

**7. FULL APPLICATION - FOR THE DEMOLITION OF EXISTING BOUNDARY WALL, CHANGE OF USE OF AGRICULTURAL LAND TO FORM DOMESTIC CURTILAGE WITH ASSOCIATED HARD AND SOFT LANDSCAPING WORKS AND ERECTION OF GARDEN SHED, AT CHAPEL HOUSE, WARSLOW (NP/SM/0723/0757, DH)**

**APPLICANT: MR DAVID CRITCHLOW**

**Summary**

1. The application is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall, the siting of a garden shed, and associated hard and soft landscaping works.
2. The dwelling is a former Methodist Chapel which is listed Grade II. The site lies within the designated conservation area. When the conversion to a dwelling was granted an area to the west was allowed as domestic curtilage.
3. The provision of a domestic curtilage to the east of the dwelling would have a detrimental effect on the setting and significance of the listed building as it would unacceptably alter its character and appearance.
4. The application is recommended for refusal.

**Site and Surroundings**

5. Chapel House is the former Methodist Chapel which stands on the north side of Leek Road, to the north-west edge of Warslow.
6. The former Chapel, its forecourt wall, railings, gate and piers are listed Grade II. There are no other listed buildings in the vicinity. The site lies within a designated conservation area.
7. 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 a walled curtilage to the west side which includes the vehicular access, parking provision and areas of raised garden.
8. The nearest neighbouring properties are The Cottage to the east at a distance of approximately 17m from the east wall of the building, and 1 Sunnylea Cottages, 29m to the north-west. To the north and south are open fields.

**Proposal**

9. The proposal is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall and associated hard and soft landscaping works.
10. Amended plans were received 17 October which omitted the patio and relocated the proposed shed to the west side, i.e. within the existing domestic curtilage.

**RECOMMENDATION:**

11. That the application be **REFUSED** for the following reason:

- **The change of use and enclosure of the agricultural land to the east of the listed building would have a detrimental effect on the appearance, character and significance of the designated heritage asset, its setting, and the designated conservation area within which it sits. Consequently, the proposal is contrary to Core Strategy policies GSP1, GSP2, GSP3, DS1, CC1, L1 and L3, Development Management policies DMC3, DMC5, DMC7, DMC8 and DMH8, and national policies.**

### **Key Issues**

12. The key issues are:

- Whether the proposed extension to the domestic curtilage would have a detrimental effect on the site and its wider setting.
- Whether the hard landscaping and shed is of a suitable design, scale, form and massing, which will not have an adverse effect on the character and appearance of the dwelling, its setting, or the wider area.
- Whether the proposal raises any amenity issues upon the dwelling itself, any neighbouring properties, or the wider area.

### **History**

13. 1997 - The conversion of the chapel to a dwelling was granted subject to conditions by NP/SM/0896/066
14. 2012 – An enforcement case, reference 12/0134, regarding the breach of conditions 4, 8, 10 and 11 on NP/SM/0896/066 was opened and the issues of the unauthorised flue, satellite dish and window finish remain outstanding.

### **Consultations**

15. Staffordshire County Council (Highway Authority) – No highway objections.
16. Staffordshire Moorlands District Council – No response to date.
17. Warslow and Elkstones Parish Council – Support the application.
18. PDNPA Conservation Officer – The former Methodist Chapel as a listed building of special architectural and historic interest, and is of high significance. The enclosed forecourt is a significant historic enclosure, and is listed. The drystone boundary wall to the east of the Chapel is specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. The proposal would have a negative impact on the historic character and setting of the listed former chapel, and on the character of this part of the Warslow Conservation Area, resulting in harm to both designated heritage assets.
19. PDNPA Archaeologist – Due to the fact that the building originated as a Methodist Chapel consideration needs to be given to the possibility of burials and internments around the chapel building. The current roadside wall is on a historic alignment (the diagonal alignment) the historic diagonal alignment should be retained.

### **Representations**

20. During the publicity period, the Authority has not received any representations regarding the proposed development.

## **Main Policies**

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1, L1 & L3
22. Relevant Local Plan policies: DMC3, DMC5, DMC7, DMC8, DMC10 & DMH8
23. National Planning Policy Framework

## **Wider Policy Context**

24. 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**

25. 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.
26. 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.'*
27. Chapter 6 of the NPPF is of particular relevance as it relates to conserving and enhancing the historic environment. In relation to proposals which affect heritage assets, paragraph 195 states that local planning authorities (LPAs) 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.

## **Peak District National Park Core Strategy**

28. 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

29. 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.
30. 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.
31. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
32. 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.
33. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. Policy L3 requires development to conserve and enhance the cultural heritage of the National Park.

#### Local Plan Development Management Policies

34. 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.
35. DMC5 – *Assessing the impact of development on designated and non-designated heritage assets and their settings*. DMC5 relates to assessing the impact of development on designated and non-designated heritage assets and their settings. The policy requires applications for development affecting a heritage asset to demonstrate its significance and how any features will be conserved or enhanced and why the proposed development is desirable or necessary. DMC5 (E) states that if applicants fail to provide adequate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused. DMC5 (F) 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.
36. DMC7 – *Listed buildings*. DMC7 deals specifically with development affecting a listed building and/or its setting. It states that applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development is desirable or necessary. It goes on to say that development will not be permitted if it would adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or result in the loss of or irreversible change to original features or other features of importance or interest.

37. DMC8 – *Conservation Areas*. Policy DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas.
38. DMC10 - *Conversion of a heritage asset*. DMC10 (A) (iii) says that when dealing with conversions of heritage assets any changes brought about by the new use and any associated infrastructure need to conserve or enhance the heritage asset, its setting (in accordance with DMC5), any valued landscape character, and any built environment. DMC10 (C) says that particular attention will be paid to the impact of domestication and urbanisation including (iii) the provision of adequate amenity space, (vi) the introduction of domestic curtilage, (v) the alterations of agricultural land and field walls.
39. DMH8 – *New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses*. DMH8 relates to new outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses. It 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.

## **Assessment**

### Principle of the development

40. Core Strategy policy DS1 states that, in principle, extensions and alterations to dwellings, including new outbuildings, in the National Park are supported by the Authority, provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues upon the dwelling itself or any neighbouring properties.

### Visual Impacts

41. As noted, the conversion scheme which was granted included the provision of a domestic curtilage to the west side of the former Chapel. This walled area is commensurate with the size of the dwelling and includes parking provision and areas of raised garden.
42. The proposal is to provide additional domestic curtilage to the east side of the building, which is currently agricultural land. The introduction of domestic curtilage to both sides of the building would further erode the original character of the Chapel. Its setting has already been eroded to the west side, however, the historic setting remains largely intact, with the surrounding agricultural landscape coming up to the walls of the building to both north and east. The proposal would undermine the historic, agricultural setting as only the rear (north) elevation to the building would remain adjacent to the surrounding agricultural landscape.
43. The proposed domestic curtilage would be accessed via the paved forecourt to the Chapel which is a significant historic enclosure, and is listed. It is acknowledged that the west side of the enclosure has been removed as part of the approved conversion scheme to allow access to the parking area from within the site. However, removing the wall to the east side too, would further erode the character and have an adverse impact on the significance.
44. The diagonal boundary, to the rear of the roadside wall at the east side of the Chapel, is a drystone wall which is badly damaged and has been supplemented with fencing. It is proposed to remove both the fencing and dilapidated wall. However, the wall is

specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. Therefore, its removal rather than re-building would have a detrimental effect on the setting of the listed building and on the character and appearance of the designated conservation area. Furthermore, its removal would mean that the land behind it would be more visible from public vantage points within the conservation area.

45. The amended plans have removed the overly domestic features, namely the patio and the shed. Therefore, the proposed scheme would be less visually intrusive, especially in light of the fact that the area has until recently had cattle pens sited within it. The enclosed area would be bounded by drystone walls, continuing along the existing building line. However, it would alter the visual relationship of the building with the open land, and therefore have a wider impact on the landscape.
46. The proposal to create an enclosed curtilage to the east side of the Chapel fails to preserve the original character of the building and its setting. It would have an adverse impact on both the building and the Warslow Conservation Area, harming the significance of both.
47. The erection of the small timber shed within the north-west corner of the existing domestic curtilage to the west side would be well away from the building and seen in conjunction with the existing domestic curtilage and that of the neighbouring property. The scale is modest and subservient to the dwelling which the building would serve. The design is typical of a domestic ancillary building and the proposed construction materials are tongue and groove timber, a transient material which is typical of ancillary buildings within domestic curtilages. As such, it is considered that the proposed shed is in line with policies.
48. Overall, the proposals would have an adverse impact on the site, its setting, and the wider setting. Therefore, the proposals would be contrary to policies GSP1, GSP2, GSP3, L3, DMC3, DMC5, DMC7, DMC8 and DMC10.

#### Amenity Impacts

49. The intervening distance between the site and the nearest neighbouring properties is such that there would be no neighbourliness concerns.

#### Sustainability

50. 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.
51. 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

52. The building is a designated heritage asset, and sited within the designated conservation area. The change of use and enclosure of the agricultural land to the east of the listed building would have a detrimental effect on the heritage asset and its setting. The proposals do not provide any public benefit, being for private use.

53. Consequently, it is concluded that the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMC7, DMC8 and DMC10 and national planning policy.

**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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