

**6. 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. This application was deferred at the April 2025 Planning Committee meeting to allow for further bat surveys to be carried out and for discussions with the Applicant and Officers to take place to establish whether an affordable local needs dwelling could be secured on the site.
2. A supplementary bat survey was received in July and the Authority's ecologist has accepted the findings of the survey and recommends a number of planning conditions.
3. An application for a Certificate of Lawful Development for the existing use of Cornfield Barn as a full time residential dwelling was received in June and was refused by the Authority in August.
4. The applicant's agent has indicated the applicant's do not satisfy the Authority's development plan policy criteria for the first occupants of new affordable housing. Concerns also remain over the size of the proposed dwelling which exceeds the affordable housing thresholds set out in the development plan.
5. It is not considered the development would comply with the Authority's policies for the creation of new affordable housing, as the dwelling would not meet a clear and demonstrable need and would not be affordable due to its size.
6. The application therefore continues to be recommended for refusal.

**Site and Surroundings**

7. Cornfield Barn is a traditional barn of 19<sup>th</sup> 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 reason:**

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, and it does not meet any other exception for new housing in the National Park, contrary to Core Strategy Policy HC1, Development Management Policies DMC10 and DMH6; and National Planning Policy Framework.**

### **Key Issues**

11. Whether the proposed dwelling is required to achieve the conservation and / or enhancement of a non-designated asset.
12. Whether there is sufficient justification for a local needs affordable dwelling and whether the proposed housing would be of an acceptable size.
13. Whether the development is acceptable in relation to impact on character and appearance, neighbouring amenity and ecology.

### **History**

14. NP/M/0109/0055: Conversion of redundant shippon and barn to mixed use of stabling/storage and holiday accommodation – Approved 19<sup>th</sup> March 2009.
15. The permission was implemented in 2011. It included a condition which restricts the occupancy of the development to no more than 28 days in any one calendar year by any one person.
16. NP/GDO/0518/0400: GDO Notification - Proposed conversion of building from agricultural to B1 studios – Prior Approval granted 7<sup>th</sup> June 2018. Permission not implemented.
17. NP/CEC/0619/0646: Removal or variation of conditions 2, 17, 19 and 20 on NP/M/0109/0055 – Approved 31<sup>st</sup> January 2020.
18. That application confirmed it was the applicant's intention to continue the conversion for holiday accommodation.
19. 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. The restrictive occupancy condition was not removed as part of this decision.
20. 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.
21. An Enforcement Notice was served on 25<sup>th</sup> March 2025 in respect of the installation of a steel container and construction of a timber building (pod) without planning permission.
22. 3364823: Appeal lodged 23<sup>rd</sup> May 2025 against Enforcement Notice 'Without planning permission, the installation of a steel container and the construction of a timber building'. Decision awaited.
23. NP/CEC/0625/0564: Lawful Development certificate for an existing use - Use of Cornfield Barn as full time residential use – Refused 7<sup>th</sup> August 2025.
24. The Lawful Development Certificate (LDC) application indicated the full time residential use of Cornfield Barn has become lawful, because the use commenced on 12<sup>th</sup> April 2021 and has now surpassed four years. The applicant considers the dwelling at Cornfield Barn was subject to the four-year rule in terms of immunity as it represents a change of use to a dwelling. The submission cites case law which is considered to be of relevance in relation to the immunity period for the development.
25. The Authority's legal team has reviewed and determined the LDC application. The application has been refused.

26. Under Section 171B(3) of the Town and Country Planning Act 1990 (“the Act”), ‘any other breach’ which can include the breach of a planning condition is subject to a ten-year immunity period.
27. Under Section 171B(2) of the Act, the change of use of any building to a single dwellinghouse is subject to the four-year immunity period if the development was substantially complete prior to April 2024.
28. The development was substantially completed prior to April 2024. However, no change in use is considered to have occurred because the holiday-let and full time dwelling generally have the same planning use class (C3). The only reason the building could not be occupied as a full time dwelling in this case is because there was a condition restricting the occupation of the building to holiday-let only under NP/M/0109/0055 & NP/CEC/0619/0646.
29. The full time occupation of the barn is therefore a breach of an occupancy condition rather than a change of use of the building to a dwellinghouse, and the ten-year immunity period is considered to apply in this case.

### **Consultations**

30. Cheshire East Council Highways: Pedestrian and vehicular access remain unchanged and sufficient space to accommodate car parking demand. No objection.
31. Cheshire East Council Public Rights of Way Team: The development is unlikely to affect Public Footpath No.36. Informatives recommended.
32. 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.
33. 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.
34. Further comments received on the Supplementary Bat Survey Report (June 2025) states: *No bats were recorded exiting the building during either nocturnal survey. Bats were however recorded shortly after sunset suggesting a roost site is located close-by, while moderate levels of foraging activity by common pipistrelle, soprano pipistrelle and Myotis spp. bats was recorded over the two visits.*
35. *No evidence of nesting birds was recorded. However, gaps in stonework were considered suitable for nesting birds such as blue tits.*
36. *The Peak District National Park Authority hold historic records for brown long eared bats at the property (2008). In light of this, in combination with proximity of a suspected roost and recorded bat activity close to the application site; along with the part retrospective nature of the application, we advise that features for bats and birds are incorporated into the development (see mitigation/conditions box below). The features will also contribute to biodiversity net gain in line with National Planning Policy Framework (NPPF).*

37. All surveys have been undertaken in line with the relevant guidelines. An appropriate impact assessment has been undertaken, along with details for appropriate mitigation/compensatory methods for all surveyed species/habitats. The mitigation measures for bats and nesting birds are welcomed. It is noted that 'the applicant is happy to create an opening in the timber structure at the western gable end of the barn to allow access for brown long-eared bats, so that the structure could potentially be used as a night roost or feeding perch'. This is very much welcomed.

38. A number of planning conditions are recommended including provision of bat and bird features and a condition to manage works during nesting bird season.

### **Representations**

39. 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, DMH1, DMH2

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

40. 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.

41. 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.

42. 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**

43. 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.
44. 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.
45. 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.
46. L2: Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
47. 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.
48. CC1: Development must make the most efficient and sustainable use of land, buildings and natural resources.
49. 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:
- A. It addresses eligible local needs:
    - I. for homes that remain affordable with occupation restricted to local people in perpetuity.
  - 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**

50. 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.
51. 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.

52. 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.
53. 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.
54. 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.
55. DMH1: Affordable housing will be permitted outside of Core Strategy DS1 listed settlements by conversion of existing buildings provided that (i) there is a proven need for the dwelling(s) and (ii) any new build housing is within the policy size thresholds:

No. bed spaces	Max. Gross Internal Floor Area (sqm)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

56. DMH2: In all cases, new affordable housing must first be occupied by persons satisfying at least one of the following criteria:

- (i) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (ii) a person (and his or her dependants) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

57. DMH6: Redevelopment of previously developed land for housing will be permitted provided the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site.

### **Assessment**

#### **Principle of development**

58. 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.

59. Condition 18 of the permission restricted the occupation of the barn to short-term holiday let:

*“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.”*

60. 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.

61. 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.

62. 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 the condition therefore remains valid and enforceable. It is not considered that the entire condition is unenforceable, a view that is shared by the Authority’s legal team.

63. In 2020, a Section 73 application was approved to vary the 2009 permission to reflect a number of changes from the original approval.

64. 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.
65. 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.
66. Although the application states 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 occupation commences provided the building has been fitted out and completed to a point where it is capable of accommodating its intended use.
67. 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.
68. 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.
69. 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.
70. This application therefore 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.
71. 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.
72. Policy DS1 states development which is acceptable in the countryside includes conversion or change of use to housing, preferably by re-using traditional buildings.
73. Policy HC1 states 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.

74. DMH6 also provides support for new housing where this comprises redevelopment of previously developed land for housing provided the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site.
75. 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.

#### Affordable Dwelling

76. 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. The application was deferred by Planning Committee in April 2025 in order to explore this further.
77. In this respect, HC1.A and DMH1 require such housing to meet an eligible and proven need. DMH1 also requires housing to be sized accordingly and sets out relevant floorspace thresholds.
78. DMH2 also requires the first occupant of new affordable housing to comply with one of the criteria within the policy, listed at page 6 of this report.
79. The agent has stated that whilst the applicant has a strong family connection to the area, they do not comply with the criteria under DMH2, although should Members be minded to support the application the agent has previously 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.
80. The applicant's relationship with Cornfield Barn and the local area is set out below:
- The applicant grew up on the adjacent Cornfield Farm from 1975 onwards;
  - The applicant's parents owned Cornfield Farm from the mid 1950's, and they were heavily involved with the local community of Kettleshulme;
  - The applicant's mother taught in the local school and their paternal grandparents lived in the Kettleshulme Parish;
  - Following the death of their father in 1991, Cornfield Barn and some land was gifted to the applicant;
  - The applicant sought planning permission twice in 1993 and 1996 to convert the barn to residential use to enable them to stay living close to their mother and help run the farm following their father's passing. The applications were unsuccessful.
  - The applicant subsequently rented a small house in Macclesfield from 1996 onwards as they could not afford any other residential property in Kettleshulme and travelled to Cornfield Farm on a daily basis to help their mother;
  - In 2003 the applicant's mother sold Cornfield Farm as she was no longer able to manage the work involved. The applicant had a young family at the time and was unable to provide the same level of assistance on the farm;
  - The applicant retained Cornfield Barn and continued to manage the associated land which was grazed by a small number of livestock and horses. They have remained active in the local community during this time.
81. Cornfield Barn and adjoining land has remained in the applicant's 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.

82. Whilst it is recognised the building has been in the applicant's ownership for a significant period of time, based on the information provided the applicant does not appear to have lived in the Kettleshulme Parish from 1996 onwards, nor is there evidence they have lived in an adjoining Parish in the National Park in that time. It does not appear the applicant has a need to care for a relative who is resident in the Parish. Therefore, the applicant does not comply with the local occupancy conditions of DMH2. This is recognised by the agent.
83. In addition, there is no evidence of housing need in the area to satisfy HC1.A or DMH1.A(i).
84. Turning to the size thresholds under DMH1.A(ii), 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 affordable housing set by policy DMH1, which states the maximum house size for an affordable house with five bed spaces is 97sqm. Paragraph 6.58 outlines the size limit helps to protect the affordability of accommodation in perpetuity.
85. Even if the stable space were omitted from the development, the applicant's agent has indicated this space would still need to be included as part of any valuation or assessment of the realistic value of the property. This would consequently impact the affordability of the property.
86. Officers have also enquired as to whether the applicant would be willing to consider creating two affordable units within the building to comply with the size thresholds, albeit that would likely need to be considered under a separate application and there would still be matters of local occupancy conditions to comply with under DMH2. The agent has confirmed the applicant does not wish to pursue this option.
87. In light of the above, the applicant is unable to demonstrate a proven need for an affordable dwelling in the Parish or that they would satisfy the local occupancy requirements. In addition, the building is too large to be considered as an affordable dwelling and its size would render it unaffordable. There is therefore no justification for the conversion for affordable housing.
88. There would also be no policy justification for a personal consent for the applicant which in reality would permit the use as a market dwelling for an indefinite period of time. There would be no good planning reason to allow this for the applicants and no other person.

#### Market Dwelling

89. 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), or if a market dwelling could be justified under DMH6.
90. 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 building would fall into disrepair and deteriorate over time.
91. 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.

92. 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.
93. Officers also requested photos showing the existing condition of the internal stable space. Those photos 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 now partly used for some domestic storage following the stable use ceasing (albeit this is unauthorised, in connection with the unauthorised use of the barn as a dwelling).
94. 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, a market dwelling with permanent occupation is not necessary to achieve conservation of the asset, as its conservation has already been achieved.
95. 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 require the creation of a market dwelling across the entire building as is proposed.
96. 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.
97. 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).
98. 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. This is similar to DMH6 which supports redevelopment of previously developed land for housing where this conserves and enhances the valued character of the area.
99. The application has already been assessed against the criteria which apply in relation to conversion and conservation of buildings and is contrary to those policies. The building is, as a matter of fact, not redundant and could lawfully be put to use as holiday accommodation and stables. Whilst the stable use has ceased, such a use could be re-instated for use by holidaymakers and the conservation of the building has already been achieved through introducing the stable.
100. 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 and occupation as full time dwelling.
101. The application also proposes to remove the steel container and pod in the barn curtilage. Those structures are subject to a separate Enforcement Notice which is subject of an Appeal that awaits determination. The Authority remain of the view that the timber pod is not immune from enforcement action and its presence (and removal) is therefore not afforded weight in this assessment.
102. Updated evidence received as part of the Enforcement Appeal demonstrates the steel container is now immune from enforcement action due to the length of time it has been on site. This information differed from information that was previously provided by the applicant as part of a Planning Contravention Notice served on the site. Whilst the

container itself is now immune, permanent residential use of the site is considered to remain unauthorised and is not yet immune, as established in the recent LDC decision.

103. In considering if the conversion of Cornfield Barn to a permanent dwelling is required to achieve conservation or enhancement it is necessary to consider if removing the steel container would conserve the barn or achieve the required enhancement under HC1 and DMH6, and in line with paragraph 84. In this context, policy GSP2 requires enhancement to be significant.
104. It is considered the removal of the steel container would achieve some enhancement to the setting of the barn, as the shipping container is unsympathetic in form, appearance and siting. However, it is not considered that the use of Cornfield Barn as a permanent dwelling is required to achieve that enhancement. The removal of a shipping container would be a relatively straightforward exercise and it does not appear reasonable that this would necessitate an internal fit out and conversion of the stable and occupation of the entire barn as a permanent dwelling. The removal of a single shipping container is not considered to be proportionate to the creation of a full time dwelling, or to achieve the required enhancement proportionate to justify a market dwelling in an otherwise unsustainable location.
105. The above assessment has concluded 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. The removal of the shipping container would enhance the setting of the barn, however a full time dwelling with permanent occupation is not considered to be required in order to achieve that enhancement. Nor is the level of enhancement that would arise considered to be proportionate to justify a full time dwelling.
106. The proposal for a market dwelling is therefore not considered to comply with Policies HC1, DMC10 or DMH6 and there is no exceptional requirement for a market dwelling. The development is also not considered to satisfy NPPF paragraph 84. The development is therefore not acceptable in principle and would result in a market dwelling with permanent occupation in an unsustainable location.
107. 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.
108. Examples of appeal decisions include those at 1 Meal Hill Farm (3303535), Old School House (2224971), Barn Hall Bank, Hartington (2187755) and Folds Lane Farm (2172855).

#### Impact on Character and Appearance

109. 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.
110. 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. It is noted third parties also support that works to date have been sensitively carried out.
111. 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.

- 112. The removal of the timber pod is not afforded any weight as part of this assessment. The removal of the existing shipping container would be positive in terms of impact on the character and appearance of the site.
- 113. The proposals are not considered to conflict with Policies GSP3, L3, DMC3 and DMC5.

### Ecology

- 114. 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.
- 115. 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.
- 116. Additional surveys have now been received. No bats were observed exiting the building during those surveys, although bats were observed shortly after sunset suggesting a roost site is nearby. Moderate levels of bat foraging activity by three species was recorded over both visits. No evidence of nesting birds was recorded but gaps in stonework were considered suitable for nesting birds.
- 117. The Authority also holds historic records for brown long eared bats at the property (2008). For this reason and in combination with proximity of a suspected roost and bat activity close to the site, the Authority's ecologist advises features for bats and birds are incorporated into the development. The applicant has also indicated they are happy to create an opening in the timber structure at the western gable end of the barn for access for brown long-eared bats to allow the structure to be used as a night roost or feeding perch. This is welcomed.
- 118. Features suggested for inclusion by the Authority's ecologist include including 2x integral features for bats (such as the night roost or feeding perch feature), two swift nest boxes and a condition requiring works to avoid nesting bird season or be subject to checks prior to any works. These measures can be conditioned.
- 119. In light of the updated surveys being received and subject to conditions to secure effective mitigation, the application complies with Policies L2, DMC11 and DMC12.
- 120. Whilst it is recognised a number of responses to the application outline that the applicant has positively cared for the site and local ecology, the demonstrable enhancements resulting from the suggested conditions associated with the development are not considered to be significant in the context of Policy GSP2.

### Other Matters

- 121. 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.

122. 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.
123. 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**

124. Cornfield Barn has recently been converted. That conversion has achieved the conservation of the building which is in good condition. Whilst the removal of the existing shipping container would enhance the setting of the barn, it is not considered that a market dwelling with permanent occupation within the barn is required in order to achieve that enhancement. Nor is the enhancement considered to be proportionate to justify this.
125. 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), DMC10.B(iii) and DMH6.
126. Following further discussion with the applicant's agent it is also concluded that there is not a proven need for an affordable dwelling in the proposed location, and that the applicant would not satisfy relevant local occupancy conditions for first occupation of new affordable housing. In addition, the size of the dwelling would be too large to be considered affordable. The provision of an affordable dwelling would not comply with Policies HC1.A, DMH1 or DMH2.
127. 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

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