

**8. FULL APPLICATION - USE OF PROPERTY AS AN OPEN MARKET DWELLINGHOUSE AND PROPOSED EXTENSION AT NIELD BANK BUNGALOW, BUXTON ROAD, QUARNFORD (NP/SM/1124/1266 - GG)**

**APPLICANT: MRS K KIDD**

**Summary**

1. The application is for the use of the dwellinghouse, restricted to use as a holiday let, for use as an open market dwelling with a single storey bedroom extension.
2. The application is recommended for refusal as the proposed use of the dwelling as an open market dwelling is not required to achieve the conservation or enhancement of the building contrary to Core Strategy policies DS1 and HC1. In addition, the proposed extension would harm the character and appearance of the building.

**Site and Surroundings**

3. The application building, which is a holiday let, and the adjacent house also owned by the Applicant and rented out privately, are in an isolated location in upland fields to the east of the A53. The nearest settlement to the site is Flash, which is approximately 0.5 miles to the north west.
4. Access to the site is via a surfaced track of approximately 460m length from the gateway adjacent to the main road (A53). The access is a winding, single lane track which is steep in places and has a steep drop to the valley below. Close to the A53, the access road passes through an area of bell pits, which were a primitive method of mining minerals.
5. The definitive line of a public footpath (FP Hollinsclough 0.1762) runs between the dwellinghouses and the holiday let and joins with a public footpath immediately to the south (FP Hollinsclough 16).

**Proposal**

6. The proposal is to allow the building to be occupied as an open market dwelling and to construct a single storey rear extension to provide for a further bedroom. This application has been submitted following the refusal of planning permission for the previous proposal (ref: NP/SM/0624/0601) for the following reasons:
  1. *The proposed market dwelling is not required to achieve the conservation or enhancement of a valued vernacular or listed building and therefore is contrary in principle to Core Strategy policies DS1 and HC1.*
  2. *The proposed extension would harm the character and appearance of the existing building and the local area contrary to Core Strategy policies GSP2, GSP3, L1 and L3, Development Management policies DMC3, DMC5 and DMC10 and the Authority's adopted design guidance and conversions supplementary planning documents.*
  3. *The proposed development would introduce a window facing the existing neighbouring dwelling house. Inter-visibility between these windows would result in harm to the residential amenity of the occupants of the neighbouring property and the proposed development contrary to Core Strategy policy GSP3 and Development Management policy DMC3.*

7. The previous application was considered at the Planning Committee meeting in August 2024, but there was concern that the extension which was then proposed to the front of the property would be unduly close to the existing neighbouring property which may harm their amenity and privacy.
8. The Applicant advises that there was mention made of having a lean-to roof or catslide, but they advise that this would require the side walls to be very lightweight or some structural beams included to support stone side walls. The Applicant considers that this is not a design that a farmer would have applied to a stone barn originally, and therefore have maintained the gable proposal.
9. The extension is now proposed on the south (rear) elevation of the building. It is proposed to measure 4.65m wide and 3.75m deep. The eaves height is proposed to match the building but the ridge height is stepped down and the walls are stepped in from the edges. The Applicant advises that this is a 30% floor area increase over the size of the existing building.
10. It is proposed to have natural stone walls, quoining to the corners and windows and doors having stone heads to match the existing. The roof is proposed to have plain clay tiles. New uPVC windows and doors are proposed to reflect the proportion and size of the existing openings.

### **RECOMMENDATION:**

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

1. **The proposed market dwelling is not required to achieve the conservation or enhancement of a valued vernacular or listed building and therefore is contrary in principle to Core Strategy policies DS1 and HC1.**
2. **The proposed extension would harm the character and appearance of the existing building and the local area contrary to Core Strategy policies GSP2, GSP3, L1 and L3, Development Management Policies DMC3, DMC5 and DMC10 and the Authority's adopted design guidance and conversions supplementary planning documents.**

### **Key issues**

- Whether the use of the holiday accommodation as an open market dwellinghouse is acceptable in principle
- Whether the proposed change of use will impact on the character and appearance of the landscape
- Whether the extension will impact on the character and appearance of the building and the wider landscape setting
- Whether the amenity of occupiers of the neighbouring dwellinghouse will be impacted upon.

### **History**

- 2024 - NP/SM/0624/0601 Change of use from holiday let to dwelling with single storey bedroom extension - Refused
- 2003 - SM0903106 Conversion of redundant farm building to holiday cottage – Granted.
- 1994 - SM0594051 Formation of surfaced access track – Granted

## **Consultations**

11. Staffordshire County Council (Highway Authority): No objection but advise consultation with Public Rights of Way Section.
12. Staffordshire County Council (Public Rights of Way): No comments received.
13. PDNPA Archaeology: No comment.
14. Parish Council:
  - Repeat comments with regard to previous application (ref: NP/SM/0624/0601)
  - Unanimous in the support of the application
  - The occupation of the holiday let could be considered a perfect hideaway location but economic success has only been partial
  - Holiday let is typically closed to visitors between October and March due to altitude and weather conditions
  - The holiday let has mainly attracted couples and a lot of effort and energy is expended in preparing the holiday for frequent changes in visitors
  - It is considered a common opinion of Flash villagers' that there are too many holiday lets
  - The change to an open market dwelling would better reflect the applicant's current circumstances
  - Has the potential to become a permanent dwelling and with an additional bedroom it could meet a wider range of needs and provide a home for someone in genuine need in the Parish
  - Extension would be in harmony with the neighbouring property and would not have a negative impact on the landscape
  - The application thoughtfully addresses the challenges of climate change
  - The planning application would foster the economic, social and emotional wellbeing of the applicant and that of her extended family across the generations within the Moorland community.

## **Representations**

15. During the consultation period, the Authority has received one formal representation in support of the proposed development. The representation includes the following points:
  - Community severely affected by number of holiday lets and knock on effects
  - School has closed and dwindling numbers attending church
  - Transient nature of holiday lets means vibrancy is lost and community spirit declines
  - If there are not a proportion of people living in the National Park, then it becomes a less attractive place to visit
  - Already have an increasing number of day visitors which impacts on parking and access
  - Due to lack of residents, there is difficulty recruiting responders/helpers
  - Already have four campsites, numerous bunkhouses, holiday lets and AirB&B's in the area
  - In 1990's four local houses were built in Flash which shows local need for houses
  - Expansion of town and cities shows need for more houses
  - Why are residential units that are already available not being used as such rather than destroying areas with holiday lets and second homes

- Now time to consider if the practice of attaching caveats to the use of properties as holiday accommodation is wise when people need to live in the village and what better way than to make available an existing property that simply can be given over to residential let.

### **Main Policies**

16. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, CC5, L1, L3 and HC1
17. Relevant Local Plan policies: DM1, DMC1, DMC3, DMC5, DMC10, DMH1, DMH2, DMH4 & DMR3

### **Wider Policy Context**

18. 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**

19. 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. There is no significant conflict between prevailing policies in the Development Plan and the NPPF.
20. Paragraph 189 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.'*
21. Paragraph 84 clearly states that planning policies and decisions should avoid new isolated homes in the countryside unless there are special circumstances such as:
  - (a) meeting an essential need;
  - (b) ensuring the longevity of a heritage asset by allowing a viable use;
  - (c) the development would re-use redundant buildings and enhance its setting;
  - (d) the development would involve the subdivision of an existing residential building; or
  - (e) the design is of exceptional quality.
22. Paragraph 216 of the NPPF states that where the 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

23. 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
24. GSP3 - *Development management principles*. This 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.
25. DS1 – *Development Strategy*. This policy outlines the acceptable locations and types of development that would be supported as long as such development promotes a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park.
26. CC1 – *Climate change mitigation and adaptation*. This 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.
27. CC5 – *Flood risk and water conservation*. This advises that development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.
28. L1 - *Landscape character and valued characteristics*. This 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.
29. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.
30. HC1 - *New housing*. This states that provision will not be made for housing solely to meet an open market demand, and sets out the exceptional circumstances where new housing can be accepted in open countryside.

### Local Plan Development Management Policies

31. DM1 – *The presumption of sustainable development in the context of National Park purposes*. This states that, when considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development and work proactively with applicants to find solutions that are consistent with National Park purposes.

32. DMC3 - *Siting, design, layout and landscaping*. This 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.
33. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This advises that applications for development affecting a heritage asset, which can include a non-designated heritage asset, must clearly demonstrate its significance and how features of value will be conserved and, where possible, enhanced and why the proposed development and related works are desirable or necessary. It is also advised 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 the asset and that the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the non-designated heritage asset.
34. DMC10 – *Conversion of a heritage asset*. Proposals under Core Strategy policy HC1 C will only be permitted where: (i) the building is a designated heritage asset; or (ii) based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and (iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and, where appropriate, the enhancement of the significance of the heritage asset and the contribution of its setting.
35. DMR3 - *Holiday occupancy of self-catering accommodation*. This advises that for existing holiday accommodation outside settlements listed in Core Strategy policy DS1, the removal of any condition that requires use for holiday accommodation will be permitted provided that:
- (i) there would be no adverse impact on the valued characteristics of the area or residential amenity; and
  - (ii) the dwelling unit is tied by legal agreement to occupancy in perpetuity by those in housing need and having the required local connection as specified in policies DMH1 and DMH2; and
  - (iii) the size of the dwelling unit is within that specified in policy DMH1 or of a size that can be reasonably rented or part owned.

Therefore, policies DMH1 and DMH2 of the Development Management Plan would have relevance with regard to affordable housing provision and the type of occupancy that may be acceptable. Policy DMH4 relates to essential worker dwellings and advises that a dwellinghouse can also be created where there is a need for such a dwelling to support agriculture, forestry or other rural enterprise businesses.

#### Supplementary Planning Guidance

36. The PDNPA Design Guide refers to the principles of good design and designing in harmony with the local building tradition. However, this must only be applied where a development is otherwise justified by other policy criteria.
37. The Conversion of Historic Buildings SPD is also relevant. It is appreciated that the barn has already been converted to a holiday let, but the parameters by which such buildings are permitted to be converted are nevertheless important in considering any proposals to extend them.

## **Assessment**

### **Principle**

38. The site is located in an isolated location in open countryside. In order to safeguard the protected landscapes within the Park, whilst meeting the need for affordable housing, Policy HC1 of the PDNPA Core Strategy restricts new open market housing to limited, exceptional circumstances.
39. Part C of Policy HC1 of the Core Strategy allows for new housing where it is required to achieve the conservation and/or enhancement of valued vernacular buildings, however, the building has already been converted and the conversion has already conserved and enhanced the building. There is therefore no requirement for the building now to be used as an open market dwelling.
40. The use of the building as a permanent dwelling therefore could only be acceptable where it is required to address eligible local needs or to provide accommodation for key workers in agriculture, forestry or other rural enterprises. This reflects national policy set out in paragraph 84 of the NPPF.
41. Whilst the Applicant has advised that the dwellinghouse would provide for a person(s) or a family to live in the locality, the application is for the use as an open market dwelling, not a local need affordable dwelling to meet local need. If approved the dwelling could be let or sold on the open market and could continue to be occupied as a holiday home or even as a second home.
42. As such, the proposal fails to comply with Policy HC1.A of the Core Strategy and DMR3 of the Development Management plan. In addition, whilst the Applicant advises that there is an over proliferation of holiday accommodation in the National Park, there is no evidence presented as to that being the case nor any evidence that the holiday accommodation is not viable. This would also not justify use as a market dwelling in the context of restrictive housing policies in the National Park. The principle of the proposal is therefore contrary to the provisions of the development plan and national policy set out in the NPPF.
43. Officers discussed the policy position with the Applicant's Agent in the consideration of the previous planning application, and suggested consideration be given to re-submitting with an application for an affordable dwelling to meet local need, if this could be justified. However, the Applicant requested that the previous application be determined as submitted and the same applies in the assessment of this current planning application.

### **Character and appearance**

44. Whilst the site is in a relatively isolated location, it is situated at the junction of two public footpaths, one of which, according to the definitive map, runs between the application building and the adjacent dwellinghouse, albeit this footpath is not apparent on the ground. Nevertheless, the development proposals would be highly visible from the public domain within the landscape.
45. The application building could be considered to be a non-designated heritage asset and, in any case, contributes to the landscape in association with the farmhouse and its isolated rural setting. Policy L1 of the Core Strategy advises that development must conserve and enhance valued landscape character and valued characteristics of the National Park. Policy L3 deals with cultural heritage assets of historic significance, and states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings. This approach is

reflected in policies DMC3, DMC5 and DMC10 of the Development Management Policies document.

46. One of the key principles is that a conversion scheme should work with the existing form and character of the building. This is reflected upon in the Authority's Conversion of Historic Buildings SPD. Paragraph 5.7 advises that the existing form, scale and character of the historic building and its site will guide the design in any conversion scheme. Paragraph 5.8 adds that most farm buildings are generally simple and functional in their form, shape and design and use local materials and simple detailing. They typically have long and uninterrupted roofs and a higher ratio of blank walling to openings.
47. Given the above, it is considered that the extension proposed to the building would significantly harm its underlying character and appearance as a former traditional agricultural building. The building is of traditional materials and has a simple linear form and the proposal, to create a L-shaped building, would significantly harm that traditional character and appearance.
48. Had such a proposal been put forward at the time at which the barn was converted to a holiday let, it is unlikely that this would have been acceptable, as is considered the case with the previous refused proposal and this current proposal. The use of matching materials would serve to suppress the original form of the building, to present a falsified/fabricated appearance to the traditional building.
49. In addition to the above, the use as a dwellinghouse is more likely to have a more managed garden than is the case for the property being used as a holiday let; the garden is currently just managed grass with some areas of hardstanding. There is also the likelihood, if the building were used as a dwellinghouse, that domestic paraphernalia would become more evident; such interventions would serve to domesticate the setting of the building and erode the character and appearance of the natural landscape.
50. To conclude, it is considered that the extension fails to consider guidance in the Authority's Design Guide and Conversion of Historic Buildings Supplementary Planning documents and fails to comply with Policies L1 and L3 of the Core Strategy and with Policies DMC3, DMC5 and DMC10 of the Development Management Policies document.

#### Amenity Impacts

51. As the extension is now proposed to the rear of the building, it is considered that it would not lead to undue amenity impacts on the residents of the neighbouring dwellinghouse.

#### Highway Matters

52. The proposal would utilise an existing access and there is considered to be no highway safety concerns in using the building as a dwellinghouse instead of a holiday let given that each use could generate a similar level of comings and goings from the site by vehicles. Whilst familiarity with the access as a result of living in a dwellinghouse may be beneficial compared to initial unfamiliarity with the access by users of it as a holiday let, no existing highway safety issues have been clearly evidenced or quantified that would mean a change to the nature of the occupation of the building would represent any notable benefit that would override the concerns detailed above.

#### Public Footpath

53. There would appear to now be no impact on the definitive route of a public footpath. However, it appears from aerial photography that Public Footpath Nos. 0.1762 and 16 Hollinsclough are both obstructed by boundary treatments, although it will not be further



impacted by this development. To this end, it was advised with the previous planning application that this will be referred to one of the Rights of Way Officers to visit and it was requested with the previous application, if planning permission be granted, that notes are attached to the decision notice advising of the definitive rights of way and that they should not be obstructed.

### Sustainability

54. Policy CC1 requires development to make the most efficient and sustainable use of land, buildings and natural resources in order to build in resilience to and mitigate the causes of climate change. To this end, the Applicant has submitted a Climate Change Statement to address such matters.
55. The Applicant advises that the proposed alterations would be designed using a 'fabric first' approach, prioritising design and construction to improve thermal performance and reduce the need for energy. The proposed alterations would be designed and constructed to meet and exceed the current Building Regulations Part L requirements. The property currently has storage type heaters for the lounge and kitchen and warm air blowers for the kitchen and bathroom. Replacing these with an A rated LPG or oil-fired boiler central heating system would be more energy efficient and economical to run. The use of a wood burning stove is also mooted.
56. As the proposed dwelling would be located on an isolated site, the Applicant considers that it wouldn't have many passers-by and, whilst roof mounted PV panels can detract from the overall appearance of a property, in this instance, the Applicant considers it unlikely to cause any issue. As such, there are clear intentions to mitigate against the carbon footprint of the development in the manner in which the building is proposed to be extended and adapted, to make it more energy efficient, and the measures suggested could be secured with conditions on any grant of planning permission, albeit the use of solar panels would be likely to lead to a degree of harm to this traditional building in the upland, rural landscape.
57. Therefore, notwithstanding concern that the creation of an unjustified market dwelling in this remote location is a fundamentally unsustainable form of development it is considered that appropriate climate change measures could be incorporated into the build if permission were granted.

### Conclusion

58. Justification can be made to convert buildings to open market dwellings where this is demonstrably required to achieve the conservation or enhancement of a heritage asset. However, the building has already been successfully converted to use as a holiday let and there is no clear justification as to why this should now become an open market dwellinghouse. Officers have discussed an alternative of an affordable dwelling to meet local need with the Agent but the application is requested to be determined as submitted.
59. Whilst there are clear intentions to address the carbon footprint of development, in the manner in which the building is proposed to be extended and adapted to mitigate against climate change, this does not override the objection in principle to the development which is inherently unsustainable in such a remote location. The proposed extension would be an inappropriate form and harm the character and appearance of the building and its setting.
60. Given the above, it is considered that the proposals fail to meet with the strategic aims of local and national policies and, in the absence of any further material considerations, the application is recommended for refusal.

**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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