

## **7. APPLICATION FOR THE ERECTION A NEW GARAGE AT DAINS MILL, ROACH ROAD, UPPER HULME (NP/SM/1022/1316, DH)**

**APPLICANT: MR MICHAEL JONES**

### **Summary**

1. The application is for a new garage building to the west of the former corn mill building and north of the former drying store, referred to as the Kyle Building.
2. The garage building, by virtue of its form, character and scale, would cause harm to the significance of the historic mill and drying store, which are considered to be non-designated heritage assets.
3. The harm to the non-designated heritage assets is not outweighed by any public benefits.
4. The application is recommended for refusal.

### **Site and Surroundings**

5. The application site is located in open countryside to the southern (lower) end of a narrow steep sided valley on Back Brook, a tributary of the River Churnet. It is approximately 300m north of Upper Hulme, which is not a named settlement in policy DS1.
6. The site comprises a C17th former corn mill and detached corn drying store (the Kyle Building) to the west, a mill pond, dam and weir to the north, set within 4.4 acres. Dains Mill is a two-storey structure constructed in natural gritstone with a pitched roof and an adjoining waterwheel house. The Kyle Building is a three-storey pitched roof building built into the bank side and constructed in the same materials.
7. The historic buildings on site are not listed but are considered to be non-designated historic assets.
8. The site does not lie within the designated conservation area, but is described in the Upper Hulme Conservation Area Appraisal.
9. A public right of way runs in a north to south direction along the track between the former mill and the former drying store.
10. The mill and drying store were restored in 2006, and planning permission was granted for the mill to be a holiday let. In 2021 planning permission was granted for the conversion of the corn mill to a single open market dwelling, and for the conversion of the drying store (now known as the 'Kyle' building) to a further single open market dwelling or holiday let.

### **Proposal**

11. The proposal is for the erection of a detached garage to the west of the mill and north of the Kyle building.

## **RECOMMENDATION:**

### **12. That the application be REFUSED for the following reasons:**

**The garage, by virtue of its scale, form and design would cause harm to the significance of the Kyle Building and the setting of the historic corn mill, which are considered to be non-designated heritage assets. The harm would not be outweighed by any public benefits. Consequently, the proposal is contrary to Core Strategy policies GSP1, GSP3 and L3, Development Management policies DMC3, DMC5 and DMH8, and to advice in the Authority's adopted Supplementary Planning Documents 'Design Guide' and 'Building Design Guide'**

## **Key Issues**

### **13. The key issues are:**

- Whether the proposal would have a detrimental effect on the character and appearance of the site and its setting, or the wider landscape setting within which it sits; and
- Whether the proposals would harm the amenities of nearby neighbouring properties.

## **History**

14. 2004 – The restoration of the derelict mill was approved under NP/SM/1203/0923
15. 2006 – The change of use of the restored mill to holiday accommodation was granted subject to conditions under NP/SM/0106/0032
16. 2016 – A Section 73 application to remove condition 4 from the above (holiday occupancy restriction) was refused by NP/SM/0716/0609
17. 2018 - A Section 73 application to remove condition 4 from the above (holiday occupancy restriction) to allow the property to be occupied as a single open market dwelling was granted conditionally by NP/SM/1017/1042.
18. July 2021 – The conversion and change of use of the former drying store (Kyle Building) to an open market dwelling or holiday let was granted subject to conditions by NP/SM/0321/0302. Non-Material Amendments to this application were later accepted by NP/NMA/0921/0958
19. July 2021 - The change of use of the Mill to residential and holiday let with external alterations was granted subject to conditions under NP/SM/0321/0297
20. October 2021 – A pre-application enquiry regarding the erection of a double garage and stables was received (Enquiry 43987) Advice was that the proposed would cause harm to the setting of Dains Mill contrary to policies. With regard to the garage, a more modestly sized single storey garage dug into the hillside with a flat green roof (as proposed at this time) may be acceptable.
21. April 2022 – An application for the erection of a double garage (NP/SM/0422/0516) was refused. Post decision correspondence in July 2022 advised that a smaller single garage dug into the banking with a flat or mono-pitch roof with a parapet front wall may be an acceptable alternative. Further correspondence in September 2022 maintained this view.

22. April 2022 – A Section 73 application for the variation of condition 2 on NP/SM/0321/0297 (NP/SM/0422/0514) to permit a larger balcony was refused. Post decision correspondence in July 2022 advised that a balcony any bigger than that already approved would not be accepted but the Authority would be sympathetic to a modest area of domestic curtilage to the north (rear) of the Mill.
23. April 2022 – The erection of stables, fencing and creation of two car parking spaces was granted subject to conditions by NP/SM/0422/0523
24. December 2022 – An enforcement complaint (reference 46905) was received regarding excavations and hard surfacing at the site which has yet to be investigated

### **Consultations**

25. Staffordshire County Council (Highway Authority) – There are no highway issues but it is noted that the garage is not required to meet parking standards.
26. Staffordshire Moorlands District Council – No response to date.
27. Leekfirth Parish Council - No response to date.
28. PDNPA Conservation Officer – *‘The plans are not sufficiently different to those refused under the previous application and the garage would dominate the setting of the Kyle building and the surroundings in which this and the Mill are experienced. This would result in harm to the setting of the two non- designated heritage assets which are seen together as a group. While the proposed materials for walling, the roof and for the doors are acceptable, the size and design are not and it is not in accordance with PDNPA guidance requiring roof pitches to reflect those of the house.’*

### **Representations**

29. During the publicity period the Authority received 14 representations, all of which support the proposal. Comments are as follows:
  - *The erection of a double garage would have a positive benefit for the existing site.*
  - *It will enhance the existing building.*
  - *It sits well with the other buildings, its design is consistent with the rest of the location and will prove very useful in the maintenance of the site.*
  - *This building can only add merit to the site and future proof its existence.*
  - *It will prove to be of great value to the location, which needs to be developed in order for it to be utilised.*
  - *The garage can only assist in the projects development going forward.*

### **Main Policies**

30. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1 & L3
31. Relevant Local Plan policies: DM1, DMC3, DMC5 & DMH8
32. National Planning Policy Framework

## **Wider Policy Context**

33. 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:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
  - 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.

## **National Planning Policy Framework**

34. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 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 policies in the Peak District National Park Development Management Policies document 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.
35. Paragraph 176 of the NPPF states that *'great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
36. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
37. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It advises that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
38. Paragraph 203 states that effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Peak District National Park Core Strategy

39. GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and 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
40. GSP3 - *Development Management Principles*. GSP3 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 and impact on living conditions of communities.
41. CC1 – *Climate change mitigation and adaptation*. CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions
42. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
43. L1 - *Landscape character and valued characteristics*. L1 states that all development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
44. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This policy requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.

### Local Plan Development Management Policies

45. DM1 – *The presumption of sustainable development in the context of National Park purposes*. These being (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and (ii) to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
46. DMC3 - *Siting, Design, layout and landscaping*. DMC3 states that 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.
47. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This policy states that applications affecting a heritage asset should clearly demonstrate its significance including how any identified features will be preserved and where possible enhanced and why the proposed works are desirable or necessary. Development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed by public benefit.

48. DMH8 - *New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses*. The policy states that 'New outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character.'

#### Supplementary Guidance

49. Paragraph 7.14 of the 2007 Design Guide states that garages should be designed in sympathy with the property they serve, with materials and roof pitches reflecting those of the house.
50. The Supplementary Planning Document (Detailed Design Guide) which was adopted July 2014 for alterations and extensions includes advice on ancillary buildings. Paragraph 3.24 reiterates that garages should be designed in sympathy with the property they serve; it goes on to say that if size requirements result in a building of a size that cannot be considered to be a design that is sympathetic to the property then these considerations will outweigh any considerations towards car storage.
51. Paragraph 3.26 of the 2014 guidance states that garage doors on gable elevations should be avoided.
52. Paragraph 3.27 states that another design option for garages is the 'non-building' approach where the garage is underground or behind high walls or planting, which is a situation where a flat-roofed solution is appropriate.

#### Assessment

##### Principle of the development

53. Policy DS1 states that in principle, extensions and alterations to dwellings, including ancillary buildings are supported by the Authority, provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues. Similarly, DMH8 supports the provision of outbuildings provided they, through their scale, mass, form and design, conserve or enhance the immediate dwelling and curtilage and any valued characteristics of the built environment and/or surrounding landscape.
54. In this instance Dains Mill and the Kyle building are considered to be non-designated heritage assets. Therefore, the requirements of policies L3 and DMC5, to take into account the significance of the existing buildings and their setting, forms the basis of the balanced judgement as to whether the development is acceptable.

##### Visual Impacts

55. The siting for the proposed garage to the north of the Kyle building on the west side of the track through the site is such that it would not block views of the principal elevations of the Mill or the Kyle building. However, it would partially block views of the Kyle building from the site approach from the north, and the siting means that it would be seen in conjunction with both buildings from both the north and south, therefore affecting their setting.
56. DMC5 (F) states that development will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there a clear and convincing justification is provided.

57. In this instance the justification provided is that the garage building would facilitate the restored buildings in the approved holiday let use. The Highway Authority note that the garage is not required to meet parking standards at the site. There is no public benefit identified.
58. As noted, following the refusal of NP/SM/0422/0516, post decision correspondence was entered into. The advice provided was that a smaller single garage dug into the banking with a flat or mono-pitch roof with a parapet front wall may be an acceptable alternative. Further correspondence in September 2022 maintained this view.
59. With regard to the advice that the garage could be dug into the banked land to reduce its visual impact, a Slope Stability Report has been provided with the application to support this advice not being taken. However, the report relates to the instability of an area to the south-east of the site, the proposed site, which is the slope to the west side of the track and north of the Kyle building has not been assessed.
60. The revised scheme for the proposed garage shows the footprint as previously proposed and also retains the pitched roof, which has been turned by 90 degrees such that the gable is now wider than the other axis, which traditionally should be the longer elevation. Whilst the eaves and ridge height has been reduced and the rooflights omitted, the advice provided that a flat or mono-pitch roof could be more acceptable has not been heeded.
61. The height reduction results in a disproportionate massing with the roof to the building appearing over-large in addition to the gable being over-wide. The form is not sympathetic to either the Mill or the Kyle building, contrary to policies GSP3, DMC3, DMH8, and design guidance.
62. The openings, which now include a pedestrian door in addition to the double garage doors are all in the gable of the building, which is contrary to advice in the Authority's Adopted Design Guidance which states that where pitched roofs are acceptable, openings should predominantly be below the eaves. In addition, the garage doors and the pedestrian door are all under a single lintel, which draws further attention to the width of the gable.
63. The form and massing of the building now proposed is not considered to be acceptable as it is non-traditional and disproportionate.
64. In terms of the detailed design, the character of the proposed is more domestic and suburban in character and appearance than that the originally submitted scheme. This, along with the elevated position of the building, which is on higher ground than the Kyle building and the Mill itself, makes the proposed more prominent within the setting.
65. The proposal, by virtue of its scale, massing, form and detailed design fails to respect the character and appearance of the existing buildings on the site and has a detrimental impact on the setting and significance of Dains Mill and the Kyle building, which are non-designated heritage assets.
66. As such, it is concluded that the proposal is contrary to policies GSP3, L1, L3, DMC3, DMC5 and DMH8, and contrary to advice in the Authority's Design Guidance.

#### Amenity Impacts

67. Due to the location of the site in relation to neighbouring properties, it will have will not have an adverse effect upon any neighbouring properties. However, as noted in policy DMH8, an application of this type would only be acceptable if the scale, mass, form,

and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.

68. As noted above, the proposed form, massing and design of the proposed building do not respect the existing buildings on the site, the setting of Dains Mill, or the wider landscape area. It is therefore considered that it will have a detrimental effect on the character and appearance of the site, the setting of the non-designated heritage assets, and the appearance of the locality, therefore the proposal is contrary to the requirements of GSP3, L1, L3, DMC3, DMC5, DMH8 and national planning policy.

### **Sustainability**

69. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions. All development must address this policy and validation requirements require a statement be provided for every application, the statement and the measures should be commensurate to the scale of the development. No Sustainability Statement was provided with the application.

### **Conclusion**

70. The Authority is required to take a balanced judgement, weighing any public benefits of the development against the impact on the significance of non-designated heritage assets on the site.
71. The proposed development, by virtue of its massing, form and detailed design, fails to respect the character and appearance of the existing buildings on the site.
72. Whilst the principle of a garage in this location is acceptable, the benefits identified do not outweigh the adverse impact of the proposed development on the significance and setting of the non-designated heritage assets of Dains Mill and the Kyle building.
73. As such, it is concluded that the proposal is contrary to policies GSP3, L1, L3, DMC3, DMC5, DMH8 and national planning policy, and advice in the Authority's Design Guidance.

### **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

### **Report Author and Job Title**

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