

**11. FULL APPLICATION – CHANGE OF USE OF LAND TO ADDITIONAL DOMESTIC CURTILAGE AND EXTENSION TO DWELLING, FOR WHEELCHAIR ACCESSIBLE BEDROOM/WETROOM AND SECURE VEHICLE STORAGE AT TIDESLOW FARM, TIDESWELL (NP/DDD/1121/1260, AM)**

**APPLICANT: MR PETER ATKIN**

**Summary**

1. The property is a converted barn in open countryside between Little Hucklow and the Anchor crossroads on the A623.
2. The application proposes a change of use of the land north of the building to additional domestic curtilage together with a substantial extension to the existing building for wheelchair accessible bedroom, wet room and secure vehicle storage.
3. The application would dominate the original barn and significantly harm its character and appearance and setting within the wider landscape. This harm would not be outweighed by the benefits of providing accessible accommodation.
4. The application is recommended for refusal.

**Site and Surroundings**

5. This application relates to a converted barn at Tideslow Farm located in a prominent position in open countryside between Little Hucklow and the Anchor crossroads on the A623.
6. The building is a traditional limestone barn sited in the corner of the field partly within a copse of mature trees and adjacent to the road. Field boundaries are traditional drystone limestone walls and the access to Tideslow Farm runs along the southern boundary. The building is a relatively simple traditional range of one and two-storey elements in an 'L' shape plan form, constructed from natural limestone with gritstone detailing under pitched roofs clad with natural blue slate.
7. Planning permission was granted in 2012 for the conversion of the barn to holiday accommodation and subsequently varied in 2013 to allow the accommodation to be initially occupied by the applicant and then revert back to short term holiday accommodation when he vacates the property.
8. The approved conversion scheme was considered acceptable as the accommodation was retained within the existing shell of the building utilising existing openings and without new extensions. The domestic curtilage of the approved scheme was restricted to the front and sides of the buildings with two parking areas to the west side of the building. As approved the copse of trees to the rear of the barn was retained and to be provided with new drystone walling and with no access from the converted buildings.
9. The curtilage of the building appears to have been extended into the copse without permission and there is an unauthorised metal container sited to the rear of the building which is used to house batteries associated with solar panels that have been installed in the field to the east, notwithstanding the fact that the planning application for the solar panels was refused in 2015. There is an outstanding enforcement investigation on the container, use of the land within the copse of trees and solar panels.
10. The converted barn is not listed or within a conservation area. Nevertheless, given its history and character it is considered a non-designated heritage asset.

## **Proposal**

11. Extensions to create wheelchair accessible living space and secure vehicle storage.
12. The submitted plans show two storey and single storey extensions to north of the existing barn conversion, projecting out of the approved domestic curtilage and into the copse of trees to the north. Parking spaces are proposed to the west of the proposed extension.
13. The application includes the whole of the copse of trees within the red-line application boundary despite this land not being granted planning permission for domestic use. The submitted application forms have therefore been amended to include for the change of use of this land within the application description.
14. The extension would provide a hallway, lift, double garage and plant room for battery storage and a generator at ground floor. A double bedroom would be provided at first floor along with en-suite wet room. The extension has been designed to provide level access and to be wheelchair accessible with a ceiling hoist at first floor between the proposed lift, bedroom and wet room.
15. The extension would be constructed from natural limestone with gritstone detailing under pitched roofs clad with natural blue slate. Window and door frames would be painted timber.

## **RECOMMENDATION:**

**That the application be REFUSED for the following reasons**

- 1 The proposed scheme by virtue of the scale, form, massing and design of the proposed extension would significantly harm the character and appearance of the original building and its setting. The extension, driveway and parking area would also extend into an adjoining wooded copse, which is an important landscape feature. As such, the proposed development is contrary to Core Strategy policies GSP1, GSP3, L1, L2 and L3, Development Management policies DMC3, DMC5, DMC10, DMC13 and DMH7, the Authority's Supplementary Planning Documents and the National Planning Policy Framework.**

## **Key Issues**

16. Impact of the proposed alterations and extensions on the character and appearance of the existing building and its setting.

## **Relevant Planning History**

17. 2012: NP/DDD/1111/1183: Planning permission granted conditionally for the conversion of barn to holiday accommodation.
18. 2013: NP/DDD/1212/1249: Planning permission granted for variation of condition to allow initial occupation by Mr P Atkin and revert to holiday use when he vacates the property.
19. 2015: NP/DDD/0415/0346: Planning permission refused for change of use of redundant barn to form dwelling including ground mounted solar PV array and ancillary building and alteration to vehicular access.

20. 2017: Enforcement Investigation re unauthorised metal shipping container, solar pv array.
21. 2021: NP/DDD/0321/0342: Planning permission refused for extension to create wheelchair accessible living space and vehicle storage. The reason for refusal was:
22. *“The proposed scheme by virtue of the scale, form, massing and design of the proposed extension, fails to harmonise with or adequately respect the character and appearance of the existing dwelling, which is a sympathetically designed barn conversion. The proposal would have a significant and harmful impact on the character and appearance of a non-designated heritage asset. The application also includes the extension of the curtilage of the building into the adjoining wooded copse, which is an important landscape feature. As such, the proposed development is contrary to Core Strategy policies GSP1, GSP3, L1, L2 and L3, and Development Management policies DMC3, DMC5, DMC10, DMC13 and DMH7 and the Authority’s published design guidance.”*

### **Consultations**

23. Parish Council – Support the application to allow disabled access.
24. Highway Authority – No objection subject to conditions.
25. Borough Council – No response to date.

### **Representations**

26. We have received 3 letters of representation in support of the application. The letters are summarised below:

#### **Support**

- The aspect to the road will be improved by the removal of the container.
- A remote location such as this requires safe vehicle storage.
- The design respects the buildings history as a barn.
- Planning Authorities should encourage the provision of accessible accommodation.
- The development would provide accessible holiday accommodation in the future.
- The development would allow for the care of residents in their own home and reduce the pressure on local authorities in financing local care homes and give a better quality of life for people who have lived in the area most of their lives.

### **Main Policies**

27. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3

28. Relevant Development Management policies: DMC3, DMC5, DMC10, DMC13, DMH7, DMT3, DMT8

### National Planning Policy Framework

29. The National Planning Policy Framework (NPPF) 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 our Core Strategy 2011 and the Development Management Policies 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. There is no significant conflict between the development plan and the NPPF and therefore our policies should be given full weight in the determination of this application.
30. Paragraph 176 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.

### Peak District National Park Core Strategy

31. Policy DS1 sets out the Development Strategy for the National Park. DS1.C. sets out the forms of development that are acceptable in principle in the countryside outside of the Natural Zone. Policy DS1 states that extensions to existing buildings are acceptable in principle in the countryside.
32. Policy GSP1 requires all development to be consistent with the National Park's legal purposes and duty. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.
33. Policy GSP3 sets out development management principles and states 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, impact on living conditions of communities, impact on access and traffic levels and use of sustainable modes of transport.
34. Policy L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
35. Policy L2 says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.

36. Policy L3 says that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance. Other than, in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.
37. Policy CC1 says that in order to build in resilience to and mitigate the causes of climate change all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and reduce overall risk from flooding; achieve the highest possible standards of carbon reductions and water efficiency.

#### Development Management Policies

38. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is 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.
39. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
40. Policy DMC5 says that applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset and proposals likely to affect archaeological and potential archaeological interest should be supported by appropriate information.
41. DMC5. E says that if applicants fail to provide adequate or accurate detailed information the application will be refused. DMC5. F says that development of a non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
42. DMC10. A says that conversion of a heritage asset will be permitted provided that it can accommodate the new use without changes that adversely affect its character and that changes brought about by the new use conserve the significance of the heritage asset, its setting and the landscape. DMC10. B says that particular attention will be paid to the impact of domestication and urbanisation including the provision of safe access, amenity space, parking and domestic curtilage.
43. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees and hedgerows which positively contribute which should be protected during the course of the development.
44. Policy DMH7. A says that extensions and alterations will be permitted provided that the proposal does not detract from the character, appearance and amenity of the original building, its setting or neighbouring buildings, dominate the original dwelling,

particularly where it is a heritage asset or create or lead to undesirable changes to the landscape or any other valued characteristic.

45. Policy DMT8. A states that off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere. DMT8. C says that the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area.

#### Supplementary planning documents (SPD) and other material considerations

46. The adopted climate change and sustainable building SPD provides detailed guidance on construction methods and renewable technologies along with a framework for how development can demonstrate compliance with policy CC1.
47. The adopted design guide SPD and supporting building design guide provides detailed guidance on the local building tradition within the National Park and how this should be utilised to inform high quality new design that conserves and enhances the National Park.
48. The conversion of historic buildings SPD provides detail about form, design and materials for proposals to convert historic buildings within the National Park.

#### **Assessment**

##### Principle

49. The key issue for this application is whether the proposed development would be of inappropriate design and scale, which would conserve the character and appearance of the existing building, its setting and the landscape, particularly bearing in mind that the building is a converted barn and a non-designated heritage asset.
50. Extensions to existing buildings are acceptable in principle within the countryside. The submitted plans propose extensions to the existing barn, which would project into the adjacent copse of trees, which is outside of the authorised domestic curtilage for the property. The plans also show that the access would be extended and parking spaces provided adjacent to the proposed garage within the copse of trees. The change of use of the copse of trees to domestic use required planning permission in its own right.
51. Our adopted Supplementary Planning Document (Detailed Design Guide) for alterations and extensions states that extensions should be sympathetic, subservient to the original building, and limited in size. The SPD states that the original character of the property should not be destroyed when providing additional development; the scale of extension that can be accommodated satisfactorily is dependent on the nature of the existing building. The Building Design Guide provides technical guidance on form, scale and massing and the Conversions SPD provides detailed guidance.

##### Impact

52. The building is an attractive converted barn, which is characterised by its simple vernacular design, use of traditional materials and its historic functional relationship with the surrounding land. The building has been sensitively converted and makes a positive contribution to the limestone plateau landscape. The former barn is a non-designated heritage asset as this is the basis on which the original conversion was approved.

53. As approved the residential curtilage of the building was limited to walled area of land to the front and sides of the building, which was to be bound with traditional drystone walling. The wall to the west of the approved curtilage separating it from the copse of trees has not been erected. Further unauthorised development has also taken place since the building was converted including the installation of a solar array within the field to the west of the building and the siting of a metal container in the copse north of the building.
54. The proposed development has been reduced in size compared to the scheme refused planning permission in 2021. However, the development would still result in a substantial extension beyond the shell of the original barn along with a substantial increase in domestic curtilage. The application proposes a two-storey extension to the north side of the building to create a garage along with an accessible bedroom and wet room at first floor level. The extension would be marginally inset from the existing walls of the barn and lower than the existing roof. However, the two-storey extension would be longer than either element of the existing building and would be read as a substantial and dominant extension projecting into the copse of trees. It would also feature an over-wide domestic garage door detail set within a lean-to projection of the main extension giving the elevation a domestic character which would further detract from the character of the original barn and heritage asset.
55. The Authority's adopted policies allow for conversion of traditional barns such as this if the building can accommodate the new use without changes, which would adversely affect its character; such changes include significant enlargement or other alterations to the form and mass, inappropriate new window spaces or doorways, and major rebuilding. The former barn has been converted in accordance with our policies and any proposed extensions must be considered in that context.
56. Having regard to the size of the extension, its form and the impact on the plan form of the existing building we consider that the proposed extension would be a significant enlargement, which would dominate the original building and harm its character and appearance. The proposed extensions are therefore contrary to policies GSP3, L3, DMC3, DMC5 and DMH7 and guidance within our adopted Supplementary Planning Documents.
57. The proposed development also includes an access drive and turning space to the rear of the barn within part of the copse of trees, which lie to the north and west of the building. The proposed extension, access drive and parking area would extend into the wooded area and would intrude upon this land, which currently makes an important and positive contribution to the setting of the building within the wider landscape. The proposed extension, access, parked vehicles and domestic activity would erode the character of the group of trees and would over time be likely have a harmful impact the trees.

#### Improvements to accessibility

58. The supporting documents submitted with the planning application include a report from Access For All UK, who have been commissioned to undertake an audit of Tideslow Farm. This was commissioned by the applicant and his family following a presentation delivered by Marketing Peak District and Derbyshire on accessible tourism. The presentation highlighted the benefits of accessible tourism, the strategy of the new Tourism Sector Deal and the availability of funding for tourism businesses in the area wishing to improve their offering in this area. The report says that the family's vision is to create an exemplary, accessible holiday let and a possible camping pod provision on the Tideslow site and has commissioned Access For All UK to audit the site and provide advice to inform this project.

59. The report explains that in 2019 the government announced a new deal with the tourism sector. The aim of the family is to make the converted barn an exemplary holiday let that is accessible for all and are willing to invest considerably to make this provision a success.
60. In terms of how this has influenced that submitted scheme, the report explains that a staircase currently leads to a bathroom and one bedroom. The presence of just one bedroom, together with the lack of disabled access to the first floor needs to be addressed in order to create a fully accessible property. Dividing the current ground floor lounge to create an accessible bedroom, while technically possible, would deliver an area with restricted circulation space for wheelchair users. In addition, any carers would be separated from those they care for on the first floor of the building. The report therefore recommends the creation of a new accessible bedroom with ensuite wet room on the first floor of the proposed extension to the side of the property.
61. The proposed garage will also allow disabled visitors to be able to alight from their vehicle in a weather protected area, and gain access to their wheelchair and travel directly into the living accommodation or access the new first floor second bedroom.
62. The application submission also includes an MHCLG Consultation paper “Raising accessibility standards for new homes”. Published in 2019, this consultation considers how to raise accessibility standards, recognising the importance of suitable homes for older and disabled people. The consultation sought views on various options to raise the accessibility of new homes. In particular, it considered how the accessible and adaptable standard for homes (known as M4(2) in Part M of the Building Regulations) and the wheelchair user standard (known as M4(3)) are currently used as optional technical standards.
63. Turning to the assessment of this part of the application, under the Equality Act, we must give due regard to the public sector equality duty (PSED) in exercising our functions. The PSED requires public authorities to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under Equality Act 2010
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
64. The relevant protected characteristics include age and disability.
65. In carrying out this assessment, we must also have regard to our other statutory purposes and duties, in the context of its adopted policies. In this instance, whilst the needs of the applicant are acknowledged, planning permission was granted for the conversion of the former barn on the basis that the development would secure the long-term conservation of the building and its setting in the landscape. The planning permission was later varied to allow the applicant to occupy the converted barn as an exception to our policies on a personal and temporary basis for the period during which the building provided suitable accommodation.
66. Secondly, whilst the need for accessible holiday accommodation is acknowledged and understood, this must also have regard to our statutory purposes and policies in the development plan. Where possible well-designed and inclusive accommodation should be provided within existing buildings in a manner that conserves their significance. In this case, the proposals would result in a very substantial extension to the existing building, significantly and adversely affecting its character.

### Other issues

67. The proposals would not harm the privacy or amenity of the any properties because of isolated location of the building. The proposal therefore accords with policies GSP3 and DMC3 in these respects.
68. No alterations to the access to the highway are proposed and the proposal would provide ample off-street parking in accordance with policies DMT3 and DMT8. We therefore agree with the Highway Authority that the development would not harm highway safety.
69. The Design and Access statement does not set out any details of how the proposed extensions have been designed to make efficient and sustainable use of materials or achieve the highest possible standards of carbon reductions and water efficiency. However, the scheme does include a battery storage system, which would by implication be used in connection with the solar photovoltaic array that has been installed in the adjacent field, without planning permission.

### Conclusion

70. The proposed extensions would dominate the existing building and intrude into the copse of trees to the north of the building. Taken together the extensions, driveway and proposed parking area would harm the character and appearance of the original building and its setting within the landscape.
71. We recognise that the extensions have been designed to meet the need of the applicant and aspirations to provide accessible tourist accommodation in accordance with the accessibility audit undertaken by Access For All UK. In assessing the application we must give due regard to the public sector equality duty.
72. However, we must also give regard to our statutory purposes and duty and policies within the development plan. In this case, the benefits of the development in providing accessibly accommodation would not outweigh the significant harm to the character and appearance of the barn and its setting.
73. Therefore, the proposed development is contrary to the development plan. We have considered all other material considerations; however, these do not indicate that a contrary decision should be taken. The application is therefore recommended for refusal.

### Human Rights

74. Any human rights issues have been considered and addressed in the preparation of this report.

### List of Background Papers (not previously published)

75. Nil

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