

**14. PART RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF A CONVERTED SHIPPON TO HOLIDAY LET, AND REPLACEMENT OF AN EXISTING GARAGE WITH A NEW GARAGE – WEST END COTTAGE, EYAM (NP/DDD/0715/0647, P.5143, 29/7/2015, 421391 / 376718, MN)**

**APPLICANT: MR RICK LINDEN**

**Site and Surroundings**

West End Cottage is a detached dwellinghouse located in Townhead, Eyam. It is situated to the south of the main street, a short distance behind a terrace of four houses that line the street. The property is situated in the Eyam Conservation Area.

The property is two storey and is of traditional design and some age. It is constructed of limestone under a stone slate roof and with gritstone quoins, window and door surrounds. The eastern end the building was formerly a shippon that was taken in to residential use as an extension to the house and is currently being let out as a holiday let, a use for which planning permission has not been granted and is therefore currently unauthorised.

The land to rear of the property, which is given over to garden and parking and garaging rises to the south. The garage is sited adjacent to the western edge of the curtilage and follows a non-traditional flat roofed design.

The property is accessed along a shared driveway (in separate ownership) that runs between the terrace immediately north of the dwelling and another terrace of properties that is sited to the immediate north west. There is a further neighbour immediately to the east of the boundary of the rear garden, and two further recently constructed houses are sited to the north east of this, fronting on to Townhead.

**Proposal**

To change the use of the converted shippon to a holiday let (retrospective) and to demolish the existing garage and replace it with a new one in a revised location.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year time limit.**
- 2. In accordance with revised plans.**
- 3. Prior to the erection of the garage, plans showing external ground levels and finished floor levels for the garage shall be submitted and agreed by the Authority.**
- 4. Materials to be natural limestone, dry dash limestone render, natural blue or stone slate roof.**
- 5. Garage door to be vertically planked timber.**
- 6. Rainwater goods fixed directly to stonework with no fascias or bargeboards.**
- 7. The accommodation shall not be occupied other than as a short-let holiday residential use ancillary to West End Cottage and not be occupied by any one person for a period exceeding 28 days in any calendar year.**

## **8. Garaging to remain available for parking of vehicles at all times and ancillary to West End Cottage.**

### **Key Issues**

- The principle of permitting the change of use of the converted shippon to holiday let
- The design of the garage
- The impact of the proposals on neighbouring amenity
- The impact of the development on highway safety

### **History**

2015 – Enforcement case opened relating to the unauthorised use of the converted shippon as a holiday let property.

### **Consultations**

Derbyshire County Council (Highways) – The access is narrow with restricted visibility, therefore recommend refusal. Acknowledge however that this is a retrospective application and the holiday let is already operational and does not appear to have caused severe harm on the surrounding network and accordingly if the Authority is minded to grant consent, recommend condition requiring maintenance of parking spaces and for the proposed garage to remain ancillary to West End Cottage.

Derbyshire Dales District Council – No response at time of writing.

Eyam Parish Council – Object to the application for the following reasons:

- Raise concerns over it being made retrospectively
- The site location plan is out of date [since updated]
- Plans showing external changes already made to the external appearance of the shippon have not been submitted
- The garage would be an invasion of privacy to the residents to the east of the site

### **Representations**

Nine letters of representation have been received in relation to the proposal. Five of these support the application, three object, and one makes general comments.

The material grounds for support are:

- The garage, and its positioning, would provide a further parking space and a turning area, improving road safety
- The maintenance of the buildings appearance is facilitated by the holiday let use, contributing to the conservation and enhancement of the area
- A holiday let contributes to the local economy through visitor spend

The material grounds for objection are:

- The garage would be overbearing on the neighbouring property to the west
- The garage would cause harmful overshadowing of the neighbouring garden to the west and dwelling to the east
- The scale and dominance of the garage is out of keeping with the location
- The garage should be flat roofed to match neighbouring garages
- A holiday let will lead to an increase in traffic and demand for parking spaces, which are already in short supply in the area

- An overabundance of holiday lets in the village will, over time, spoil the unique character of the village
- The holiday let use is detrimental to local businesses due to the seasonal nature of occupation.

General comments raised the following material matters:

- There is an inaccuracy in the submitted location plan (since amended)
- The seating area for the shippon is close to neighbouring properties resulting in a loss of privacy; some screening such as a trellis would provide better privacy for all parties.

A number of non-material matters were also raised.

## **Main Policies**

Core Strategy: GSP3, DS1 and RT2, T1

Relevant policies in the Development Plan (listed at the top of this report) are broadly consistent with national planning policies in the NPPF because they promote the conversion of existing buildings, and leisure and tourism development in the Peak District where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests. GSP1 also sets out the Sanford Principle whereby conservation of the National Park landscape takes precedence over recreational interests where there is irreconcilable conflict between the two statutory purposes of the National Park's designation.

Core Strategy policy DS1 states that in settlements, amongst other things, extensions to existing buildings and the conversion or change of use of traditional buildings for visitor accommodation, preferably by re-use of traditional buildings will be acceptable in principle.

Core Strategy policy RT2 relevant in regard to the principle of the use of part of the building as a holiday let. In these respects, RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:

A. 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. The change of use of entire farmsteads to holiday accommodation will not be permitted.

B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.

C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

Core Strategy policy T1 states that conserving the valued characteristics of the National Park will be the primary criterion in the planning and design of transport and its management.

Local Plan: LC4, LH4, LR6, LT11 and LT18

Local Plan policy LC4 states that where development is acceptable in principle it will be permitted provided it is of a high standard of design that respects and conserves the landscape, built environment and characteristics of the area.

Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.

LT11 and LT18 require that transport infrastructure and access arrangements are safe and conserve the National Park's valued characteristics. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

### National Planning Policy Framework

Paragraph 115 in the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF states that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support the sustainable growth of all types of business both through conversion and well-designed new buildings and should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. Both give substantial weight to the conservation of the landscapes of the National Park, whilst also seeking to support economic growth in rural areas.

### **Assessment**

#### *Change of use of shippon from ancillary accommodation to holiday let*

The shippon would have been likely to originally been in agricultural use. Prior to this application being received, the applicant has previously advised that the shippon had been in use for domestic storage for many years prior to its conversion to ancillary living accommodation in 2013. Such a development would not constitute a change of use requiring planning permission. Nor would the external changes that were made to the building during its conversion. However, the applicant has since taken this part of the building in to use as a self-contained holiday let, which constitutes a material change of use.

The submitted application proposes no changes to the external appearance of the building over those undertaken previously when converting it to ancillary accommodation previously, nor does it require changes to the curtilage of the building to facilitate the use as holiday accommodation.

Core Strategy policy DS1 in principle allows for the creation of holiday accommodation preferably by re-use of traditional buildings. Core Strategy policy RT2 specifically allows for the change of use of a traditional building of historic or vernacular merit to visitor accommodation except where the new use of the building would create unacceptable landscape impact in open countryside. The NPPF also supports the provision of sustainable tourist facilities in the countryside either through the conversion of existing buildings or the erection of well-designed new buildings.

In these respects, national planning policies are less restrictive than policies in the Development Plan in terms of the nature of buildings which can be converted to create holiday accommodation but contain the same provisions that when taken as a whole, the development must conserve the valued characteristics of the National Park before it could be deemed to be acceptable. In this

case, the building in question is of traditional construction and age, and is considered to be of sufficient historic and vernacular merit to meet the tests of RT2.

In this case, policies within the NPPF are material considerations. Paragraph 28 in the NPPF states that policies should support sustainable growth of all types of business in the countryside through conversion and well-designed new buildings and support sustainable rural tourism that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. In these respects, the NPPF offers support for the proposed development which would conserve the landscape character and other valued characteristics of the National Park. Therefore, it is considered that the proposed development is in accordance with relevant Development Plan policies which are generally in accordance with the NPPF.

Whilst some objectors have suggested that holiday let properties do not represent sustainable or beneficial development in the area, the Authority's policies are clear that such provision can contribute to the local economy, and also contribute to meeting the Authority's statutory purpose of promoting opportunities for the understanding and enjoyment of the special qualities of national parks.

If permission is granted a condition would be recommended to restrict the occupancy of the holiday accommodation to any individual to no more than 28 days per calendar year in accordance with policy LR6; separation of the building as an independent dwelling or its permanent occupancy would be contrary to the Authority's housing policies and could have further amenity or other impacts over which the Authority would wish to retain control.

#### *Garage design*

The existing garage is of a non-traditional design and has an untidy appearance, although it does reflect the appearance of the garage of the adjacent properties.

The proposed garage would follow a much more traditional design and also uses traditional materials. As originally proposed the pitched roof spanned the length of the garage. As the garage is shorter in width than it is in length it was considered that the roof should be rotated through 90 degrees. Revised plans have been submitted that re-orientate the roof. The applicant has also decided to omit a side facing window on the revised plans in order to try and overcome neighbouring concerns relating to overlooking from the garage.

Materials are proposed as natural stone to the front and rear, with render to the side elevations. In this setting the side walls would not be exposed to public view, and the materials proposed are considered acceptable. The roof would be clad with natural slate. It has not been specified whether this would be blue slate or stone slate. As both are present in the area surrounding the site – and indeed on the main house – it is considered that either would be acceptable. Materials for the garage door are not noted, but it is considered that this should be vertically planked timber in order to reflect the traditional appearance of the building and building traditions of the area. If permission was to be granted then this could be controlled by planning condition.

Overall, the appearance of the garage as revised reflects local building traditions and the character of the area, and is considered to comply with policies LC4 and LC5, subject to conditions controlling its detailed design.

#### *Amenity*

The application building is within the curtilage of West End Cottage, being directly attached to it, and already has the benefit of being able to be used as residential accommodation as part of the cottage. It is not considered that the proposal would be likely to give rise to additional noise or disturbance over and above the permitted use of the building, as it would have similar facilities and provide no further internal living spaces that could accommodate larger groups of people. In

addition, there would be no further openings that would prejudice the neighbours' privacy that are not already present. It is therefore not considered to alter the existing situation in any significant way in relation to the amenity of neighbouring properties.

The gravelled area to the east of the shippon could be used as a sitting area for the holiday let. This area is already in residential curtilage however and could be used for the same purpose already. It is not therefore considered that there would be such a change to the nature of the use of this space as to significantly affect neighbouring privacy.

The revised garage design has moved the window which an objection had identified would overlook a neighbour. There is not considered to be any further risk of overlooking as a result of the development.

In terms of impact on the neighbouring garden to the west, there is a difference in height within the applicant's garden between where the western wall of the garage would be, and where the eastern wall would be. To the west the ground is higher, not least because spoil from previous works on the house have been spread on this area of land. Were the garage to be built atop this then it would be more imposing on the neighbouring garden. However, were the levels to be brought down to at least those present further east then the garage would be less dominant. The garage wall facing this neighbour (with the revised roof orientation that has been agreed) would in that case project only a short distance above the height of the existing boundary wall due to this being a retaining wall and the applicants garden being at a lower level than that of the neighbour. The roof above would slope away from the neighbour. It is not considered that such an arrangement would be overbearing or oppressive. If Members are minded to approve the application, it is therefore recommended that a condition requiring further block and sectional plans showing existing and proposed levels through the site to be submitted in order that the height of the building above the wall can be properly controlled.

Subject to the levels being properly controlled and the revised garage design being secured it is not considered that the development would result in significant overshadowing of the neighbouring garden. Whilst the orientation of the site is such that shadow would be cast across some of the neighbouring garden this would be for only part of the day, and would only affect only part of the garden. It is not considered to have such an impact as to significantly compromise amenity.

Concerns have been raised about the potential for the construction of the garage to undermine the structural stability of the boundary wall. Whilst this is not a planning matter, the applicant has moved the garage 60cm further from the wall on the revised plans in an effort to overcome this concern. They would also need to comply with the requirements of the Party Wall Act whilst undertaking works affecting a common boundary.

The garage would be some ten metres from the neighbour to the east and would not be overbearing or cause significant overshadowing of that property.

#### *Parking and access*

If the development was to be approved the property would have parking space for up to five vehicles. This exceeds the recommended highway standards for a two bedroom house and one bedroom holiday let property.

Moving the garage further south would also make turning within the site easier, reducing the likelihood of vehicles reversing out on to the highway.

The Highway Authority has objected to the proposal on the grounds that it would lead to the intensification of use of a substandard access. However, they have acknowledged that the use has been ongoing for some time with no reported issues, and have recommended mitigating

conditions if the Authority is minded to approve the proposal. Officers agree that visibility from the access is limited and substandard. However, the access is already shared by five properties – all of which could also have visitors who are not familiar with the access. A one bedroom holiday let would be likely to attract visitors arriving in a single car. Given the existing situation, and the relatively low traffic levels that the road at this location receives, Officers do not consider that the sometime use of the access by occupants of the holiday let would make a significant difference to the highway safety of the area, and the proposal is considered to comply with policies T1, LT11 and LT18.

#### *Environmental Management*

There are no physical changes proposed to the existing house and converted shippon, and so no environmental management measures are considered necessary to comply with planning policy.

#### **Conclusion**

It is considered that the development accords with the policies of the Development Plan, and that highway and amenity impacts are not so significant as to justify refusal of the application. Having also taken account of all other relevant material considerations, the application is recommended for approval.

#### **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