

**6. FULL APPLICATION – CHANGE OF USE FROM EXISTING STONE BARN TO A LOCAL NEEDS DWELLING, HOLLY BANK BARN, BUTTERTON (NP/SM/0922/1144) MN**

**APPLICANT: MR THOMAS MEAKIN**

**Summary**

1. The application is for the conversion of an isolated field barn in the open countryside to an affordable local needs dwelling. The application fails to demonstrate an identified need for the dwellinghouse proposed. Further, and significantly, introducing a domestic property in this open agricultural landscape would be harmful to the landscape character of this part of the National Park. The application also does not include an up to date protected species survey, preventing an assessment of impacts on protected species being made. The application is therefore recommended for refusal.

**Site and Surroundings**

2. The application site is a small field barn that dates from the late 19<sup>th</sup> or early 20<sup>th</sup> century. It lies 400 metres to the north of Butterton village in the open countryside and is very isolated from other buildings. The site is accessed from Butterton by a 400m long single width track known as Clowes Lane.

**Proposal**

3. Planning permission is being sought for the conversion of the barn to an affordable local needs dwelling. The application is broadly reflective of a previous application at the site, which was refused by the planning committee in 2019.
4. The proposed house would have a lounge and kitchen to the ground floor and one bedroom and a bathroom to the first floor.
5. A parking area is proposed to the front of the barn with access taken from Clowes Lane. No garden space is proposed.

**RECOMMENDATION:**

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

1. **The application would result in the introduction of a domestic dwelling in an open agricultural landscape. The domestication of the barn and its setting would result in significant harm to the landscape character of this area of the National Park, contrary to policies L1 and DMC3, and to paragraph 176 of the NPPF.**
2. **The application has failed to demonstrate that there is an identified housing need for a new affordable dwelling of the size and type proposed. It would result in the creation of an isolated home in the countryside and no exceptional circumstances have been demonstrated to justify it. The application is therefore contrary to policies HC1, DMH1 and DMH2 and paragraph 80 of the NPPF.**
3. **The application does not include adequate information to allow the impacts of the development on protected species to be established, and it is therefore not possible to assure their conservation as required by adopted policies L2 and DMC11.**

- The application does not demonstrate that the development will make the most efficient and sustainable use of land, buildings and natural resources contrary to policy CC1.**

### **Key Issues**

- The need for new affordable housing.
- The impact on the landscape character and special qualities of the National Park.
- Heritage Impacts.
- Amenity Impacts.
- Highways Impacts.
- Ecology Impacts.

### **History**

6. 2019 – Planning permission refused for change of use from existing stone barn to a local needs dwelling. The grounds for refusal were insufficient demonstration of housing need, adverse landscape impacts, lack of heritage assessment, and a failure to address climate change mitigation.

### **Consultations**

7. **Highway Authority** – No objections.
8. **Parish Council** - *‘Butterton Parish Council supports this application as a Local Needs dwelling but we ask that section 106 WILL BE undertaken to ensure that in perpetuity the occupant will always be a local person. Also that Policy LC4 (in particular the last 3 lines on page 4) WILL BE applied.*
9. **PDNPA Archaeology** – No objections subject to an archaeological building recording condition.
10. **PDNPA Landscape Architect** – Recommends refusal for the following reasons:

*“This isolated barn sits some 400m away from the village of Butterton, not the 170m as stated in the design and access statement. It can be found 400 meters along an existing farm track which is also a public footpath. There is no mention of the footpath in the access statement and that the development can be clearly seen from the path.*

*Although the applicant is happy for a condition to restrict outside lights there will still be light spill from the various openings. Currently there is no electricity to the site and there is no indication as to how electricity is to be supplied. If the application is to be approved then electricity should be undergrounded. No details as to location of any waste water treatment plant has been provided and possible visual impact.*

*The mature tree adjacent to the property will be affected by the proposed parking area consideration will need to be given for root protection during construction.*

*Considering the size of the proposed building there will be pressure for additional outside space for drying washing and a shed”*

### **Representations**

11. No third party representations have been received.

## **National Planning Policy Framework (NPPF)**

12. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
13. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
14. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

## **Main Development Plan Policies**

### **Core Strategy**

15. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
16. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
17. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements.
18. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
19. HC1 – *New Housing*. Sets out that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
20. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

## Development Management Policies

21. DMC3 - *Siting, Design, layout and landscaping*. Reiterates that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
22. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
23. DMC10 - *Conversion of a heritage asset*. Conversion will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding, and that any changes conserves or enhances the heritage significance and its setting in accord with policy DMC5.
24. DMC11 - *Safeguarding, recording and enhancing nature conservation interests*. Sets out that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development and that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, feature and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
25. DMH1 – *New affordable housing*. Sets out that Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that:
- (i) there is a proven need for the dwelling(s); and
  - (ii) any new build housing is within the stipulated size thresholds:

Self-building and custom building housing will be permitted on rural exception sites provided the proven need can be demonstrated and the size thresholds are met.

26. DMH2 – *First occupation of new affordable housing* states that:
- In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
- (i) a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;
  - or
  - (ii) a person (and his or her dependents) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

(iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

27. DMT3 - *Access and design criteria*. Requires that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it. Whilst DMT8 - *Residential off street parking* sets out that off-street parking for residential development should be provided and the design and numbers of parking spaces associated with the residential development respects the valued characteristics of the area.
28. The Authority has adopted three separate supplementary planning documents (SPD's) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions.

## **Assessment**

### **Principle of Development**

29. Policy HC1 makes it clear that provision will not be made in the National Park for new housing to meet general demand. However, on an exceptional basis, new housing (either new build or from the conversion of an existing building) may be permitted if it is to meet an eligible local need for houses that will remain affordable in perpetuity.
30. The application is for a new affordable local needs dwelling for the applicant. The proposed house would have one bedroom and a floor area of 44 square metres. This is below the maximum size threshold for a two person house of 58 square metres as set out in policy DMH1. The size of the building does not exceed the policy limits.
31. However, policy DMH1 also specifies that there must be a proven need for all new affordable housing.
32. The submitted supporting statement does not contained any detailed information about the applicant's housing need. It sets out that he lives with family in Elksones and that he would be forming a household for the first time.
33. Policies DMH1 and DMH2 make it clear that new affordable housing can only be permitted when there is a proven need for the new housing. To be 'in need' a person must be in accommodation which is overcrowded or otherwise unsatisfactory.
34. Paragraphs 6.20 and 6.22 of the DMP recognise that people looking to set up home for the first time are often not in accommodation that could be described as overcrowded in a legal sense, but note that affordability is often a reason that people are unable to set up a household for the first time. It implicitly acknowledges that living with family may be considered unsatisfactory by the occupiers in some cases
35. As such, it is therefore possible that someone setting up home for the first time could be reasonably considered to be in housing need. However, the need still needs to be evidenced.
36. Paragraph 6.24 advises that we will use the same criteria as Housing Authorities to assess claims of housing need, with paragraph 6.20 stating that Housing Association schemes such as Home Options assess whether a person's claim of unsatisfactory accommodation justifies allocation of a property, noting that a variety of choice based letting systems are used to assess and categorise housing need.

37. No evidence has been provided to show that the applicant has engaged with the local Housing Authority in order for an evidence based assessment of his need to be established.
38. Had the principle of converting the building to affordable housing been broadly acceptable we would have offered the applicant the opportunity to engage with a choice based lettings system in order to demonstrate that he is in housing need. They would, in any case, be aware of this requirement as it was reported similarly when considering the 2019 application.
39. Further, as is discussed further below, the site is not in any case considered to be suitable for residential use because of the harmful impacts to the landscape. As such, there would be little point requiring the applicant to do further work to demonstrate his housing need for the purpose of this application as it would still be unacceptable on these additional grounds. However, in the absence of a demonstration of housing need, the application is contrary to policies HC1, DMH1 and DMH2. Paragraph 79 of the NPPF makes it clear that new isolated homes in the countryside should not be approved unless exceptional circumstances apply. No such circumstances have been demonstrated and the application is therefore also contrary to this part of the NPPF.

### **Landscape Impacts**

40. The barn lies in a very remote location well away from the built up area of Butterton village. It lies within the Southwest Peak Upland Pastures landscape character type area as defined by our Landscape Character Assessment. This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads of probable ancient origins. There are also localised village settlements. Permanent pasture is enclosed by drystone walls and some hedgerows. Trees are scattered along incised cloughs and around dispersed gritstone farmsteads. This is a very peaceful rural landscape with open views to surrounding higher ground. The key characteristics of the area include:
  - Undulating slopes with gentler summits and incised cloughs;
  - Dispersed gritstone farmsteads and loose clusters of dwellings, with stone slates or clay tile roofs;
  - Permanent pasture enclosed by gritstone walls and some thorn hedgerows;
  - Scattered trees along cloughs and around farmsteads;
  - Fields of rushy pasture and occasional patches of bracken, bilberry and heather;
  - Narrow winding lanes which are sunken on slopes;
  - Various shaped small to medium fields of various dates;
41. Whilst, as the Landscape Character Assessment identifies, there are some dispersed farmsteads in the area, there are none within a 400m radius of the application site. Those that do exist are next to roads that are more substantial than Clowes Lane. None appear as isolated and remote from other development as a new dwelling in this location would.
42. The site is set in an expansive area of small and medium fields of varying shapes that is entirely undeveloped. It has a very high level of tranquillity and natural beauty that is almost entirely free from development. The existing barn is a simple historic stone barn that sits comfortably in the landscape. It is in low-key use that is compatible with the agricultural nature of the surrounding land.

43. Whilst the proposed physical alterations to the building are minor (no new openings are proposed) the conversion to a dwelling would inevitably domesticate the character of the building and its setting. The scheme would result in the introduction of lighting, cars being parked outside of the building, bins and other associated domestic paraphernalia. An enclosed area, presumably for garden, is proposed and the use of this or other surrounding land would introduce impacts from sitting out, hanging washing, sheds, etc.
44. As such, even though the physical alterations to the exterior of the building are minimal, the conversion to residential use would still significantly alter the character of the building in a way that would be significantly harmful to the character of the landscape and the tranquil undeveloped nature of this part of the National Park.
45. Clowes Lane is a public footpath which then continues north beyond the site. The introduction of a domestic dwelling immediately next to the footpath would significantly alter the character of the site and its setting as described above. This would also be detrimental to the enjoyment of users of the footpath and would detract from the ability to appreciate the undeveloped, natural beauty of this part of the National Park.
46. The development would therefore have a significantly detrimental impact on the character of the site and its setting, causing harm to the landscape character of this part of the National Park. The proposal is contrary to policies GSP1, L1 and DMC3 and the guidance contained within paragraph 172 of the NPPF.

### **Heritage Impacts**

47. The building is not listed and lies outside of the Butterton Conservation Area. However, the building is a nice example of a late 19<sup>th</sup> or early 20<sup>th</sup> century field barn/out farm and it is considered to be a non-designated heritage asset.
48. The Peak District National Park Historic Farmstead Character Statement also identifies that farm buildings that are detached and remote from a main farmsteads (both out farms and field barns) have been subject to high levels of change both with the Peak District and nationally, with a 57% loss of such features from the Peak District landscape. This makes those that survive all the more precious.
49. Policies DMC5 and DMC10 require applications for conversions of heritage assets to demonstrate what the significance of the building is and how the proposed development would conserve or enhance the significance.
50. On the face of it, the proposed conversion is a reasonably sensitive scheme with no new openings required and the internal alterations generally working with the historic plan form of the building. A heritage assessment has been provided, concluding that the impacts of conversion on the fabric of the building would be slight. We agree, and that view is supported by the Authority's Archaeologist.
51. Somewhat tellingly however, the report makes no assessment of the impact of the development on the rural and agricultural setting of the building. Domesticating the setting of the building would result in some harm to its existing character, which must be weighed in the planning balance.
52. The Authority's Senior Archaeologist has noted that the site is not in a landscape that is of particular historic landscape importance. This is acknowledged but does not outweigh the harm to the general undeveloped landscape character that is outlined further above.

### **Amenity Impact**

53. Notwithstanding the concerns set out above about the visual harm that would be caused, it is acknowledged that the very remote location of the barn, over 400m away from the nearest existing property, would ensure that there would be no harm to the residential amenity of occupiers of any existing dwellings in the locality. There is no conflict with policy DMC3 in this respect.

### **Highway Impact**

54. The proposed dwelling would be accessed from Clowes Lane. The parking area defined on the previous application has been omitted, without replacement. However, given the remote nature of the site and lack of alternative options, parking would almost certainly occur immediately in front of the barn. The introduction of parking immediately in front of the barn in this open pastoral landscape would be harmful for the reasons set out further above. However, the Highway Authority has raised no objections. As such, it is acknowledged that a reason for refusal on highway safety grounds would be difficult to substantiate.

### **Ecology Impact**

55. A bat and bird survey report has been submitted. However, this dates from 2019 (having presumably been prepared for the previous application), and as such cannot be relied upon to reflect the current use of the building by protected species. As such, impacts of the development on protected species cannot be established and it is therefore not possible to assure their conservation as required by adopted policy DMC11 or wildlife legislation.

### **Environmental Management**

56. An Environmental Management and Mitigation statement has not been provided and no information has been provided to set out how the application would address policy CC1. The application should be refused for this reason. Had the application been acceptable in principle we would have invited the applicant to try and correct this shortcoming of the application.

### **Conclusion**

57. The application fails to demonstrate that there is an identifiable need for a new affordable dwelling of the size and type proposed or that the applicant is in housing need. The proposal would result in the creation of a new isolated dwelling in the open countryside which has not been justified. The scheme would significantly alter the character of the barn and its setting, resulting in harm to the landscape character and special qualities of this part of the National Park. The application has also failed to demonstrate how the conversion would conserve or enhance the significance of the non-designated heritage asset, or conserve protected species. The application is contrary to policies HC1, L1, L2, DMH1, DMH2, DMC3, DMC12, CC1, and the guidance within paragraphs 80 and 176 of the NPPF. The application is recommended for refusal.

### **Human Rights**

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



List of Background Papers (not previously published)

59. Nil

60. Report author:  
Mark Nuttall, Interim Area Team Manager, 1 December 2022