

9. FULL APPLICATION – CONVERSION OF BARN TO A DWELLING (PART RETROSPECTIVE) AT CORNFIELD BARN, CORNFIELD ROAD, LYME HANDLEY (NP/CEC/0125/0095,HF)

APPLICANT: MR & MRS J & C WARR

Summary

1. The application site relates to Cornfield Barn, a traditional gritstone roadside barn located on Cornfield Road approximately 1.2km north of Kettleshulme.
2. Planning permission was granted to convert the barn to holiday accommodation and stabling / storage in 2009. That permission was implemented, however the majority of works were not carried out until 2019, when a Section 73 application to vary the 2009 permission was submitted. That application was approved in 2020.
3. Both the 2009 permission and 2020 Section 73 permission restrict the occupation of the building to short-term holiday let with a condition stating the property shall not be occupied by any one person for a period exceeding 28 days in any calendar year.
4. It is understood the development was completed in March 2021 and from April 2021, the property was permanently occupied by the applicants, in breach of that condition.
5. This application seeks planning permission for use of the building as a market dwelling. The building has been recently converted and is in good condition. Its conservation has therefore already been achieved and the proposed market dwelling is not considered to be necessary to secure the conservation of a non-designated asset.
6. The application is therefore recommended for refusal.

Site and Surroundings

7. Cornfield Barn is a traditional barn of 19th Century construction or earlier. It has gritstone walls and slate roof and is considered to be a non-designated heritage asset.
8. The building is set over two levels with catslide aspect to the rear. Internally, the eastern part of the building has been converted to residential accommodation over two floors, whilst the western part of the building has been converted to stabling with void space above. The stabling use is understood to have ceased.
9. The building is accessed from the highway to the north. It has a small curtilage to the south with parking to the east. A steel container and wooden pod are located to the south of the barn within the curtilage. Both of those structures are unauthorised.
10. The nearest neighbouring property is Cornfield Farm to the north west of the site. A public right of way (PRoW) is to the south west of the site. 2ha of land to the south east is within the same ownership as the barn.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed market dwelling is not acceptable in principle as it is not required to achieve the conservation and / or enhancement of a non-designated heritage asset. The development is therefore contrary to Core Strategy Policy HC1 and Development Management Policy DMC10.**

2. The application provides insufficient information to enable an understanding of the impact of the development on protected species, contrary to Core Strategy Policy L2 and Development Management Policies DMC11 and DMC12.

Key Issues

11. Whether the proposed market dwelling is required to achieve the conservation and / or enhancement of a non-designated asset, and whether the development is acceptable in relation to impact on character and appearance, neighbouring amenity and ecology.

History

12. NP/M/0109/0055: Conversion of redundant shippon and barn to mixed use of stabling/storage and holiday accommodation – Approved 19th March 2009.
13. The permission was implemented in 2011.
14. NP/GDO/0518/0400: GDO Notification - Proposed conversion of building from agricultural to B1 studios – Prior Approval granted 7th June 2018. Permission not implemented.
15. NP/CEC/0619/0646: Removal or variation of conditions 2, 17, 19 and 20 on NP/M/0109/0055 – Approved 31st January 2020.
16. That application confirmed it was the applicant's intention to continue the conversion for holiday accommodation.
17. The Section 73 application sought changes in relation to patio area, access track, parking layout, boundary treatment and landscaping. Minor changes were also proposed to window and door openings and changes to internal stud wall positions.
18. 24/0148: Enforcement case opened due to the reported breach of NP/CEC/0619/0646, with the building being lived in and unauthorised siting of steel container and timber pod.

Consultations

19. Cheshire East Council Highways: Pedestrian and vehicular access remain unchanged and sufficient space to accommodate car parking demand. No objection.
20. Cheshire East Council Public Rights of Way Team: The development is unlikely to affect Public Footpath No.36. Informatives recommended.
21. Peak District National Park Authority Ecology: The existing permission requires bat mitigation to be carried out in accordance with the Bat and Barn Owl Report and Assessment (dated December 2008), which included that 'the stables will be open to the roof void'. It is understood this will no longer be the case given the proposed installation of a ceiling. The previous development mitigated for brown long eared bats. This species requires a larger area to 'warm up' in prior to emerging; therefore the area available to bats will be reduced. Ecological addendum required to understand current potential impacts on bats; and depending on findings, additional mitigation plans may be required.
22. Further response provided on receipt of a Protected Species Survey (March 2025). The Survey advises multiple emergence surveys are to be undertaken between May – August due to 'moderate' potential of the building to support bats. The survey results are required to enable a full assessment of impact on bats prior to determination.

Representations

23. A total of 16 letters have been received in support of the application. The letters of support raise the following material considerations:

- The applicants have sensitively converted and conserved the barn which was previously in disrepair. The work has been done to a high standard in keeping with the character of the area and positive to see the building in use again;
- The proposals will continue to be sympathetic to the area and enhance the visual amenity of the heritage of the area;
- Support for preservation, upkeep and continued use of historic barn rather than allowing it to fall into disrepair;
- Support for conversion of the stable space to provide necessary living space;
- Applicant is an asset to conserving the countryside and care to land, paths and planting of trees and wildflowers has positive impact on the area and on wildlife;
- The application will allow a local family with strong ties to the area to continue living here;
- No reason why a permanent residence should now be allowed rather than holiday-let;
- Permanent residential use provides a potentially better neighbour than uncertainty of holiday-let tenants;
- There is limited housing for the younger generation available in Kettleshulme;
- Original owner (applicant's parent) moved away due to need for support. Had previously applied for planning permission and only holiday let accepted.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, HC1, CC1

Relevant Local Plan policies: DMC3, DMC5, DMC10, DMC11, DMC12

National Planning Policy Framework (NPPF)

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: 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 they carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
25. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 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.
26. In the National Park, the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides 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 the NPPF.

Relevant Development Plan Policies

Core Strategy

27. GSP1, GSP2: 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.
28. GSP3: 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.
29. DS1: In all settlements and in the countryside forms of acceptable development include conversion or change of use for housing, preferably by re-use of traditional buildings.
30. L2: Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
31. L3: Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets. In this case the building is a non-designated asset.
32. CC1: Development must make the most efficient and sustainable use of land, buildings and natural resources.
33. HC1: 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 (whether newly built or from re-use of an existing building) can be accepted where:
C. In accordance with core policies GSP1 and GSP2:
 - i. it is required to achieve conservation and / or enhancement of valued vernacular; or
 - ii. it is required to achieve conservation or enhancement in settlements listed in DS1.

Development Management Policies

34. DMC3: A high standard of design is required which 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.
35. DMC5: Planning applications affecting a heritage asset must demonstrate: (i) its significance including how any features of value will be conserved and where possible enhanced; and (ii) why the development and related works are desirable or necessary.
36. DMC10: A. Conversion of a heritage asset will be permitted provided it can accommodate the new use without changes that adversely affect its character and the changes conserve or enhance the significance of the asset and its setting.
B. Proposals under HC1.C(I) will only be permitted where the building is a designated heritage asset or non-designated asset, and where it can be demonstrated that conversion to a market dwelling is required to achieve the conservation and, where appropriate, enhancement of the significance of the asset and contribution of its setting.
37. DMC11: Proposals should achieve net gains to biodiversity. In considering if a proposal conserves and enhances sites, features or species of wildlife importance all reasonable measures must be taken to avoid net loss by demonstrating the following matters in the below order have been considered: (i) enhancement proportionate to the development; (ii) avoidance of adverse effects; (iii) the 'do nothing' option and alternative sites causing less harm; (iv) appropriate mitigation; and (v) as a last resort, compensation measures.

38. DMC12: A. For European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated the legislative provisions to protect such sites or species can be fully met.
- B. For sites, features or species of national importance, exceptional circumstances are those where development is essential:
- i. for the management of those sites, features or species; or
 - ii. for the conservation and enhancement of the National Park's valued characteristics; or
 - iii. where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.

Assessment

Principle of development

39. Cornfield Barn is a non-designated heritage asset. Planning permission was granted for its conversion to a holiday-let and stables in 2009. That permission was implemented in 2011, although the majority of works to convert the building were undertaken between 2019 – 2021.
40. Condition 18 of the permission restricted the occupation of the barn to short-term holiday let in line with the Authority's policies at the time:
- "This permission relates solely to the use of the premises hereby approved for short-let holiday residential use. The property shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The existing house and the approved holiday accommodation shall be maintained as a single planning unit. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request."*
41. It is noted the agent has raised concern over the enforceability of the above condition, as the condition requires Cornfield Barn to remain in the same planning unit as the 'existing house' however no other house was included in the application boundary (including blue line ownership boundary) under that application.
42. The agent states the condition places an obligation on the owner of another residential property (Cornfield Farm) who was not the applicant and who was unrelated in planning terms, with the condition therefore considered to be unenforceable, unreasonable and unnecessary. They state the condition does not meet the 6 tests of planning conditions set out by paragraph 57 of the NPPF. They also reference Planning Practice Guidance which outlines that conditions requiring works on land that is not controlled by the applicant will often fail the tests of reasonableness and enforceability.
43. Whilst it is acknowledged the reference to the existing house to be maintained in the planning unit appears to have been an error in the condition wording, the remainder of the condition which required occupation of the barn for holiday-let only does meet the 6 tests and that element of the condition is therefore remains valid and enforceable. It is therefore not considered that the entire condition is unenforceable, a view that is shared by the Authority's legal team.
44. In 2020, a Section 73 application was approved to vary the 2009 permission to reflect a number of changes from the original approval.
45. The application indicated the applicant was intending to carry out the works to provide the holiday accommodation approved in 2009. The application did not seek to vary condition 18, which therefore continues to apply under the 2020 approval.

46. It is understood works to convert the barn were completed in March 2021. In April 2021, the building was permanently occupied by the applicants and their family, representing a breach of condition 18. An enforcement case (24/0148) was consequently created.
47. Although the application states that the barn was never used as a holiday-let, case law has established that actual use is not a legally necessary pre-requisite to a material change of use occurring, and that a change of use can take place before that 'use' commences provided the building has been fitted out and completed to a point where it is capable of accommodating its intended use.
48. Photographs of the barn taken at the time of the 2020 application indicated much of the external work had been undertaken including fitting of doors and windows, in line with the original permission. There also appear to have been roof repairs and re-pointing undertaken. The 'existing' layout shown with this application is also reflective of the layout that was approved under the original application, with the only change being to the ground floor layout of the building which as built has an additional bedroom. Whilst this reflects a minor internal change to the approved plans, it is not considered to represent a different development to that which was approved and clearly implemented.
49. Given the existing planning permission was implemented and those physical works carried out to a point where the building was capable of occupation, officers consider that the 2020 permission has been implemented and the use of the barn reflects that permission, for stabling and a holiday-let.
50. The planning use class order does not distinguish between most holiday-lets and a residential dwelling, both of which generally fall within Use Class C3. Whilst a C3 use was granted by the existing permission, in this case the building cannot operate as a permanent residential dwelling because condition 18 of the permission restricts the occupation of the barn by any one person for a period exceeding 28 days in any calendar year. Planning permission is therefore required for the proposed market dwelling.
51. This application seeks planning permission for the conversion of the barn to a market dwelling. The application also seeks conversion of the ground floor stables to create a study and additional bedroom with en-suite with loft space over. The applicant states stabling is no longer required with the horses now on rented land nearby.
52. Policy GSP1 states all policies must be read in combination and development shall be consistent with the National Park's legal purposes. GSP2 requires proposals intended to enhance the National Park to over a significant overall benefit to the natural beauty, wildlife and cultural heritage of the area with a design respecting character of the area.
53. Policy DS1 states development which is acceptable in the countryside includes conversion or change of use to housing, preferably by re-using traditional buildings.
54. Policy HC1 expands on new housing in the National Park further, stating that housing will only be permitted in exceptional cases where:
 - A. It addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity;
 - B. It provides for key workers in agriculture, forestry or other rural enterprises in accordance with HC2;
 - C. In accordance with core policies GSP1 and GSP2:
 - I. It is required to achieve conservation and / or enhancement of valued vernacular or listed buildings; or
 - II. It is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

55. It is recognised that multiple letters have been received which offer support for the provision of a dwelling to accommodate a local family with strong ties to the area and who support the local community, with a response indicating a shortage of local homes.
56. Whilst the application submitted is for an open market dwelling, officers have nonetheless considered whether the dwelling could potentially be provided as an affordable dwelling for local needs under HC1.A.
57. The agent has indicated that whilst the applicant has a strong family connection to the area, they do not strictly comply with the requirements of Policies HC1.A and DMH1 in respect of a local connection, although should members be minded to support the application the agent has indicated there is a willingness for a personal consent for the family and legal agreement to secure the building as an affordable local needs dwelling in the future.
58. The applicant lived at the adjacent Cornfield Farm from 1975 onwards and their grandparents resided in Kettleshulme, with the Cornfield Barn (previously part of Cornfield Farm) previously subject to an application by the applicants mother for conversion to a local needs dwelling in 1993, however that application was unsuccessful due to concerns over the barn remaining affordable in the future. Cornfield Farm was sold in 2002.
59. The barn and adjoining land remained in the applicants ownership and construction work to the barn began in 2019. The applicants moved into the barn in 2021 due to personal reasons and difficulty in finding another house due to restrictions viewing houses during the Covid pandemic.
60. Whilst it is recognised the building has been in the applicants ownership for a significant period of time, it is unclear on the information available that the applicant satisfies the local needs test set out by the Authority's policies. The applicants agent indicates that the applicant would not meet with policy requirements.
61. Furthermore, the existing residential accommodation has an approximate internal floorspace of 110 sqm and the converted stable space has an internal floorspace of around 50sqm. This gives a combined area of around 160 sqm which is significantly above the maximum floorspace thresholds for new affordable housing set by Development Management Policy DMH1, which states the maximum house size for an affordable house with five bed spaces is 97sqm. Supporting paragraph 6.58 outlines the size limit helps to protect the affordability of accommodation in perpetuity.
62. Therefore, the dwelling proposed is too large to be considered as an affordable local needs dwelling under HC1.A and DMH1. Therefore, the proposed development could not be made acceptable by either planning condition or planning obligation.
63. The Authority are not aware of any case for a rural workers dwelling in respect of HC1.B.
64. It must therefore be considered whether a market dwelling is required to achieve the conservation / enhancement of the building under HC1.C(I) and DMC10.B(iii).
65. The supporting Planning Statement outlines that the proposed development complies with HC1.C(I) of the Core Strategy as the former stable use is no longer active and the vacant section of the barn would fall into disrepair and deteriorate over time.
66. Multiple letters of support have also been received which state the works carried out to the barn have been done to a high standard, and that future conversion of the stables would similarly be sympathetic and see the remainder of the barn conserved. The active use would also ensure the barn continues to be maintained.

67. Whilst the stable use may no longer be active, officers observed during a visit to site that the section of the barn used for stabling appeared to be in good condition, with external sections of the building having been re-pointed, new window and door openings fitted (in accordance with the 2009 / 2020 permission) and the roof in good condition.
68. Officers also requested photos showing the existing condition of the internal stable space, as access into the building was not possible during the visit to site. Photos provided by the agent show the building to be in good condition internally, with solid floor, blockwork to the gables and relatively recent roof frame and internal walls. The protected species survey photos also appear to show the space is used for some domestic storage (albeit this is unauthorised, in connection with the unauthorised use of the barn as a dwelling).
69. The space has been converted relatively recently to stables and is in good condition. Whilst it is recognised the proposed bedroom and study could be accommodated sensitively, the proposed market dwelling is not necessary to achieve conservation of the asset, as its conservation has already been achieved.
70. Even if it were, the approximate area of the stables is 50sqm, with the remainder of the barn measuring around 110sqm. The conversion of a smaller section (approximately one third) of the building which is in good condition is not considered sufficient to justify the creation of a market dwelling across the entire building as is proposed.
71. The plans show the remainder of the barn has been fitted out with living room, kitchen, bedrooms and bathroom and it was observed during a visit to site that the building appears to be occupied and works to the exterior of the building had been completed. The conservation of the barn has therefore already been achieved and use as a market dwelling is not required for the building's conservation.
72. The proposed market dwelling is therefore not required to achieve the conservation or enhancement of the barn and the use would be contrary to HC1.C(I) and DMC10.B(iii).
73. The application states it would comply with paragraph 84 of the NPPF, which supports the re-use of redundant or disused buildings and enhancement to their settings.
74. This broad principle is already covered by DS1 and HC1 and the application has been assessed against the criteria which apply in relation to conversion / re-use of buildings and is contrary to those policies. This being is neither disused or redundant and could lawfully be occupied as holiday accommodation.
75. In any case, the building represents a single building which is clearly in occupation with only a small part now vacant. It is not clear what enhancement to the building setting would be provided by the addition of the bedroom and study. Whilst the application proposes to remove the steel container and pod in the barn curtilage, those structures are unauthorised and their presence (and removal) is not afforded weight in this assessment.
76. The above assessment has concluded that the barn is in good condition and its conservation has already been achieved through its recent conversion, as part of a lawful implementation of planning permission which was granted to convert the building to a holiday-let and stables.
77. The proposal for a market dwelling therefore does not comply with Policies HC1 and DMC10 and there is no exceptional requirement for the creation of a market dwelling. The development is therefore not acceptable in principle and would result in the creation of a market dwelling in an unsustainable location.

78. The Authority's housing policy is long established and the position in relation to the application of policy HC1 to buildings already converted and conserved has consistently been supported at Appeal by the Planning Inspectorate.

Impact on Character and Appearance

79. No physical works are required to accommodate the market dwelling in the eastern part of the barn, with those works already carried out in implementing the 2020 permission for holiday-let.
80. Minor external changes are proposed to the west part of the barn comprising re-purposing of the north elevation opening to a window and a door on the south elevation to allow more daylight to the building. Those changes are minor and subject to a condition requiring details of the new door and window, the works would be sympathetic to the appearance of the barn.
81. Internally, the development proposes internal partition walls to create the additional rooms and insertion of a ceiling to create loft space over the study. Whilst the Conversions SPD advises against installing ceilings and states spaces should be left open to the roof (5.66) the ceiling only appears to relate to a small area over the study and on balance the works are considered to be acceptable in respect of impact on the building's heritage, character and appearance, and in terms of design.
82. The proposals are not considered to conflict with Policies GSP3, L3, DMC3 and DMC5.

Ecology

83. The Authority's ecologist advised the development had the potential to impact on protected species, particularly bats. The existing permission for the conversion of the barn required mitigation measures to be carried out in accordance with Section 6 of the Bat and Barn Owl Report and Assessment undertaken by NLG Ecology Ltd (dated December 2008) which states the stables would remain open to the roof void as mitigation for bats. The application proposes installation of a ceiling and has the potential to impact bats if present.
84. A Protected Species Survey undertaken after the application was submitted in March 2025 has been provided and advises that whilst no signs of bats were observed, the building has moderate potential for bats and that the possibility of non-breeding roosts or low numbers of bats cannot be discounted. Further survey work is recommended comprising multiple dusk emergence surveys undertaken in the optimal survey season May – August.
85. The Authority's ecologist has advised this information is required prior to determination of the application to understand the potential impact of the development on protected species. In the absence of such information, the application does not comply with Policies L2, DMC11 and DMC12 of the development plan.
86. The Protected Species Survey also advises on mitigation relating to nesting birds should works be undertaken between March to August. This could be secured by condition.

Other Matters

87. Due to the nature of the use proposed and distance and intervening landscaping between the application site and neighbouring properties, the nearest of which is Cornfield Farm to the west, it is not considered the development would harm residential amenity. The proposal therefore complies with Policies DMC3 and GSP3 in this respect.

88. Whilst responses received suggest a permanent residential use would provide a more preferable neighbouring use to a holiday-let with the uncertainty over tenants, the permitted use is nonetheless considered to be compatible with the area, contributes to the statutory purpose of the National Park and is acceptable in amenity terms.
89. The Highways Authority have confirmed the development will not alter the site access and that there is sufficient parking space available to accommodate the use. The development is acceptable in respect of highways.

Conclusion

90. Cornfield Barn has recently been converted. That conversion has achieved the conservation of the building which is in good condition. It is therefore not considered that conversion of the building to a market dwelling is required in order to achieve the conservation and / or enhancement of the non-designated barn. The proposed development is therefore contrary to Policies HC1.C(I) and DMC10.B(iii).
91. In the absence of the bat emergence surveys recommended by the submitted Protected Species Survey, the application contains sufficient information to understand the impact of the development on protected species. The application is therefore also contrary to Policies L2, DMC11 and DMC12.
92. The application is therefore 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: Hannah Freer, Senior Planner