

## **Appendix 1 - Copy of report to the Planning Committee on 13 November 2015**

### **9. FULL APPLICATION: CHANGE OF USE OF BARN/FORMER BLACKSMITH'S WORKSHOP TO DWELLINGHOUSE, THE BARN, BACK LANE, ALSTONEFIELD (NP/SM/0615/0548 P.2561 412978/365506 1/11/2015/CF)**

**APPLICANT: MS MANDY TURLEY**

#### **Site and Surroundings**

The current application site concerns a disused stone-built barn known as 'The Barn' and also referred to as the Blacksmith's Cottage or former blacksmith's workshop in the submitted application. The Barn is situated in a relatively isolated position adjacent to Back Lane approximately 200m to the south-west of the main group of residential properties in Alstonefield. The single-storey building is simple and robust in its form and detailing and is constructed from traditional building materials.

#### **Proposal**

The current application originally proposed the conversion of The Barn to an open market dwelling to meet general demand. The applicant has since indicated that she would be willing to enter into a s.106 legal agreement for affordable housing, which would prioritise local people in terms of the future occupancy of the converted barn. The applicant would be the intended first occupant if planning permission were to be granted for the current application. As such, the revised application now proposes a one bedroom affordable house that would be subject to a legal agreement and local occupancy restriction.

The design of the proposed conversion is intended to conserve the existing character and appearance of The Barn by utilising existing openings and restricting the size of the proposed residential curtilage to an area already enclosed by a dry-stone wall. The submitted plans show the ground floor of the barn would be subdivided to provide a single bedroom, shower room, and open plan kitchen and sitting room with a loft above in the remaining roof space.

#### **RECOMMENDATION:**

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

**The applicant does not have an eligible local need for new housing within the National Park and the current application is therefore contrary to policy HC1(A) of the Core Strategy and contrary to saved Local Plan policies LH1 and LH2. In this case, there are no exceptional circumstances or any other material planning consideration that would justify a departure from the Authority's adopted housing policies.**

#### **Key Issues**

- the landscape and visual impact of the proposed development; and
- vehicular access; and
- whether an exception to saved Local Plan policies LH1 and LH2 and policy HC1(A) of the Core Strategy is justified.

#### **History**

1987 Appeal dismissed for conversion of The Barn on landscape grounds and highway safety grounds with further concerns raised that the building had no special

architectural interest.

- 1986 Planning permission refused for conversion of The Barn to holiday let on the grounds that it would be isolated and sporadic development in open countryside.
- 1986 Planning permission refused for conversion of The Barn to holiday let taking into account the visual impact of the extensions proposed to the building to facilitate its conversion.

### **Consultation**

County Council (Highway Authority) - No objections on highway grounds to the proposed development subject to conditions.

District Council – No response to date

Parish Council – The Council objected to this application on the grounds of access and egress being unsuitable, overdevelopment and the site being outside the village boundary with concerns over the fact that this is not perceived to have ever been anything other than a field barn by local residents and therefore should not be converted into domestic accommodation. Comments regarding its former use referred to within the application were also felt to be erroneous by residents and Councillors who were unanimously against the development.

### **Representations**

One letter objecting to the current application has been received to date. The author of this letter sums up their concerns by saying: *“The proposed development in Back Lane does not seem to address the needs of those who live in the Peak District. It simply looks like a speculative purchase of a barn with a view to conversion and maybe a profitable sale. And such a development would be at the expense of the essence of Back Lane. There would be a loss of amenity through the degradation of a traditional British rural scene. I do hope that you will continue to feel that a barn is exactly the right use for an old building sited out in the countryside on Back Lane”.*

A further letter commenting on the access to the application site has also been received from one of the joint owners of one half of Back Lane and the adjacent field to the east. The author of this letter says she would refuse permission for any alteration to Back Lane, the wall on the east side or to the diversion of the footpath into the field.

### **Main Policies**

#### **Housing Policy**

The National Planning Policy Framework (‘the Framework’) says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In these respects, the Framework reiterates a long standing principle that local planning authorities should avoid granting planning permission for isolated new homes in open countryside except in exceptional circumstances.

This approach is generally consistent with the Authority’s development strategy set out in DS1 of the Authority’s Core Strategy, which says new residential development should normally be sited within named settlements, and policy HC1(C) of the Authority’s Core Strategy, which sets out very similar criteria to the Framework in terms of the exceptional circumstances in which a new house can be granted permission outside of a named settlement.

However, policies in the emerging Development Plan Document, saved Local Plan policy LH1 and policy HC1(A) of the Core Strategy are more permissive than national planning policies because they explicitly allow conversion of buildings in the open countryside to affordable housing to meet local need, which is not an approach to affordable housing that is particularly well supported by national planning policies in the Framework.

In these respects, saved Local Plan policy LH1 says exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of settlements or, as the conversion of an existing building of traditional design and materials in the countryside provided that it would be affordable housing to meet local need and it meets the criteria of Saved Local Plan policy LC4. Saved Local Plan policy LH2 otherwise sets out the Authority's definition of a person with a local qualification for affordable housing saying:

Exceptionally new housing will be permitted for a person with a proven need in accordance with Policy LH1 provided that the dwelling will be occupied by:

- 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 and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;
- ii. a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is forming a household for the first time; or
- iii. a person not now resident in the parish but with a proven need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years; or
- iv. a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity; or
- v. a person who has an essential functional need to live close to his or her work in the parish, or an adjoining parish within the National Park.

### Design and Conservation Policies

Saved Local Plan Policy LC4 sets out guidance on design, siting and landscaping whilst policy LC8 and L3 set out guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 require development to be provided with appropriate access and parking provision that would harm the environmental quality of the National Park. Further detailed advice on the conversion of buildings to other uses is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide. These policies are consistent with national planning policies and core policies in the Core Strategy including GSP1, GSP2 and GSP3.

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area. GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

Policy GSP3 of the Core Strategy is also relevant because it sets out detailed criteria for judging the impacts of new development on the valued characteristics of the National Park, and should

be used to achieve the sensitive management of new development. L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

### Landscape Strategy and Action Plan

The Landscape Strategy and Action Plan shows that the barn is situated in the Limestone Village Farmlands landscape character type of the White Peak landscape character area. Key characteristics of the White Peak include the historic pattern of enclosure, the nucleated settlement pattern and the integrity and setting of traditional buildings. The guidelines in the Landscape Strategy and Action Plan for the White Peak state that protecting and maintaining historic field barns is a priority throughout the Limestone Village Farmlands landscape character type. In particular, the Landscape Strategy and Action Plan says:

*“... Isolated field barns are a special cultural feature in the White Peak... Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages.”*

It is considered the Authority's Landscape Strategy and Action Plan along with the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan, as noted above, are consistent with national policies in the Framework, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

## **Assessment**

### Landscape and Visual Impact

In the first instance, permission was refused twice in 1986 for conversion of 'The Barn' to a holiday let. Subsequently one of these decisions was appealed, but the appeal was dismissed in 1987. A key issue reason for refusal on each occasion was the landscape and visual impact of the domestic paraphernalia associated with the proposed use of the building. Notably, the Inspector in the appeal decision in 1987 stated that whilst the building itself could be seen from the fields to the south and from part of the village to the east of the site, the building itself is not assertive within the landscape. It is considered that more than twenty five years after this appeal decision this assessment holds true, and the building proposed for conversion is not a particularly conspicuous feature in its landscape setting.

Therefore, the landscape and visual impact of the proposed conversion would be far less than a number of barn conversions recently granted planning permission by the Authority's Planning Committee. However, one factor that distinguishes this building from a more traditional field barn is that it already has a semi-domestic appearance. Information submitted by the applicant refers to 'The Barn' as a former blacksmith's cottage or workshop related to Alstonefield Manor, which is now in separate ownership. However, there is no evidence to support this claim but the building does look much more like a workshop or a very humble dwelling rather than a disused agricultural building. The detailed treatment of the conversion retains this character and would maintain its modest appearance.

The Barn also has a defined curtilage and, on balance, it is considered that the proposed residential use of the barn would not have an unduly harmful visual impact on the surrounding

landscape. However, this assessment relies heavily on a comparison with other barn conversions that have been consented but lie in much more prominent locations in open countryside and have less of a domestic character than the building, which is the subject of the current application. On this basis, officers do not consider the landscape and visual impact is a determinative factor in the final decision on this application. However, conditions removing permitted development rights for extensions and alterations to the building and development in the curtilage would be reasonable and necessary to retain the character and appearance of the building and a landscaping scheme would also be necessary to seek to mitigate the visual impact of the parking area and domestic use of the associated garden if planning permission were to be granted for the current application.

### Vehicular Access

It is highly relevant that previous applications for conversion of The Barn have been refused in 1986 and a subsequent appeal has been dismissed in 1987 because it was considered that the building could not be provided with a safe and suitable vehicular access. The access arrangements proposed in this application also give rise to local concerns but the Highway Authority has no objections to the current application. With regard to these issues, it is of particular note is that the part of Back Lane that would be used for vehicular access from the public highway to the converted barn is an unclassified road that has not been dedicated as a public right of way albeit it is recognised that the lane is used 'informally' to access the bridleways and other footpaths in the local area. The lane is also used by farm traffic.

To address the concerns about the vehicular access, which the applicant was aware of prior to submitting this application, a thorough transport assessment has been submitted by the applicant that illustrates that it is highly unlikely that the traffic generated by the proposed one-bedroomed dwelling house would generate vehicular movements that would cause highway safety concerns or conflict with other vehicles or other people using Back Lane. Taking this information into account and the Highways Authority's response, it is therefore considered that it has now been demonstrated that highway safety concerns would not be a sustainable reason for refusal of the current application. This is especially the case because the Highways Authority's conditions relate solely to the provision of the parking area before the dwelling is first occupied and the location of any septic tank or package treatment plant.

### Housing Policy

The previous decisions relating to conversion of The Barn are again particularly relevant in considering whether its conversion to an open market house to meet general demand would be appropriate. In this respect, it is clear that the building does not have any special historic or architectural interest and the applicant has so far not been able to demonstrate that it has any particular significance because it may have been a former blacksmith's workshop or cottage. The building also appears to be in a relatively sound condition and there is no evidence that the impetus of open market values is required for its long term conservation.

Therefore, the exceptional circumstances set out in policy HC1(C)I of the Core Strategy and paragraph 55 of the Framework do not exist in this case and permission for conversion of the barn to an open market dwelling to meet general demand is simply not warranted in policy terms. However, to address these concerns, the applicant has confirmed that she would be willing to enter into a section 106 legal agreement naming herself as the first occupant and then containing the normal obligations that would retain the converted barn as an affordable home and restrict future occupancy of the barn to a person (or people) with a local qualification. In this respect, if it is accepted that the proposed barn conversion is appropriate in landscape conservation and design terms then the building would be a suitable candidate for affordable housing.

The cost of conversion and its potential market value with an occupancy restriction would mean that the converted building would be affordable, and the internal floor area of around 40m<sup>2</sup> is well

within the normal size guidelines for affordable housing albeit slightly larger than the guideline figure for a one bedroom house. However, the problem is that the applicant does not have a local qualification as set out in saved Local Plan policy LH2 and would not meet any of the criteria in the cascade provisions in the Authority's normal legal agreements for affordable housing. This means that the applicant cannot be considered to be a person with a proven need for a new house within the National Park or a person with an appropriate local qualification contrary to the provisions of saved Local Plan policies LH1 and LH2.

In these respects, the current application is also contrary to policy HC1(A) of the Core Strategy because the applicant cannot demonstrate that the new house would address an eligible local need for new housing in the National Park. On this basis, any approval for the current application would be a significant departure from the Development Plan especially when taking into account that the emerging Development Plan Document will carry forward very similar criteria for assessing eligible local needs.

### Sustainability

Paragraph 14 of the Framework contains a presumption in favour of sustainable development and policies GSP1 and GSP2 in the Core Strategy also promote and encourage sustainable forms of development within the National Park. In this case, it is notable that (i) the proposed conversion would result in very limited harm to the scenic beauty of the surrounding landscape, (ii) the proposed conversion can be provided with a safe and suitable access, (iii) there are no neighbourliness issues because of the barn's isolated location, and (iv) there is no evidence that the building has any archaeological or ecological interest. Therefore, any approval for the current application would harm the consistent application of planning policies and consistency of decision making within the National Park rather than the amenities of the local area.

In terms of the benefits that might result from the grant of planning permission for the current application, very limited weight can be given to the suggestion that any new housing in the National Park is required to meet 'housing targets'. This is because the 'English National Parks and the Broads: UK Government Vision and Circular 2010', which is cross referred to in Paragraph 14 of the Framework, makes it very clear that the Government's intention is not to meet demand for housing in the National Parks; the priority in rural areas such as the National Park is to meet the need for affordable housing as set out very clearly in paragraph 54 of the Framework and the Authority's housing policies. Therefore, the principal public benefit that would be achieved by granting planning permission for the current applicant would be the longer term benefits of the delivery of an affordable house to meet local need through the applicant's private investment in the building.

Setting aside the issue of whether the purchase cost of the building was based on 'hope value', the cost of converting the building will still be in the region of £80,000, which is considered to be a substantial investment in a one-bedroom property that might be difficult to extend because of the restricted access to the property, the potential for an extended building to have a greater impact on the character of the surrounding landscape and the modest size of the building, which means that it is difficult to consider any significant extension to the building would be acceptable in design and conservation terms.

Therefore, it is unlikely the applicant would be able to do more than 'break even' if the property was to be converted and sold with a local occupancy restriction in the future. Consequently, the proposed conversion of The Barn to an affordable home to meet local needs with the applicant as the named first occupant would clearly benefit the applicant insofar as she would be able to live in a new house within the National Park that she could afford rather than provide a speculative investment opportunity.

The wider public benefits of granting planning permission would arise on the future sale of the converted barn at an affordable price to a person with an eligible local need who would not

otherwise be able to buy a house in the local area on the open market.

However, it also has to be taken into account that the Parish Council do not support this application because they are concerned that the building is outside of the settlement as well as the proposals represent over-development and their concerns about vehicular access. In contrast, the Parish Council have not given any indication yet that the provision of a one bedroom house would help to maintain the viability or vitality of the local community or that the offer of a legal agreement that would mean the converted barn would become an affordable house to meet local need in the future addresses their concerns.

Therefore, there is no evidence that suggests that granting planning permission for the current application would accord with the Authority's statutory duty to seek to foster the economic and social welfare of the local community even though there is compelling evidence that more affordable housing is needed within the local area, and this need is unlikely to be met before the converted barn might be sold by the applicant.

### **Conclusion**

It is therefore concluded that the current proposals do not comply with the specific provisions of policy HC1(A) or saved Local Plan policies LH1 and LH2 because the applicant does not have an eligible local need for a new house in the National Park and this conflict is not offset or outweighed by other relevant planning considerations. Although, the proposals may give rise to some public benefits because the applicant is willing to enter into a legal agreement to maintain the affordability of the converted barn and restrict its future occupancy to a person (or people) with an appropriate local qualification, any approval for the current application would harm the future application of the Authority's adopted policies and consistency of decision making in the National Park. Moreover, the emerging Development Plan Document does not suggest that the local qualification in saved Local Plan policy LH2 will change, which means there is no support in the emerging development management to consider relaxing the local qualification on an exceptional basis.

This is of particular concern when taking into account there is high demand to live in the National Park and the applicant current circumstances are not exceptional not least because it has not been demonstrated that the applicant has a particularly strong local connection to Alstonefield or that there is an essential need for the applicant to live within the local area. Therefore, the offer of entering into a legal agreement restricting the future occupancy and maintaining the affordability of the converted barn that might justify approval of the current application could be too easily repeated and in these respects, any approval for this application may form a precedent for future decisions made by the Authority in similar cases.

Accordingly, in the absence of an eligible local need and in the absence of exceptional circumstances that would warrant such a departure from the Authority's adopted housing policies, the current application is 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