The Planning Inspectorate

Appeal Decision

Site visit made on 5 March 2012

by N M McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2012

Appeal Ref: APP/H1033/A/11/2162203
Shallcross Hall Farm, Shallcross Road, Whaley Bridge, High Peak, SK23 7EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Alan Sidebotham against High Peak Borough Council.
- The application Ref HPK/2011/0097, is dated 23 February 2011.
- The development proposed is partial demolition of non-approved existing building and reconstruction.

Application for Costs

1. An application for costs was made by Mr Alan Sidebotham against High Peak Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed and planning permission is refused for partial demolition of non-approved existing building and reconstruction.

Preliminary Matters

3. There is some debate between the main parties in this case as to whether the application the subject of the appeal was properly dealt with by the Council, in terms of its validation process and I note, in this regard, that the Council has accepted that there was, what is described as 'a breakdown in procedure'. Be that as it may, the appeal, which is against the Council's failure to determine the application within the prescribed timetable, has been accepted as valid.

4. The site has a long history of planning applications and appeals, as detailed in the statements of both the appellant and the Council. The building currently on site, which replaced a smaller timber building[1], was subject to an Enforcement Notice that was upheld at appeal, although the Notice was varied to allow a longer period for compliance. The building now on site is therefore unlawful. The development the subject of this latest appeal involves a reduction in the overall size of that building.

[1] This is the building referred to on plan No 2807/102A as the 'existing building'. This building no longer exists and is more accurately described as the original building.

5. In coming to a view on this proposal, I have had regard to the recently issued National Planning Policy Framework. Although the parties were given the opportunity to comment on any relevant implications, no comments were received within the prescribed timetable. I note that the Council's Local Plan[2] was adopted in March 2005 and that its Landscape Character Supplementary Planning Document was adopted in March 2006. As such, the local policy context is relatively up to date. Moreover, none of the relevant Local Plan policies, nor the SPD, appear to be at odds with the new Framework.

Main Issue

6. The main issue in this case is the effect of the proposed development on the character and appearance of the countryside and the Special Landscape Area.

Reasons

7. Shallcross Hall Farm is a residential complex, comprising holiday cottages and a dwelling, converted from a farmhouse and farm buildings. It is in a relatively isolated location outside the built up area and being high up on a hillside, is highly visible from, and enjoys distant views across, a Special Landscape Area recognised in the Local Plan for its openness, scenery and high intrinsic quality. The local landscape is also identified in the Council's SPD[3] as the Settled Valley Pastures in the Dark Peak, characterised by scattered farmsteads in a pastoral landscape. The SPD indicates that the conversion of farm buildings in the area should not involve additional development. The appeal site itself is a partly demolished, unauthorised building located next to the two storey former farmhouse.

8. Whilst the proposed development would be constructed in traditional materials, namely stone walls with a pitched tile roof, which would reflect the materials used on other buildings within this complex, and would appear subservient to the former farmhouse, it would comprise, of itself, a substantial additional outbuilding. Whilst the internal floorspace might well be the same as that of the earlier timber building on the site, the increased footprint and height would result in a building of significantly greater bulk and mass.

9. The Design and Access Statement submitted with the planning application indicates that the building is intended to act as a service unit for the storage of materials and consumables for the holiday flats (toilet rolls, soap, cleaning equipment and maintenance, cots, extra beds and furniture), as a workshop for the repair and maintenance of fixtures and fittings, and as a garage for large grass cutting equipment, site vehicle and other equipment. I am mindful in this regard, that whilst the SPD is supportive of farm conversion schemes, such schemes should not involve additional development. Given its intended use, the development the subject of this appeal would clearly conflict with the SPD in this regard.

10. Although the appellant advises that the floor level of the building would be lowered so that the building would sit into the rising ground, this is not shown on the submitted plans. Moreover, the SPD also requires new buildings to be

[2] High Peak Local Plan (Adopted March 2005).
[3] High Peak Borough Council Local Development Framework: Landscape Character Supplementary Planning Document SPD5 (Adopted March 2006).

kept as small as is practically possible and there is no evidence before me to suggest that this would be the case for the proposed development. Similarly, whilst the appellant may have addressed some of the design issues raised by a previous Inspector[4], the proposed development fails to fully address the SPD's requirement for buildings to have a broad frontage and narrow sides. The footprint of the proposed building would have wide sides, which at around two-thirds the length of the frontage, could not be considered to be narrow.

11. The addition to the existing complex of, what would be a substantial building, would contribute to the gradual erosion of the open character of the countryside. As such, the proposed development would harm the character and appearance of the countryside and the Special Landscape Area, contrary to the SPD and to Local Plan policies OC1, OC3, OC4 and GD4, which amongst other things, seek to protect the distinctive character of the countryside and the Special Landscape Area.

12. The principle of a replacement garage on the appeal site being acceptable was established during previous appeals[5]. I also recognise that the internal floor area of the original building, and that proposed, would be the same. However, whilst the new building may be more 'functional' than the original it would, as noted above, be larger, not just in terms of the footprint (as a consequence of the thicker stone walls) but also as a consequence of the increase in height. That it may be more useful to the appellant than the earlier building does not, in this case, outweigh the harm that I have identified would be a consequence of the larger development proposed.

13. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) and Planning Policy Statement 1: Delivering Sustainable Development, have been replaced by the recent National Planning Policy Framework. Whilst the Framework is supportive of appropriate sustainable developments that benefit businesses in rural areas, it requires development to respect the character of the countryside. I have found the proposed development to be harmful in this regard and as such, it would conflict with the Framework.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N M McGurk

INSPECTOR

[4] APP/H1033/A/10/2137640.
[5] APP/H1033/A/09/2103282; APP/H1033/A/10/2137640.