the A6187 Sheffield Road. It is a private single track access shared by only one other property. The track also carries a popular public right of way footpath which is a route for those walking down the side of the property south-west towards the River Derwent or continuing along the track all the way south to Grindleford Train Station.

Proposal

10. The application form states the proposal is to vary condition 23 which refers to the hard landscaping works.

11. Condition 23 is currently worded;

‘Amended plans to revise details of the hard landscaping works shall be submitted to and approved in writing by the National Park Authority and once approved those works shall be carried out in full accordance with the agreed details prior to occupation. The details shall include proposed hard surfacing materials; boundary treatments which shall specifically provide for drystone boundary walling to define the domestic garden/private amenity space shown on drawing No PDNPA – NP/DDD/1220/1211 and referred to in Condition 2 above’

12. The applicants supporting statement explains that they are willing to provide walling for the shorter section around Barnhouse 1 but for Barnhouse 2 they are proposing post and wire fencing and therefore request that Condition 23 is revised as follows:

“Amended plans to revise details of the hard landscaping works shall be submitted to and approved in writing by the National Park Authority and once approved those works shall be carried out in full accordance with the agreed details prior to occupation. The details shall include proposed hard surfacing materials; and boundary treatments ~~which shall specifically provide for drystone boundary walling including boundaries to define the domestic garden/private amenity space shown on drawing No PDNPA – NP/DDD/1220/1211 and referred to in Condition 2 above~~”

13. The supporting statement goes on to clarify other hard landscaping details but as the application is specifically made only to vary the condition not discharge the condition, these details are for information only. The precise detail will be subject to a later application for the approval of the details reserved by the revised condition.

RECOMMENDATION:

14. That the application be **APPROVED** and condition 23 be amended as follows;

Amended plans to revise details of the hard landscaping works shall be submitted for approval in writing by the National Park Authority and once approved those works shall be carried out in full accordance with the agreed details prior to occupation. The details shall include proposed hard surfacing materials; and boundary treatments which shall specifically provide for drystone boundary walling to define the domestic garden/private amenity space of barnhouse 1 and post and wire fencing to define the domestic garden/private amenity space of barnhouse2

15. And subject to the following restated conditions which are amended to take account of details already formally approved post issue of the original decision notice no NP/DDD/1220/1211;

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans numbered: ‘Details of Hard Landscaping Condition 23’ ‘2717-SK-106F’, Proposed Access ‘406.03801.0005.14.H010.5’, Access Existing and Proposed ‘2717-SK-300B’, Proposed Elevations ‘2717-SK-110F’, Proposed Ground Floor Plan ‘2717-SK-107E’, Proposed First Floor Plan ‘2717-SK-108E’, Proposed Sections ‘2717-SK-109D’ and Log Store proposals MO/12/21/A1 subject to the following conditions and/or modifications;
 - i) The residential garden/private amenity space associated with each holiday dwelling shall be restricted to the areas outlined in red on the attached plan No PDNPA – NP/DDD/1220/1211
 - ii) Notwithstanding what is shown on the approved plan, the proposed timber slatted barrier to the rear of the Log Store shall be lowered in height to allow a space of no less than 60cm between the uppermost slats and the roof, to facilitate access by swallows.
 - iii) Notwithstanding what is shown on the approved plans, the number of vertical glazed panels in the new screen window frame to the stable door opening (Window 15) shall be reduced from four to three.
 - iv) The scheme agreed under application no NP/DIS/0621/0677 and shown on drawing No 2717-JL1 Rev B. shall be completed in accordance with the approved details before the holiday lets are brought into use.
3. This permission relates solely to the use of the new dwellings hereby approved within the converted barns for short-let holiday residential use ancillary to Greenwood Farmhouse. The properties shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The existing farmhouse 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.
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 alterations to the external appearance of the dwellings shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, hardstanding’s, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority’s prior written consent.
5. The conversions shall be carried out within the shell of the existing buildings, with no rebuilding other than that specifically shown on the approved plans.
6. Full design details and specifications (including furniture and finish) of all new or altered windows, rooflights and doors shall be submitted to the Authority for approval in writing prior to installation. Once approved the development shall be carried out in full accordance with the agreed details.
7. Full design details for all internal joinery including doors, architraves, stairs etc. and including details of a balustrade to be added to the staircase in the original farmhouse, shall be submitted to the Authority for prior approval in writing. Once approved the development shall be carried out in complete accordance with the agreed details.

8. All new extractor vents, internal vents, boilers and associated facilities shall be installed in full accordance with the agreed details under application No NP/DIS/1121/1288 and shown on plan no 21028-TACP-X-GF-D-A-0505 Rev A.
9. All new floors shall be constructed in full accordance with the details approved under application no NP/DIS/0621/0677 and shown on plan Nos 2717-SK_107C and GW/02/21/A15 Rev B subject to the provision that should there be any surviving stone flagged floors situated underneath the existing concrete floors the approval of the new floor details is subject to these being retained following being lifted carefully, cleaned and reinstated in accordance with a scheme to be agreed with the National Park Authority.
10. The existing satellite dish and television aerials shall be removed or relocated in accordance with a detailed scheme that shall first have been submitted for approval in writing by the Authority. Once approved the development shall thereafter be carried out in full accordance with the agreed details.
11. The proposed cladding/treatment of the internal faces of the barn walls shall be carried out in full accordance with the details approved under application No NP/DIS/0621/0677 and shown on revised plans numbered 2717-SK-1017 – Proposed Ground Floor Plan, 2717-SK-1017 – Proposed First Floor Plan and the sections shown on further amended pan GW/02/21/A15 Rev B and the justification statement.
12. All new door and window frames in the barns shall be recessed from the external face of the wall by 150mm with the exception of the arched stable door screen frame in ‘Barnhouse 1’ and the glazed doors to the cart openings in ‘Barnhouse 2’, which shall be recessed to the back of the masonry openings. Retained external timber shutter doors shall sit flush with the external face of the wall.
13. The new window opening shall be provided with a full surround in natural gritstone to match the adjacent opening; existing concrete lintels and sills shall be replaced with natural gritstone to match the original barn openings.
14. The rainwater goods shall be 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.
15. All pipework, other than rainwater goods, shall be completely internal within the building with no vent terminations whatsoever through the roof slopes.
16. No external lighting shall be installed other than in complete accordance with the scheme approved by the National Park Authority under application No NP/DIS/0621/0677 and shown on drawing No GWF-TACP-X-A-00506 Rev A subject to the PIR Sensor and timer for the car park lighting bollards, enabling a maximum length of time of 5minutes for the lights to remain on for after PIR triggering and shall not be switched on permanently at any time.
17. All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter in accordance with the details approved under application No NP/DIS/0621/0677 and shown on the amended BT ducting plan dated 3 February 2022 and uploaded to the PDNPA website dated 8th February 2022 and the amended plans received on 9th

November 2021 showing a) The proposed route of below ground water supply line and b) the proposed electricity supply line.

18. The Air Source Heat Pumps shall be installed in full accordance with the agreed details under application no NP/DIS/1121/1288 and shown on drawing no 21028-TACP-X-GF-D-A-0504 Rev A prior to occupation of any of the dwellings.
19. The Sewage Package Treatment Plant shall be installed in full accordance with the agreed details under application No NP/DIS/1121/1266 and shown on plan No 21028 GWF – TACP - X - GF - X – A - 00503 Rev A prior to occupation of any of the dwellings.
20. Prior to the occupation of any of the holiday lets the access improvements shall first have been completed entirely in accordance with plan Nos. 2717-SB-300B dated 15/03/21 and MO/12/20/A1.
21. Prior to the occupation of any of the holiday lets the works to achieve the forward visibility splay improvements on the highway land north of Sheffield Road shall have been completed in full accordance with drawing No 406.03801.0005.14.H010.5.
22. The holiday lets shall not be occupied until the parking and manoeuvring space shown on the approved plans has been fully constructed and available for use, thereafter the parking and manoeuvring areas shall be maintain free from any obstruction to their designated use throughout the lifetime of the approved development.
23. Amended plans to revise details of the hard landscaping works shall be submitted for approval in writing by the National Park Authority and once approved those works shall be carried out in full accordance with the agreed details prior to occupation. The details shall include proposed hard surfacing materials; and boundary treatments which shall specifically provide for drystone boundary walling to define the domestic garden/private amenity space of barnhouse 1 and post and wire fencing to define the domestic garden/private amenity space of barnhouse2
24. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under application No NP/DIS/0621/0610 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
25. The development shall be carried out in full accordance with the bat mitigation works approved under application No NP/DIS/0621/0610 prior to occupation.
26. The scheme approved for meadow enhancement for the landscaped areas approved under application No NP/DIS/0721/0813 - comprising a scheme of seed collection and spreading set out in the supporting statement and shown on plan No 2717 SK106 Rev E (insofar as it relates to condition 26 only), shall be carried out before the dwellings are occupied or within the first available planting/seeding season following the substantial completion of the development.

27. The development shall be carried out entirely in accordance with the submitted combined Tree Condition Report, Arboricultural Assessment, Arboricultural method statement and Tree protection plans for the farmstead area and the Arboricultural Impact Assessment for the road access area.
28. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; or in accordance with such other timescale as may be agreed in writing with the Authority, the proposed Oak tree shall be planted in the location shown on drawing No 2717-SK-300B in accordance with section 6.4 of the submitted the aboricultural method statement. Should the tree die, become severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), it shall be replaced in the next planting season by a specimen of similar size and species.
29. The retained tree located beside the farmhouse at the entrance into the courtyard shall not be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase or within 5 years from the date of occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Authority.
30. The siting and layout of the proposed location for the construction compound to house all equipment, welfare cabins and the parking and manoeuvring arrangements for all construction staff and material deliveries shall be in complete accordance with the plan no 2717-SK-101A approved under application No NP/DIS/0621/0610 and plan no 21028 GWF-TACP-X-GF-X-A-0010 showing the Temporary Stone Wall Access Methodology for accessing Barnhouse 2.

Key Issues

16. Development affecting Grade II listed buildings.
17. Development in open countryside with potential to affect the landscape character

Relevant Planning History

18. 4/01/2021 NP/DDD/1220/1211& 1212 Approval for planning permission and Listed Building Consent for change of use of barns to create 2no. holiday cottages with associated works to buildings; minor alterations to listed farmhouse to enable its use as a holiday cottage; associated works to access.
19. 3/04/2021 NP/DIS/0621/0612 Approval for Discharge of Condition 15 on NP/DDD/1220/1212
20. 22/06/2021 NP/DIS/0621/0677 Approval for Discharge of conditions 2, 9, 11,16 and 17 on NP/DDD/1220/1211
21. 22/06/2021 NP/DIS/0621/0678 Approval for Discharge of conditions 2, 7 and 9 on NP/DDD/1220/1212
22. 03/06/2021 NP/DIS/0621/0610 Approval for Discharge of Conditions 24, 25 and 31 on NP/DDD/1220/1211

23. 22/07/2021 NP/DIS/0721/0813 Approval for Discharge of Condition 26 on NP/DDD/1220/1211
24. 30/11/2021 NP/DIS/1121/1288 Approval for Discharge of conditions 8 and 18 on NP/DDD/1220/1211
25. 30/11/2021 NP/DIS/1121/1290 Approval for Discharge of conditions 6 and 14 on NP/DDD/1220/1212.
26. 25/11/2021 NP/DIS/1121/1266 Approval for Discharge of Condition 19 on NP/DDD/1220/1211
27. 21/12/2021 NP/DDD/1221/1388 Awaiting determination - Listed Building consent - Construct new timber floor structure on existing first floor timber landing floor to reduce level differences from bedrooms to improve the safe means of escape, Raise existing door head height to new bathroom to ensure the door accommodates the new floor height.
28. 20/01/2022 NP/DIS/0122/0072 Awaiting determination - Discharge of conditions 4 and 5 on NP/DDD/1220/1212
29. 20/01/2022 NP/DIS/0122/0073 Awaiting determination - Discharge of conditions 6 and 7 on NP/DDD/1220/1211
30. 24/02/2022 NP/DIS/0222/0274 Awaiting determination - Discharge of condition 10 on NP/DDD/1220/1212.
31. 24/02/2022 NP/DIS/0222/0267 Awaiting determination - Discharge of condition 10 on NP/DDD/1220/1211.

Consultations

32. DCC Highway Authority – No highway comments
33. Hathersage Parish Council – Objection to the removal of the stone wall and replacement with a post-and-wire fence; the removal of the stone wall is likely to have an adverse impact on wildlife/habitat and does not align with conservation and heritage principles. The proposed addition of decking is out of character with the property *Officer Note; The decking is for information only and will be the subject of a later application to discharge the condition when the full details of the hard landscaping are submitted*
34. PNDPA Built Environment – No comments.
35. PDNPA Archaeology – No archaeological comments.

Representations

36. One letter of objection has been received commenting that Greenwood Farm should be developed into affordable housing for the local /farming community, not for holiday letting - which is already available in abundance. The proposed investment planned by the NT could make a real difference, if redirected to local housing needs.

Relevant Planning Policy

37. National Planning Policy Framework

38. The National Planning Policy Framework (NPPF) last updated in 2021. The government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and those in the Development Management DPD adopted in May 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
39. Paragraph 176 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
40. Para 195. Of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
41. Para 197. Of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
42. Para 199. Of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

43. Para 200. Of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
44. Para 202. Of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
45. Paragraph 84 encourages planning decisions that enable sustainable rural tourism which respect the character of the countryside.
46. Peak District National Park Policies
47. 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, 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
48. 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.
49. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, RT2, CC1, CC3, T3, T6, T7
50. Relevant Local Plan policies: DM1, DMC1, DMC3, DMC5, DMC7, DMC10, DMC11, DMC12, DMC13, DMC14, DMR3, DME2, DMT3, DMT5, DMT7
51. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). Policies GSP2, DS1 and DM1 support this, outlining that opportunities to enhance the National Park should be acted upon and where permitted, development should be sustainable and respect the local character.
52. Policy L1 notes that development must preserve the landscape character and valued characteristics or it will not be permitted. DMC1 adds that any proposals must take into account the respective landscape strategy and action plans for each character area in the Peak District (which includes the White Peak).
53. Policy GSP3 adds that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities. Policy GSP4 notes that planning conditions may be tied to consents so as to fulfil wider outcomes associated with development.

54. Policies L3 and DMC5 pay specific attention to the value of designated and non-designated heritage assets, which refers to buildings that have architectural and historic significance, indicating that development must conserve and enhance the value of these assets and their setting. Reasonable evidence must be submitted and any works must be justified as desirable and necessary in the context of the National Park. Development that threatens heritage value will be refused.
55. DMC7 elaborates on this, requiring that applications should clarify how the significance of listed buildings will be preserved. Development will not be permitted if it will result in the removal of original detailing, the unnecessary alteration of windows and doors or works that propose materials and detailing which is not appropriate to a listed building.
56. Policy DMC10 refers to the conditions in which heritage assets can be converted to other uses. It specifies that conversion will be permitted provided the building is capable of the conversion; it does not involve major rebuild or inappropriate changes to appearance, character or the wider landscape; and the change of use will better conserve the asset.
57. Policy DMR3 states that any buildings used for holiday occupancy of self-catering accommodation, it will not be available for occupancy by one person for more than 28 days per year and should be tied by condition. Exceptions to this rule would require proof that there would be no adverse impact on the valued characteristics of the area.
58. Policy RT2 indicates that proposals for hotels, bed and breakfast or self-catering accommodation will only be permitted if it allows the preservation of a traditional building of historic or vernacular merit or if it extends an existing holiday accommodation. Proposals that will create unacceptable landscape impacts in the open countryside will not be permitted nor will the change of use of entire farmsteads.
59. Policies DMC3 and DMH7 add further design guidance, noting that particular attention should be afforded to the siting, scale, form, mass and relation to the settlement appearance and character. Efforts should be made to integrate new development with the existing and enhance where possible, particularly in areas of high conservation and heritage value. Consideration should be given to the finer detail of schemes including their resulting impact on amenity, privacy and access for the site and neighbouring properties.
60. Policy DMH7 indicates that extensions and alterations to dwellings are acceptable in principle, provided that they do not dominate the original building or detract from the character, appearance or amenity of the original building. Extensions that detriment the landscape will be refused.
61. Policies L2, DMC11 and DMC12 requires the safeguarding and enhancement of biodiversity and geodiversity, aiming to achieve net gains where possible. Applicants must prove that adverse effects and appropriate mitigation / safeguarding has been taken. Any proposal must also consider the effect on the setting of the development, taking into account the historical, cultural and landscape context.
62. Policy DMC13 requires that applications affecting trees should provide sufficient information to enable their impact on trees to be properly considered, especially in locations where trees and hedgerows contribute to the visual amenity or biodiversity of a location. Trees should be protected over the course of development and where this is not possible the applicant must justify the loss.

63. DMC14 requires that if development should pose risk of pollution and disturbance, including noise or light pollution impacting neighboring amenity, biodiversity or the landscape setting will require adequate control measures to be accepted by the Planning Authority.
64. Policy CC1 requires that all applications demonstrate consideration of climate change adaptation and mitigation and make use of sustainable construction methods where possible. Applicants should refer to the energy hierarchy for direction.
65. Policies T6 and DMT5 requires that development should safeguard public rights of way and where possible enhance the route. If it cannot be retained the development must provide an alternative of equal or improved quality that is convenient and attractive and has a similar / approved surface.
66. Policy T3 states that new transport infrastructure including lighting and signing will be carefully designed to account for the valued characteristics of the National Park. Policy DMT3 requires that where development includes an improved access onto a public highway, it must be safe and in a way that does not detract from the character and appearance of the locality. Where possible it should retain hedges, walls and roadside trees.
67. Policy T7 details that non-residential parking will be restricted in order to discourage car use and ensure it does not exceed the environmental capacity of sites. Policy DMT7 requires that new or enlarged car parks for visitor use will not be permitted unless a clear, demonstrable need can be shown.

Assessment

68. Variation or Removal of Conditions

69. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.
70. Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However, in terms of decision making, a section 73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations

Principle of the Development

71. The principle of the conversion of the buildings to holiday cottages along with the change of use of adjacent land to form residential curtilages has already been established by the earlier grants of planning and listed building consent. Work is underway with the conversion and this application only concerns a variation in condition 23 to enable the method of bounding the garden area to the eastern most barn conversion known as Barnhouse 2 to be changed.

72. As approved it was conditioned that the landscaping scheme provide for a drystone walled boundary which the applicant wishes to change to a post and wire fence instead.

Assessment of the Applicants supporting reasoning for the requested change.

73. *“Cost grounds - the new boundary wall for Barnhouse 2 requires some 53m of new drystone walling compared to only 11m for Barnhouse 1.”*

74. The cost of meeting the condition is a private matter for the applicant and not a planning matter we can place weight on. The key issue in determining the merits of the suggested change is the impact upon the landscape and setting of the listed buildings.

75. *“Based on historic mapping there is no historic precedent for a hard boundary along the western edge of the garden of Barnhouse 2.”*

76. We agree, formerly this was an agricultural paddock.

77. *“Beyond the existing stock fence, the western edge of the garden of Barnhouse 2 is made up of woodland which provides screening for the garden. Should a drystone wall be constructed along the western boundary of Barnhouse 2 it would need to be constructed over tree roots which may introduce further complications, e.g. impacts on trees or construction cost increases.”*

78. We have noted that the proposed walling would be close to adjacent trees which do provide some screening of the proposed garden area. Further screening of the amenity area is provided by the existing stone field walls which lie to the west of the garden and those further to the north and east. These walls and the buildings themselves will screen the proposed garden amenity area from both the public right of way to the west and the main right of way to the north-west. The block of trees immediately to the south west of the amenity area ensures no wider landscape impact of the change.

79. Therefore, on balance, taking account of the applicants reasoning and placing weight upon the fact that the areas would be well screened by the existing landscape features, we conclude that a lightweight post and wire fence, would be appropriate in this landscape setting. We therefore recommend approval of the request to vary the condition to allow this change but suggest a different wording to the applicant's suggestion in order to be clear about stone walling being needed for the more visible curtilage of Barnhouse1.

80. All other aspects of the development approved under application NP/DDD/1220/1211 remain unchanged and as approved so are not discussed here again.

81. Since that decision notice was issued there have been several applications for the approval of various details reserved by conditions which have discharged some of the conditions in part or in whole. The above recommendation of approval therefore is subject to those same conditions but with the wording of various conditions amended to take into account all the discharges agreed to date.

Conclusion

82. The conversion and alteration of this historic farmstead to use as three holiday cottages has already been approved via application No NP/DDD/1220/1211. The approved plans show a sensitive conversion scheme designed to mitigate the effects of development on the Listed Buildings and their valued landscape setting.

83. The proposed change to condition 23 is considered reasonable given the amenity area to Barnhouse 2 is well screened by existing drystone walling and tree planting. These adequately screen the amenity area from public view and mitigate the visual impact of the residential curtilage to conserve the valued character, appearance and setting of the building group and the wider landscape. Approval is therefore recommended.

Human Rights

84. Any human rights issues have been considered and addressed in the preparation of this report.
85. List of Background Papers (not previously published)
86. Nil
87. Author – John Keeley, Planning Manager North Area Planning Team.