

DELEGATED DECISION REPORT

HPK/2022/0558
Valid 03/01/2023

VALLEY VIEW
OWLGREAVE FARM
COMBS ROAD
CHAPEL-EN-LE-FRITH

RETROSPECTIVE
APPLICATION FOR
RETANTION OF A DOMESTIC
OUTBUILDING

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity

DESCRIPTION OF SITE

The application site relates to an area of land immediately to the south of the property known as 'Valley View' which was created following the subdivision of a larger property following the granting of planning permission under HPK/2015/0355.

The site lies in an isolated location outside of the built-up area boundary in the open countryside.

PROPOSAL

The application seeks retrospective planning permission for the construction of a single storey building located immediately adjacent to the side elevation of the main dwellinghouse, which is shown on the submitted Floor Plans and described within the supporting Statement as serving a hobby/store room, and workshop with WC, for purposes incidental to the enjoyment of the main dwellinghouse, which includes exercise and storage of bikes.

The structure is orientated with the long side running parallel with the side elevation of the main house. A small verandah area under a canopy is situated at the western end, overlooking the access track and fields beyond. The outbuilding is constructed in timber with a dual pitched felt roof spanning a width of approximately 4.0m and a length of 9.0m reaching a height of 2.6m.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the Chapel-en-le-Frith Neighbourhood Plan (2015) and the High Peak Local Plan (2016). Adopted

Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

Chapel-en-le-Frith Neighbourhood Plan 2015

No relevant policies

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ3 Rural Development
EQ6 Design and Place Making
CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2014/0251	Proposed Subdivision Of Existing Bungalow & Granny Annexe To Form Two Separate Dwellings (Withdrawn)
HPK/2015/0102	Lawful Development Certificate for existing use as a private domestic dwelling (Granted 21/04/2015)
HPK/2015/0355	Proposed sub-division of existing bungalow and granny annexe to form two separate dwellings.(Approved 25/09/2015)
HPK/2016/0604	Proposed application for double garage & shed with home office over relating to previous application under HPK/2011/0630 & removal of existing domestic stable & adjacent shed (Approved 23/01/2017)

CONSULTATIONS

Publicity

Site Notice expiry date: 17th February 2023
Neighbour consultation period ends: 30th January 2023
Press Advert: N/A

Public Comments

None

Chapel-en-le-Frith Town Council Comments

No objection.

Derbyshire County Council Highways

No highway safety comments to make.

Network Rail

No comments to make.

OFFICER COMMENTS

Principle of Development

The application seeks to retain a single storey domestic outbuilding for purposes incidental to the main dwellinghouse. Whilst sited immediately adjacent to the host property, it is debatable whether the site forms part of the domestic curtilage, based on the fact that the site is completely enclosed by and separated from the dwellinghouse by a low dry stone wall. However, the land is well related to the dwelling and according to the red line area accompanying planning application HPK/2015/0355, the land the subject of this application was included within that application.

The site lies within the open countryside and is therefore subject to Local Plan (LP) Policy EQ3 which seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

The site is not constrained by any sensitive statutory designations.

As such, provided that the use of the building is solely incidental to the enjoyment of the main dwelling, and not for any commercial purpose, the principle of development is supported subject to the application demonstrating compliance with LP Policy EQ3 and an assessment of all other relevant planning considerations.

Design Character and Appearance

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing dwellings provided they

are subsidiary to the building and do not have an adverse impact on the character of the landscape.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The supporting Statement submits that the proposed structure lies within the domestic curtilage associated with Valley View. The structure is of a modest scale and height that has a very strong spatial and visual relationship with Valley View reading as a secondary and subordinate structure. As such, the proposed outbuilding is considered to be acceptable with regards to its siting, scale and height.

The Statement argues that the choice of materials (timber) is typical of a domestic outbuilding. I would agree with this statement, although in prominent locations such as this one in the open countryside within close proximity to public footpaths, it would ideally be constructed from a more sympathetic and traditional material such as stone.

That said, it is considered that the choice of materials used to construct the proposed outbuilding does not result in any degree of harm that to the landscape and therefore there is not considered to be any conflict with LP Policies S1, EQ3 and EQ6, relevant Supplementary Planning Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The application makes clear that the proposed outbuilding would be used solely for purposes incidental to the enjoyment of the main dwellinghouse known as Valley View and would not be utilised as a short-term holiday let. The building is located to

the south of the dwelling and therefore at the furthest point away from the surrounding neighbours to the north.

Given the isolated nature of the site it is considered that subject to a strict condition that restricts the use of the building for such incidental purpose, the amenity of neighbouring properties, and the wider general public, would be preserved, in accordance with LP Policy EQ6, Supplementary Planning Guidance, and paragraph 130 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks retrospective planning permission for a single storey outbuilding that stands immediately adjacent to the southern elevation of Valley View, Combs. The building will be used for storage and hobbies including exercise activities that are incidental to the enjoyment of the dwellinghouse.

It is accepted that the building has a strong spatial and visual relationship with the main dwelling, and is of a scale and height that reads as a subordinate and secondary structure. It is always desirable to see ancillary buildings that are more prominent and visible within the wider area in the open countryside to be constructed from traditional materials such as stone. However, it is accepted that the use of timber is common in the construction of such outbuildings and as such it is considered that there is no conflict from LP Policies S1, EQ3 and EQ6, relevant supplementary planning guidance, and relevant paragraphs under Chapter 12 of the NPPF.

In light of the assessment within this report, it is concluded that subject to strict conditions relating to the use of the building, the application constitutes a sustainable form of development, and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 23rd February 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council