

## DELEGATED DECISION REPORT

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**HPK/2023/0126**  
**Valid 31/03/2023**

**OLLERSETT FARM**  
**LANESIDE ROAD**  
**NEW MILLS**

**PROPOSED ORANGERY**  
**EXTENSION**

**(FULL - HOUSEHOLDER)**

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### MAIN ISSUES

- Principle of Development
- Impact on Green Belt
- Design, Character and Appearance
- Amenity

### DESCRIPTION OF SITE

The application relates to Ollersett Farm; an attractive two storey detached residential property constructed in stone with slate tiled roof, situated in a relatively isolated location approximately 1km east of Ollersett Lane at the eastern fringes of New Mills, accessed via a single 4x4 track that is also a public footpath.

The site lies outside of the built-up area boundary in the open countryside and in the North Derbyshire Green Belt.

The dwelling is orientated with the principal elevation facing northwards towards the public footpath, with the southern rear elevation facing on to a large well maintained garden area, and characterised by a single storey lean-to extension, which alongside a side extension to the east, was added following the granting of a Certificate of Lawful Development in 2012.

More recently, a Certificate of Lawful Development has been granted for a detached orangery extension immediately adjacent to the single storey rear extension and the original rear elevation, under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

### PROPOSAL

The application seeks full planning permission for a single storey rear extension, referred to as an 'orangery' extension, that would be sited in the same location, and have a broadly consistent footprint with the detached orangery extension that does not require planning permission to be implemented, and which has been the subject of a positive Certificate of Lawful Development granted under HPK/2022/0415 on 4<sup>th</sup> January 2023.

As shown on the Proposed Elevation Plans, the proposed orangery extension is to have stone walls and sills to match the existing dwelling, with timber framing, fascias,

doors and windows, with glazed roof. A new retaining wall is also shown, with minor engineering works required to match the finished floor level of the main dwelling.

The application is supported by a Planning Statement that accepts that the proposed development constitutes 'inappropriate development' in the Green Belt, but argues that Very Special Circumstances apply in this case which outweigh the harm to the Green Belt by definition and any other harm, and that the proposal is acceptable in all other aspects.

## **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 High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

### **High Peak Local Plan 2016**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S6 Central Sub-area Strategy
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

### **National Planning Policy Framework 2021**

|                                                   |            |
|---------------------------------------------------|------------|
| Achieving Sustainable Development                 | Chapter 2  |
| Achieving Well Designed Places                    | Chapter 12 |
| Protecting the Green Belt                         | Chapter 13 |
| Conserving and Enhancing the Historic Environment | Chapter 16 |

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

- |               |                                                                                                                                                                                 |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HPK/2004/1168 | Conversion of existing adjoining barn to form new living room, two extra bedrooms and bathroom (Approved 07/02/2005)                                                            |
| HPK/2009/0124 | Single storey gabled extension and alterations (Refused 20/05/2009)                                                                                                             |
| HPK/2009/0530 | Change of use of adjoining barn to additional living accommodation (retrospective application for changes to external design details previously approved) (Approved 13/11/2009) |

|                |                                                                                                        |
|----------------|--------------------------------------------------------------------------------------------------------|
| HPK/2010/0218  | Certificate of Lawful Use for use of land as garden (Approved 30/06/2010)                              |
| HPK/2010/0395  | Certificate of Lawfulness for use as land as domestic curtilage (Refused 30/06/2010)                   |
| HPK/2010/0439  | Proposed single storey extension (Withdrawn)                                                           |
| NMA/2010/0017  | Non-material Amendment to HPK/2009/0530 to amend windows of northwest elevations (Approved 23/06/2010) |
| HPK/2012/0683  | Certificate of Lawful Development for proposed single storey extension (Granted 01/02/2013)            |
| HPK/2020/0024  | Certificate of Lawfulness for existing use of residential garden land (Granted 13/03/2021)             |
| HPK/2022/00145 | Certificate of Lawful Development for proposed detached orangery and conservatory (Granted 04/01/2023) |

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 25<sup>th</sup> May 2023  
 Neighbour consultation period ends: 27<sup>th</sup> April 2023  
 Press Advert: N/A

### **Public Comments**

None

### **New Mills Town Council Comments**

No objections

### **DCC Archaeology**

The proposed application is sited within 100m of Grade II listed buildings associated to Ollersett Hall Farm (DDR6297) and the Grade II listed Ollersett Hall Farmhouse (DDR6460) and was probably within the curtilage of Ollersett Hall; a 16<sup>th</sup> century establishment, which appears on the first ed 125000 OS but was demolished by the end of the 19<sup>th</sup> century.

A stone, carved "celtic head" (MDR15967) incorporated into a wall some 90m to the northwest may imply early medieval activity in the area. Given the location of the proposed orangery extension but particularly the ground reduction associated with its construction I recommend that further archaeological work in the form of an archaeological watching brief during ground lowering would be in order. This would be under para 205 of NPPF and can be secured by attaching a condition to planning consent, the wording of which might be.

1. *No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:*

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI."*

*Any WSI should be authored by the archaeological contractors engaged to undertake the work in the field in consultation with this office.*

## **Derbyshire County Council Highways**

No objections

## **OFFICER COMMENTS**

### **Principle of Development**

The application seeks permission for extensions and alterations to an existing residential property that lies outside of the settlement boundary in the open countryside and in the North Derbyshire Green Belt.

As such, the application is subject to Local Plan (LP) Policy EQ3 which applies to all development in the rural areas, and LP Policy EQ4, which requires all development proposals in the Green Belt to be determined in accordance with national policy.

The principle of development can thus be supported where it is deemed that the application complies with these policies, notwithstanding all other material considerations.

### **Impact on Green Belt**

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Chapter 13 of the NPPF contains the relevant restrictive national planning policies relating to the Protection of the Green Belt. Paragraph 147 states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF sets out a list of exceptions whereby new buildings are not deemed to be inappropriate development. Such exceptions include:

*“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*

The original building is defined within the NPPF as the building as it stood on 1<sup>st</sup> July 1948 or, if constructed after this date, the building as it stood in its original form. Based on a visual inspection, the characteristics of the building, and that no planning history exists relating to the original dwellinghouse, it is considered for the purposes of this application that the building existed on 1<sup>st</sup> July 1948.

There are no definitions within the NPPF or indeed the Local Plan as to what constitutes 'disproportionate additions' and as such each application must be assessed and determined on its own individual merits. A useful starting point however for assessing whether a development proposal does not constitute disproportionate additions in the context of the original building is to calculate the floor area and volume of the original dwellinghouse before subsequently calculating the floor area and volume of any extensions that have been added since 1948.

Given that the applicant (as set out in their Planning Statement) accepts the fact that the proposed structure constitutes inappropriate development a comparable analysis between the original dwelling and subsequent additions has not been undertaken. In light of the extensions that have been added to the dwellinghouse, the Council agrees with the applicant that this proposed development would amount to disproportionate additions to the dwellinghouse, and as such constitutes inappropriate development in the Green Belt.

In order for the application to be compliant with Green Belt policy, Very Special Circumstances (VSC) must be engaged which is deemed to outweigh the harm to the Green Belt by definition and any other harm (which includes harm to openness).

The applicant submits that the following VSC apply to this scheme:

- Credible fall-back position exists that allows the applicant to construct a detached building in the same location secured by Certificate under HPK/2022/0145 in January 2023
- This proposed extension shows a reduction in volume (116m<sup>3</sup>) compared to the permitted outbuilding (119m<sup>3</sup>) and would not result in any harm to the openness of the Green Belt
- The design of this proposed adjoined extension is more in keeping with the existing dwellinghouse with the attached walls being imperceptible except at very close range, thus having little impact on the character and appearance of the property

As referenced at paragraph 5.8 of the supporting Planning Statement, the Council are duty bound to consider the credible and realistic fall back position that exists whereby a detached orangery of a larger volume can be constructed in the same location, with a very minor gap between the original rear elevation. The Statement also refers to an appeal decision albeit in a different authority area, where the fall-back position is attributed significant weight.

It is accepted that the fall-back position relating to this application should be given significant weight. It is clear that the proposed (attached) extension would amount to a negligible change to the character and appearance of the dwellinghouse, given its location to the rear of the property, and would result in a minor enhancement to the openness of the Green Belt, given its slight reduction in overall volume comparable to the permitted outbuilding.

In light of the above, it is considered that in this specific case, there are VSC that exist which outweigh the harm to the Green Belt. As such, the application is considered to be compliant with LP Policy EQ4 and relevant paragraphs under Chapter 13 of the NPPF.

### **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 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.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

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

The existing dwellinghouse has an attractive appearance constructed in traditional materials with stone walls and slate tiled roof. The proposed extension would complement these existing characteristics albeit with contemporary elements in the form of a glazed roof. The extension is single storey and would clearly read as a subordinate and secondary addition, allowing the main dwellinghouse to dominate.

Given its location to the rear of the property and in light of the permitted fall-back position, it is considered that this proposed extension is acceptable with regards to its siting, scale, height, massing and visual appearance, in accordance with LP Policies S1, EQ3, and EQ6, relevant Supplementary Design 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.

Given the isolated nature of the property with regards to other residential properties, and the location of the extension to the rear of the dwellinghouse away from the public footpath, it is considered that the proposed extension would not give rise to any adverse harm to the amenity of any neighbouring property or members of the general public, in accordance with LP Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 130 of the NPPF.

### **Other Matters**

The County Archaeologist has identified that the site offers potential for archaeological assets dating particularly from the medieval era. It is noted that the plans show the lowering of existing ground levels to serve the location of the orangery and the construction of a new retaining wall and steps, neither of which were included in the approved certificate of lawfulness. Officers sought clarification from this consultee as to why the condition is required given that no such archaeological monitoring or recording could be imposed if the applicant sought to construct the permitted outbuilding in the same location.

The response was that notwithstanding the fallback position of the permitted development, this proposal amounts to development for which the application of local planning policies is necessary. The proposals involve ground works which have the potential to disrupt or destroy areas of archaeological potential, which is a clear difference between the two developments. As such, it is recommended that in accordance with LP Policy EQ7 and paragraph 205 of the NPPF that the archaeological watch brief condition is imposed, being reasonable and necessary and in the interests of conserving and preserving historic assets.

### **CONCLUSION / PLANNING BALANCE**

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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 full planning permission for a single storey rear extension (orangery) to the rear of Ollersett Farm, a traditional detached building that lies in the open countryside and the Green Belt.

Having established that the proposed extension does amount to disproportionate additions comparable to the original dwellinghouse, due to the extensive increase in floor area as a result of extension and alterations that have been added since its original construction, and thus constitutes 'inappropriate development' in the Green Belt, the applicant is required to demonstrate Very Special Circumstances in order for the LPA to support the principle of development.

For the reasons set out within this report, it is concluded that Very Special Circumstances do exist in this case that outweighs the substantial harm to the Green Belt by definition, with no other harm to the Green Belt (which includes openness) being identified. As such, the application is compliant with LP Policy EQ4 and relevant restrictive policies under Chapter 13 of the NPPF.

With regards to other matters, the design character and appearance of the proposed extension is considered to preserve the character and appearance of the building and wider rural landscape character. There would be no adverse harm to residential amenity, or the historic environment, subject to appropriate conditions.

In conclusion, in considering all material planning considerations, the application constitutes sustainable development, and therefore in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

**OFFICER RECOMMENDATION :    Approve with Conditions**

**Case Officer: James Stannard**

**Recommendation Date: 13<sup>th</sup> June 2023**

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**