
14. PLANNING APPEALS MONTHLY REPORT (A.1536/BJT)

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
6002576 NP/DDD/0825/0747	Two storey extension to the rear/east elevation of former restricted use property (Chequers Inn staff accommodation) on the footprint of the allowed single storey extension at The Stables, Froggatt Edge.	Householder	Delegated
6002575 NP/SM/0325/0233	Change of use of land to allow the stationing of a shepherd's hut and the creation of a surfaced access track (retrospective) at Land to the south east of The Glen, Hollinsclough	Written Representation	Committee

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3353734 Enforcement Notice	Enforcement Appeal - Unauthorised fence abutting a highway at 4 Greenhead Park, Bamford	Enforcement notice complied with	Delegated
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3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
3371429 NP/S/0325/0256	Replacement store building at Land off Old Coach Road, Low Bradfield, Sheffield.	Written representation	Dismissed	Delegated

The main issue of the appeal is the effect of the proposed development on the character and appearance of the area with particular regard to the site's location within the Peak District National Park.

The Inspector did consider the potential benefits of providing facilities to enable outdoor recreation however, due to the small scale of the development, these benefits carried modest weight and did not outweigh the harm identified in the main issue.

The building that was removed was a simple building, used for storage, with timber frame, and corrugated metal roof. The building was open fronted, weathered and appeared to be assimilated well into the landscape. Therefore, it was consistent with the description of acceptable structures in the Building Design Guide. This states that the Peak District has a strong tradition of consistently simple and robust buildings, using mostly local materials to suit conditions. The result is buildings which fit into their setting.

However, in this case the Inspector considered that the proposal for a metal storage container, would appear to be a stark contrast to the building it replaces. The industrial shape and precision of the storage container would appear incongruous within the agrarian landscape. Whilst timber and a grass/sedum roof would be appropriate materials in a location such as this, timber cladded onto a shipping container would appear unnaturally engineered and at odds with the character and scenic beauty of the landscape in which it would sit, and would not conserve or enhance it.

Whilst the building would be contained, to a degree, within the hillslope from views from the south, due to its position on the hillslope and the openness of the location, it would, be prominent from views further down the hill

While considering that the proposal could benefit children and young adults with protected characteristics under the Equality Act 2010 these benefits would not outweigh the harm to the character and scenic beauty of the area as directed in both local and national policies.

As such the appeal was dismissed.

3371429 NP/GDO/0525/0488	GDO Notification - Portal framed building for agricultural storage purposes at Shutts Farm, Shutts Lane, Bakewell.	Written representation	Allowed	Delegated
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Schedule 2, Part 6, Class A of the GPDO permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit. The permitted development right is qualified by conditions and limitations set out at Paragraph A.1. The National Park Authority (NPA) was satisfied that the proposal accords with the requirements of Paragraph A.1. and constitutes development permitted under Part 6, Class A.

The second aspect to address is Paragraph A.2(2)(i), which states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.

The NPA referred to a number of its development plan policies in its reason for refusal. For the avoidance of doubt, the Inspector explained that whilst these policies may be relevant as material considerations that help to inform a planning judgement, prior approval appeals are not expressly determined against the development plan.

However, the statutory purposes guiding National Parks and the policy in the NPPF that National Parks have the highest status of protection in terms of landscape and scenic beauty, meant that **the main issue in this case is the effect of the proposal on the landscape character of the surrounding area, having regard to its siting, design and external appearance.**

The proposed building would be of a typical, modern agricultural design, rectangular in shape with a shallow pitched roof. The side walls would be formed mainly of timber boarding above concrete panels. The western elevation and roof would be covered with metal cladding, whilst the

eastern elevation, facing Shutts Lane, would be open. The plans indicate the building would be located on a sloping site and partially set into the ground on its northern side.

At over 30m long, 18m wide, 4.5m to the eaves and 7m to the ridge, the proposal would still introduce a substantial agricultural building into the landscape. It would be visible from several vantage points, including Shutts Lane to the east, a public footpath a short distance to the west and from the grounds of Lady Manners' School to the north-east. However, agricultural buildings are part of the immediate character of the area. Various stone built outbuildings surround the existing farmhouse and the appellant's holding includes a significant farmyard to the opposite side of Shutts Lane with a mix of older, stone barns and large, modern steel portal buildings. Therefore, the site is not within expansive, unaltered countryside but in an area of transition between the built development of Bakewell and the open countryside where development is more fragmented and interspersed with agricultural land.

Therefore, the Inspector concluded that the siting, design and external appearance of the proposal would preserve the landscape character of the surrounding area. In doing so, the proposal would also accord with the purpose of the National Park to conserve and enhance its natural beauty, wildlife and cultural heritage.

As such prior approval was granted and the appeal allowed subject to conditions controlling external materials.

3368852 NP/SM/0425/0386	Proposed alterations to a two storey apartment at Swythamley Hall, North Wing, Swythamley	Written representation	Dismissed	Delegated
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The proposed works relate to a listed building. Therefore, as required by section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the Inspector had to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The main issue was therefore whether the proposal would preserve the grade II listed building or its setting or any features of special architectural or historic interest which it possesses.

The proposal included a number of internal alterations, including the insertion of a new staircase in the main entrance hall, the removal of both the ground floor WC and the existing staircase, and new openings between the corridor and hall; enlarging an existing opening between the landing on the approach to the master bedroom; inserting a high level internal glazed screen; and creating an opening between the kitchen and the morning room.

The special interest and significance of the Hall, in relation to this appeal, derive from it being an example of a country estate with attendant lodges, stable block, chapel, kennels, estate office and workshops within extensive landscaped grounds, including what was originally a deer park. Although the hall and buildings have been converted to several residential units, following planning permission in 1989, it retains evidence of the wealth and influence of landowners, particularly during the 19th century.

Paragraph 212 of the National Planning Policy Framework, 2024, (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification.

The appellant had stated that the works in general affect non-significant late 19th or 20th century construction. However, the Inspector was not provided with plans of the Hall that showed the known dates and phases of the building, and the existing and proposed alterations made to this part of the building when it was converted. Therefore, whilst the appellant considered that the original subsidiary function of the servants' staircase had been lost following the conversion of the Hall, without knowing the plan form and the location of other staircases, there was no compelling evidence that supported this.

Similarly, in other aspects of the proposals only limited substantive evidence was provided to justify the development.

Therefore, the Inspector had to conclude that whilst Swythamley Hall has been altered and adapted over the last two hundred years, the proposed works would fail to preserve the listed building and its setting and any features of special architectural or historic interest which it possesses. As such the Inspector stated that this would harm the significance of the heritage asset which had to be given considerable importance and weight.

The level of harm proposed was considered to be at the “less than substantial” level. Nevertheless, the level of harm is still of a level that is significant to the planning balance, and could only be overcome if there were public benefits that would outweigh the harm.

The Inspector acknowledged that the appellant sought to improve the circulation of the building and make it more appropriate to their needs. However, they saw that the apartment was occupied and there was no evidence that it continues to be for sale. Therefore whilst there would be some economic benefits from the proposed building works, this would be a limited public benefit and this would not be sufficient to outweigh the harm that was identified.

As such the appeal was dismissed.

4. RECOMMENDATION:

To note the report.