

**8. FULL APPLICATION – S.73 APPLICATION FOR THE VARIATION OF CONDITION 2 AND 4 ON NP/HPK/0223/0165 – ALLOW SHORT TERM RENTAL OF THE PROPERTY at TOP CROFT, ASTON LANE, HOPE (NP/HPK/0226/0221) WE**

**APPLICANT: MRS KATE PEARSON**

**Summary**

1. The application proposes to vary planning permission NP/HPK/0223/0165 to enable the use of the outbuilding for short-term holiday accommodation.
2. The building subject to this variation application received planning permission in June 2023 and was constructed shortly thereafter.
3. The proposed variation of conditions 2 and 4 would not alter the design or visual appearance of the existing building. The application site has sufficient parking and amenity space to facilitate the use of the building for a short-stay holiday let.
4. Notwithstanding this, the proposed variation of conditions 2 and 5 would result in a recently constructed building being used for holiday accommodation. This would be in conflict with Core Strategy policy RT2 which seeks to direct investment for holiday uses into traditional buildings that integrate well with the valued local character and enable visitors to enjoy this as one of the special qualities of the National Park.
5. It is recommended for refusal on this basis.

**Proposal**

6. The application proposes to vary condition 2 and vary condition 4 on planning permission NP/HPK/0223/0165.
7. Condition 2 outlines the approved drawings that the development must be constructed in accordance with. The variation of this condition relates to the modest alterations to the internal layout of the building to facilitate its proposed use as a holiday-let.
8. Condition 4 is currently worded:  
  
*The premises shall not be used for any purposes other than domestic garaging and uses ancillary to the residential enjoyment of Top Croft as a single dwellinghouse.*
9. At present, condition 4 would restrict the use of the building for holiday-accommodation as it would not be a use 'ancillary to the residential enjoyment' of the host dwelling.
10. The application does not propose an amended wording for condition 4; however, this application has been determined on the basis of condition 4 being varied to:  
  
*The accommodation hereby approved shall be ancillary to the residential use of Top Croft, and shall not be occupied other than as a short-term holiday let or as residential accommodation ancillary to the enjoyment of Top Croft, and together with the main house shall be maintained as a single planning unit.*
11. If approved, an additional condition would be necessary, worded as follows:  
  
*In respect of the short-term holiday let use ancillary to Top Croft, the building shall not be occupied for such a purpose by any one person for a period exceeding 28 days in any*

*calendar year. 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.*

### **Site and Surroundings**

12. Top Croft is a traditional dwelling located to the south of, and accessed from, Thornhill Road on the eastern section of Aston in the Hope Valley.
13. The main dwelling is sited to the north-west of the curtilage with a large garden to its south. Immediately bordering the site on the west are several outbuildings associated with Aston Hall Farm.
14. To the south of the dwelling and its curtilage is open countryside comprised of gently sloping farmland. When looking south from the dwelling, there are expansive views across the Hope/Derwent Valley.
15. Located to the west of the property, between the southern gable and eastern elevation of the adjacent agricultural buildings is a recently constructed building. The building's southern gable forms its principal elevation, featuring a set of double-glazed doors, a ground floor window and a first-floor window in the centre of the building below the apex of the roof.
16. The building is clad in vertical black profiled metal sheeting with black-framed windows and doors. It has rooflights on its eastern roofslope.

### **RECOMMENDATION:**

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

1. **The development would introduce holiday accommodation into a modern outbuilding that is not a traditional building of historic or vernacular merit. The development is therefore unacceptable in principle and would be contrary to Core Strategy Policy RT2.**

### **Key Issues**

- Principle of the development;
- Impact upon valued characteristics, residential amenity and highway safety;
- Other matters.

### **History**

17. 2023: Reconstruction and extension of existing outbuilding (NP/HPK/0223/0165):  
Granted conditionally

### **Consultations**

18. Hope with Aston Parish Council: Objection: *This application for a change of use comes only two and a half years after an original application for demolition of an old garage and erection of a replacement ancillary building, designed as a gym and office. The work has already been completed to provide short term rental space instead, so this seems as if it is a retrospective application. The building does not seem to us to be either of historic merit or vernacular interest and as such change of use to short term rental as a holiday cottage seems to be contrary to Policy RT2.*
19. Derbyshire County Council Highway Authority: No objection

20. High Peak Borough Council: No response to date.

### **Representations**

21. 5 representations were received during the determination of the application, all in support of the proposed development.

22. The following reasons for support were given:

- No increased noise or traffic locality;
- Proposal does not impact Aston or lead to disturbance to local residents;
- Economic benefits associated with increased tourists to the area, citing benefits to local families, cafes, pubs and shops;
- The holiday-let is managed responsibly and respectfully;
- Has enabled visitors to neighbouring properties to stay in accommodation nearby;
- Improved ability for people to experience the National Park.

### **Main Policies**

Relevant Core Strategy policies: DS1, GSP1, GPS2, RT2, L1, L3

Relevant Development Management Plan policies: DMR3, DMC5, DMC7, DMC8

### **Statutory Framework**

23. 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.

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

24. 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.

25. 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.

### **Assessment**

#### **Principle of development**

26. Core Strategy Policy DS1.C confirms the forms of development that are acceptable in principle, including conversion or change of use for visitor accommodation, preferably by re-use of traditional buildings.

27. Policy RT2 expands on this, requiring that hotel, bed and breakfast and self-catering accommodation must conform to a set of principles which include that the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday

accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside.

28. 'Traditional' is defined by paragraph 3.30 of the Development Management Policies document as a property built prior to 1919 with solid walls constructed of moisture permeable walls. A traditional building of 'historic or vernacular merit' therefore means a heritage asset within the terminology of the NPPF and local DMP.
29. As noted, the building subject to this application was constructed in 2023/24. It does not meet the definition of 'traditional' and is therefore contrary to RT2 as it does not comply with the principles that hotels, bed and breakfast and self-catering accommodation must conform to under the policy.
30. Officers note that there have been instances where the National Park Authority has granted approval for the use of buildings which do not strictly meet the definition of 'traditional' to holiday accommodation; however, these have typically been buildings of vernacular character which contribute towards the landscape or historic environment in which they are sited. They were also typically constructed to meet an established need which has since ceased.
31. Conversely, this building is extremely modern and does not appear to have had a previous function. It is also profile metal sheeted with a steep roof-pitch with its front elevation on a gable end. This pulls the building some distance from what can be considered 'vernacular'. Officers therefore consider this application to be materially different to the applications which granted more modern buildings such a use.
32. The development is therefore unacceptable in principle and harm arises due to the conflict with policy, as such approvals would undermine the aim of Policy RT2 which seeks to direct investment into the stock of traditional buildings in order to conserve the valued characteristics of the National Park's built heritage.

Impact upon valued characteristics, residential amenity and highway safety;

33. Policy L1 requires development to conserve, and where possible, enhance the valued characteristics of the landscape. The building subject to this application is sited on rising land in the Hope Valley in the valley farmlands with villages landscape character type.
34. Whilst largely concealed in the landscape, it would be discernible from sections of Parsons Lane and public right of way HP1/11 which runs parallel with Parsons Lane.
35. Officers are mindful that the existing structure in its current design has already been approved for its current use and deemed acceptable with regard to its impact on the landscape.
36. Whilst the proposed use would introduce a more intensive use to Top Croft through additional visitors to the site, Officers note that the building is sited in the garden of Top Croft where it would be common to see people sitting outside and enjoying the amenity space.
37. The building is partially in the Aston Conservation Area; however, the design for its current use has already been approved and deemed suitable with regard to the impact on the conservation area. The proposed alternative use of the building would not impact heavily on the significance or setting of the Aston Conservation Area. In addition, there would be no impact on the setting of the nearby grade II listed Aston Hall from the proposed use. However, the consolidation of the current design within a more formal residential holiday use would be missed opportunity to drive the conservation and

enhancement of a sensitive cluster of designated heritage assets. Overall, the scheme remains broadly in compliance with policies L3, DMC5 and DMC8.

38. The proposed use of the building would not have an unacceptable impact on the character and appearance of Top Croft itself as a historic and vernacular dwellinghouse.
39. The building is some distance from the nearest neighbours. It is 22m from the shared boundary between Top Croft and Wellcroft, with built-form separating the two plots. It is also 60m from Aston Hall and 70m from Aston Hall. The building fronts to the south across open countryside, and the amenity space for the building is shared with Top Croft. Therefore, given the limited scale of accommodation and its siting in the garden of Top Croft, the proposed use could be facilitated without adversely impacting the residential amenity of neighbouring properties.
40. The proposed holiday-let would accommodate 2-guests. Appendix 9 of the Development Management Policies Plan requires this quantum of guest accommodation to have 1 car parking bay. There is sufficient carparking spaces at Top Croft to facilitate the dwellinghouse and holiday-let use without concerns of inappropriate on-street car parking or overspill. It is therefore acceptable on highway safety grounds.
41. The proposed development would therefore not have an appreciable impact on the valued characteristics of the locality, nor have a detrimental impact on residential amenity and highway safety.

#### Planning balance

42. Officers acknowledge that the proposed use of the building would provide small economic benefits for local businesses, such as shops, public houses and cafes through increased overnight visitor accommodation. In addition, it would enable opportunities for the public to understand and enjoy the special qualities of the National Park. As such, approving the proposed development would go a limited way in furthering the National Park's second purpose, in addition to its duty to foster the economic and social well-being of the communities within the National Park.
43. However, Officers must stress that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise.
44. In this regard, the proposed development is in conflict with policy RT2 which outlines that the change of use of traditional buildings of historic or vernacular merit to services or self-catering holiday accommodation will be permitted. It also states that new build holiday accommodation will not be permitted. Given the age of the building and its lack of previous use it would be reasonable to conclude that the proposed development would constitute 'new build holiday accommodation'. This indicates that planning permission should be refused unless there are material planning considerations which outweigh the conflict with policy.
45. This report has outlined that the proposed use of the building for holiday accommodation would not impact the special qualities of the National Park, residential amenity or highway safety. As outlined above, the proposal would provide modest economic benefits and enable the public to enjoy the special qualities of the National Park. These are material planning considerations which offer some benefits in the planning balance.
46. Notwithstanding this, Officers consider that the harm to policy intention is sufficient to outweigh these material considerations. The adopted Core Strategy advises that there are sufficient historic and vernacular buildings in the National Park which are capable of being converted to meet the visitor needs. Whilst not expressly outlined, it is understood

through the direction of strategic policy that there is a strong desire for historic and vernacular buildings to be converted which would serve two purposes; increased overnight visitor accommodation, and also the heritage benefits associated with finding alternative viable uses for buildings which have lost their primary functions.

47. The approval of this planning application would undermine the strategic aims outlined within the development plan. Whilst all planning applications must be determined on their own merits, Officers believe that if this application is approved contrary to the provisions of policy RT2, it could result in a proliferation of applications for new build holiday accommodation which are materially similar to this application, namely involving modern, non-traditional materials. This may negatively impact the number of historic buildings being converted, particularly as new build holiday accommodation may be cheaper to construct as it would not need to respond and respect any pre-existing historic interest or significance. It also reduces the understanding and enjoyment of local characteristics which form part of the National Park's special qualities and aims of statutory purposes.
48. It is also stressed that this building is less than 3-years old. The granting of this planning permission may demonstrate an alternative route to enabling new build holiday-accommodation. Indeed, applications for ancillary accommodation could be submitted and approved on that basis, with further applications coming in shortly thereafter to enable the use of the building for short-stay holiday accommodation. Clearly this would severely undermine the provisions outlined in policy RT2.C and enable the restriction on new build holiday accommodation to be circumnavigated.
49. As such, Officers consider this application could severely harm the strategic aims of planning policy in the National Park. Whilst it is accepted that there are material planning considerations which weigh in favour of the proposal, the potential harm to the planning policy would outweigh the positive material planning considerations.

### **Conclusion**

50. This application seeks permission to amend and vary conditions on a pre-existing planning permission to enable the use of the building as a short-stay holiday-let.
51. The proposal would not have an appreciable impact on the special qualities of the National Park in this case, (including the landscape character and historic environment). It could also be accommodated without a detrimental impact on nearby living conditions and highway safety.
52. Notwithstanding this, the proposal is in conflict with the development plan when read as a whole. When considering the benefits associated with the proposed development, Officers have concluded that the potential harm to the strategic intentions to the development plan would not be outweighed by the benefits. Therefore, the planning application should be determined in accordance with the development plan.

### **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