
PLANNING APPEALS MONTHLY REPORT (A.1536/BT)

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>
6004686 NP/DDD/0825/0813	Proposed storage shed at Homestead Barn, Main Road, Biggin	Written Representation	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

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>
3364823 Enforcement Notice	Without planning permission, the installation of a steel container and the construction of a timber building at Cornfield Barn, Lyme Handley.	Written representation	Dismissed	Delegated

This is an appeal against an Enforcement Notice seeking to remedy a breach of planning control.

The main issue was the effect of the Pod on the character and appearance of the area, including the setting of the host property and on the landscape and scenic beauty of the Peak District National Park. To note the steel container did not form part of the appeal decision.

Cornfield Barn is a traditional vernacular former farm building, constructed in natural stone with a blue slate roof. The Barn abuts the southern side of Cornfield Road and there is a Public Right of Way (PROW) adjacent to the appeal site's western boundary. The PROW travels south from Cornfield Road, down into the valley below. The scale, robust form and traditional materials of Cornfield Barn contribute to the cultural heritage of the National Park and to its scenic beauty.

The timber Pod is substantial in size and is sited close to the southwestern corner of the Barn. Although it is screened from close range views from the PROW, by both planting and the container, it is clearly visible when crossing the stile and joining the PROW from Cornfield Road. Its siting is such that when you are crossing the stile, views across the valley are obscured and dominated by the Pod. Furthermore, its scale, form and position, squeezed between the container and the corner of the Barn, detracts from the Barn's landscape setting and from the

cultural heritage qualities of this part of the National Park.

The Pod is constructed from timber, with plastic windows and patio style doors. Its manufactured appearance and use of materials conflict sharply with the muted natural stone, the simple lines, form and timber joinery which contribute to the traditional vernacular architecture of the Barn. Consequently, the Pod appears incongruous sited so close to the Barn and has a harmful effect on its setting.

The Inspector found that its incongruous appearance and siting in that location does not conserve or enhance the landscape qualities or scenic beauty of the National Park. Furthermore, in addition to the views of the Pod from Cornfield Road, the Pod is clearly visible when travelling towards Cornfield Road along the PROW from the valley below and detracts from the landscape setting of the Barn.

The Inspector also found that the pod in this case was being used to house a family member and thus did not contribute to the recreational enjoyment of the National Park. In addition, it is not sited in an area of woodland, where a timber Pod might be more reflective of its surroundings. Instead, it is situated on the side of the valley, and its design and appearance does not respond to its landscape setting.

In conclusion the Inspector found that the appeal should fail and that planning permission should be refused.

3367230 NP/HPK/0125/0061	The proposed demolition of derelict outbuilding and construction of two-bedroom detached dwelling with front garden to street, and smaller private amenity space to rear former Natwest Bank, Bamford.	Written Representation	Allowed	Committee
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The main issues were i) the effect of the proposal on the character and appearance of the area, including the effect on the significance of the Bamford Conservation Area (BCA) and other heritage assets; and ii) the effect of the proposal on the living conditions of neighbouring occupants, with respect to outlook and sense of enclosure.

In terms of the effect on the BCA the appeal site is a largely open plot of land to the eastern side of The Green, located between Lea House and Nos 1 and 3 Fidlers Close. It contains a small, single storey building understood to have been used as a bank until the 1990s, since when it has been unused and increasingly derelict. A partially demolished stone wall marks the front boundary of the site. The boundary of the BCA runs immediately to the rear of the site, beyond which are more recent buildings forming part of the Fidlers Close development, all of which lie outside of the BCA.

The BCA encompasses a large part of Bamford, including the village core centred around The Green and development along roads radiating in different directions, including for some distance to the south to include Bamford railway station. The Green is noted as having been laid out to commemorate the Diamond Jubilee of Queen Victoria in 1897, lending it distinct cultural significance.

Notable buildings near to the appeal site include the Grade II listed Moore's Farmhouse and its barns to the north-western side of The Green, noted for its retained fabric showing historic building techniques and vernacular architectural design, with the functional relationship between

the buildings creating group value.

The Inspector found that the significance of the BCA arises from its extensive historic fabric that survives in good condition, exhibiting a long history of settlement and gradual development. This is seen in the intricate, organic layout and varied scale, form, massing and orientation of dwellings and other buildings around The Green. The built form is further influenced by the sloping topography, with noticeable variations in scale and undulating roof heights. This eclectic pattern is unified by consistency in materials, notably stone, and other features including fenestration, chimneys and boundary walls, which contributes architectural interest in addition to historic interest. Indeed, the Conservation Area Appraisal for the BCA states that the ‘real diversity of form, function and location is a key characteristic of this central area.’

Despite concerns from the NPA over design and impact on character the Inspector found that the appeal scheme would represent a positive and well-considered response to a challenging, constrained site. The scale, articulation and overall appearance of the building would complement the high quality, historic townscape which survives within the BCA and The Green in particular. It would replace a longstanding, negative feature and in doing so would elevate the setting of the historic stone troughs and preserve the settings of other nearby heritage assets.

As such the proposal would enhance the character and appearance of the BCA and it would also preserve the settings of the aforementioned designated and non-designated heritage assets.

However the Inspector did agree that there would be some conflict with the development plan in respect of neighbours’ living conditions. However, the weight afforded to this conflict was tempered by the limited additional impact in these respects over and above that arising from the fall-back scheme. This was an existing permission for residential development on the site which the Inspector gave significant weight to in the planning balance and found that the loss of amenity was only marginally worse than that accepted in the previously approved scheme.

Indeed set against this harm, the Inspector found that the proposal would enhance the BCA through redevelopment of the site, would provide a new dwelling for the housing stock that would achieve higher levels of energy efficiency and sustainability than the fall back scheme through its design and use of heat pumps, PV panels and water capture. These were viewed as important public benefits that accord with key aims of the Framework to achieve high quality design, boost the supply of housing and meet the challenge of climate change. Taken together, the Inspector considered that these were significant material considerations weighing in favour of the proposal which outweigh the limited harm to neighbours’ living conditions and so justified a decision other than in accordance with the development plan in this case.

Therefore the appeal was allowed

6001368 NP/DDD/0725/0659	The development proposed is roof mounted flush fitting solar array Springfield Farm, Aldwark.	Written Representation	Dismissed	Delegated
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The main issue is whether the proposed development would preserve or enhance the character or appearance of the Aldwark Conservation Area (the CA), and its effect on the significance of the host building, a non-designated heritage asset.

The appeal property is a dwelling which has been converted from part of a traditional C19th farmstead constructed in limestone with a linear built form beneath an asymmetrical pitched blue slate roof. Although altered, its form, materials and proportions are nevertheless typical of local agricultural vernacular. Consequently, the Inspector found the appeal property has historic and architectural significance as a non-designated heritage asset (NDHA).

The appeal property is also within the Aldwark Conservation Area (the CA). The CA includes most of the small rural settlement of Aldwark which is said in the Conservation Area Appraisal (CAA) to be one of the oldest settled villages in the Peak District National Park. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Inspector paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

From the Inspector's assessment of the evidence and observations on site, the significance of the CA is derived from the simple, agricultural vernacular of the farmsteads and houses which are generally spaced around the 'hummocky' Green at the centre of the village. Although some variety of materials was observed, the buildings are typically built from rubble limestone or roughly course limestone, with natural blue slate roofs or Staffordshire plain clay roof tiles. There are views in all directions across the Green which gives a visual unity to the village, and the built form and use of traditional materials give the CA a cohesive character and distinctive sense of place.

The appeal property is located broadly centrally within the village, and on the eastern edge of the CA. Its principal (front) elevation faces south-west with its narrow gable end extending right up to the lane. The CAA does not identify any buildings as 'positive contributors.' However, given its prominent location, form and materiality, the appeal property makes a positive contribution to the character and appearance of the CA.

The guidance in the 'Climate Change and Sustainable Building Supplementary Planning Document' (2013) is that solar PV, so far as practicable, should be sited to minimise the effect on the external appearance of the building, and that only as a last resort should fixing solar panels on the front roof slope be considered.

Whilst it may be a reversible intervention, the Inspector found that in combination, the scale and modern appearance of the proposed arrays on such a prominent roof slope, would be harmful to the cohesive, distinctive vernacular and traditional materials which are characteristic of the CA. Moreover, the erosion of traditional materials would harm the significance of the building as a NDHA and the contribution it makes to the CA.

The harm that was have identified was considered to be "**at the lower end of less than substantial**", but it is nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

The Inspector attached moderate weight to the carbon reduction benefits, despite the small scale of the proposal. However, they also concluded that they did not outweigh the great weight to be given to the less than substantial harm that I have identified above. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the Aldwark CA. In taking a balanced judgement, it would further result in harm to the significance of the appeal property, a NDHA.

As such the appeal was dismissed

6001335 NP/SM/0425/0397	Conversion of outbuilding for residential use at Ryebrook Farm, Martinslow Lane, Ford.	Written Representation	Dismissed	Delegated
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The main issue was whether the proposed use of the appeal property as an independent dwelling would provide appropriate living conditions for future occupiers, with regard to noise and disturbance; odours; privacy and safety from farm vehicles.

The Inspector a Noise Impact Assessment submitted with the appeal but found that the Assessment was carried out over a 24-hour period only, and limited information had been provided as to what activities were taking place during that period. Overall, the Inspector found that the submitted evidence did not satisfactorily demonstrate that activities at the farm would not adversely affect the living conditions of future occupiers of the proposed dwelling by way of noise and disturbance.

Similarly, the Inspector was not satisfied from the evidence before them that future occupiers of the proposed dwelling would not be subjected to odours from activities at the farm which would have a harmful impact upon their living conditions.

Furthermore, the Inspector observed on site that trailers and vehicles were parked in the courtyard area close to the proposed dwelling, with one trailer positioned directly outside the external door. As such, based on observations during the site visit, activities associated with the farm's agricultural use do currently take place within the courtyard area, and very close to the eastern elevation of the proposed dwelling. The Inspector found that this would be potentially uncomfortable for any occupiers that have no connection to the farm and/or its workers.

In view of the above, given the close relationship between the proposed dwelling and this working farm's courtyard area, the Inspector found that future occupiers would not be provided with an acceptable level of privacy from activities and workers at the farm.

In terms of vehicle safety, the Inspector found that the proposed independent residential use would not cause any greater risk to safety from vehicles for future occupiers than the approved ancillary residential use.

The Inspector considered whether the impact on living conditions as a permanent independent dwelling would be any different to that of someone living in the property as ancillary accommodation and was convinced there was strong and notable difference.

This is because any ancillary use would be tied to the main farm / farmhouse and therefore ancillary occupants of the property would be required to have some association or relationship with the occupants of Ryebrook. Occupants of the main farmhouse, and ancillary accommodation, would likely be more tolerant of matters relating to noise, odour and privacy in comparison to use of the appeal building as an independent dwelling with no restriction on occupancy or with no tie to the farm at Ryebrook. The Inspector therefore found that the proposed residential use of the dwelling, independent from Ryebrook, would likely give rise to greater potential for complaints in respect of the concerns raised when compared to its use as ancillary accommodation.

As such the appeal was dismissed.

4. **RECOMMENDATION:**

To note the report.