

DELEGATED DECISION REPORT

HPK/2023/0068
Valid 02/06/2023

**LAND ADJACENT TO
STUBBINS HOUSE AT
UNNAMED ROAD FROM
STUBBINS LANE TO TITHE
BARN FARM, CHINLEY,
DERBYSHIRE, SK23 6ED**

**ERECTION OF A STONE
BUILDING TO PROVIDE A
DWELLING (PART
RETROSPECTIVE) AND
ASSOCIATED LANDSCAPING
WORKS**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- The principle of a new dwelling in the green belt
- Impact on the character of the surrounding area
- Impact on neighbouring amenity
- Impact on highway safety

Note matters of correction for accuracy:

The site address was amended from:

Ivy Cottage, Unnamed Road From Stubbins Lane To Tithe Barn Farm, Chinley, Derbyshire, SK23 6ED

To:

land adjacent to Stubbins House at unnamed road from Stubbins Lane to Tithe Barn Farm, Chinley, Derbyshire, SK23 6ED

The application description was changed from:

Erection of a former stone agricultural building to provide a replacement dwelling (part retrospective). The first correspondence with the Council that we have seen regarding the rebuilding of the barn was the 23rd August 2022.

To:

Erection of a stone building to provide a dwelling (part retrospective) and associated landscaping works

DESCRIPTION OF SITE

The application site is located outside any recognised settlement boundary in the development plan, part way down an unnamed road from Stubbins Lane to Tithe Barn Farm, adjacent to Stubbins House.

The applicant has laid foundations and started building the shell of the dwelling, blockwork up to first floor level, on the land that formerly had an agricultural barn on it.



The land lies within a cluster of residential properties comprised historic workers dwellings and agricultural buildings that are in the process of being converted into dwellings.

For the purposes of planning policy consideration, the application site is located within the green belt and the Blackwood Ward, and it is not in a Conservation Area, there are no Listed buildings/structures or protected trees which need to be considered. The site does back onto fields and there is no defined curtilage. The site sits below road level (as do the established cottages on this side of the lane) is relatively flat, the rear part of the site slopes away.





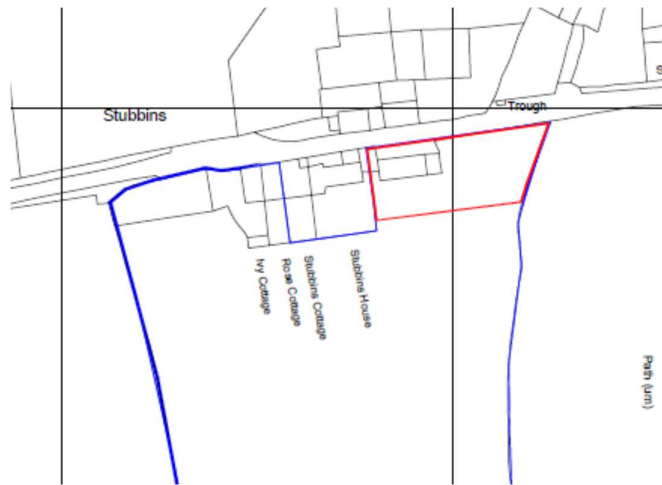
PROPOSAL

Full planning permission is sought to construct a replacement building on the site of a former agricultural building to be used as a 3 bedroom residential dwelling (part retrospective) to provide accommodation over two floors with associated driveway, parking area and garden. A new boundary would be delineated by planting along the south side of the site which will form the new boundary between the domestic curtilage of the property and the rest of the field, This boundary is larger than the boundary approved when the former agricultural building was approved for conversion (HPK/2020/0152) as shown below:

Approved location plan



Proposed location plan:



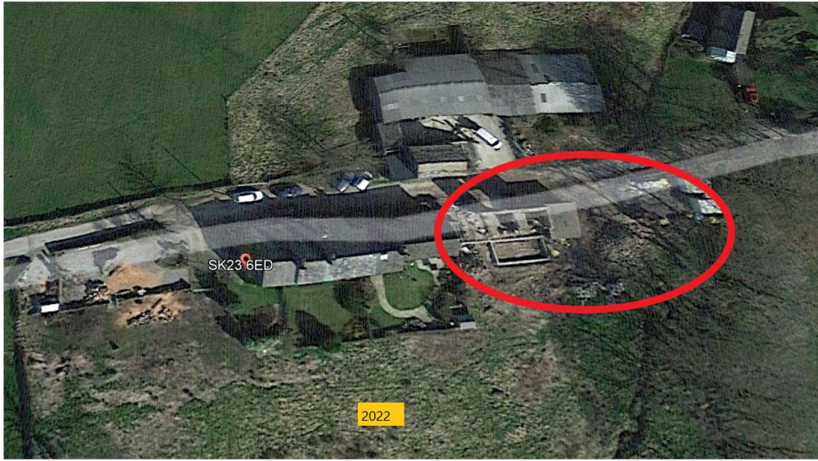
The site is located adjacent to an access track which is also a public footpath and is adjacent to Stubbins House, which is the nearest neighbouring property immediately to the west of the site.

The ground floor external footprint measures 113sqm (6.5m x 15.89 plus a side garden store measuring 4 x 2.47. The first floor measures 83.72 sqm (12.88m x 6.5m). The height of the two storey building measures 6.65m to apex.

The palette of material finishes will be blockwork with facing stone and slated roof.

Revised plans have been submitted which remove the originally proposed flat roof rear extension.

There clearly has been an agricultural building on site historically (as shown on Google Earth images). The former agricultural barn was, when it's conversion was approved in 2020 (this permission was not implemented), previously described as a former historic threshing barn which lost its pitched roof and was truncated in height, with a smaller section alongside being lower in height with an open frontage to the road (as shown in the photographs that accompany the neighbour's objection). This has been demolished and the part built structure is new build.



Source: Google Earth



Source: Google Earth



Source: Google Earth



Source: Objection letter – former building



Source: Objection letter – former building

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 – Sustainable Development Principles
- S1a – Presumption in Favour of Sustainable Development
- S2 – Settlement Hierarchy
- S6 – Central Area Sub Strategy
- EQ2 – Landscape Character
- EQ3 – Rural Development
- EQ4 – Green Belt Development
- EQ5 – Biodiversity
- EQ6 – Design and Place Making
- EQ10 – Pollution Control and Unstable Land
- H1 – Location of Housing Development
- H3 – New Housing Development
- CF6 – Accessibility and Transport

Supplementary Planning Document

1. High Peak Design Guide Adopted 2018
2. Residential Design SPD2 Adopted 2005
3. Landscape Character SPD 2006

National Planning Policy Framework (2021)

Including sections -

12: Achieving well-designed places

13. Protecting Green Belt

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2017/0476	Convert an existing agricultural barn into a single dwelling including parking and private garden space	Refused 9th April 2019
APP/H1033/W/19/3231073	HPK/2017/0476	Dismissed - 5th November 2019
HPK/2020/0152	Proposed conversion of an existing (now disused) agricultural barn into a single dwelling, to include parking and private garden space	Approved - 14/08/2020 But not implemented – because the building had been demolished. (as concluded when Enforcement team investigated)

CONSULTATIONS

Publicity

Site Notice expiry date: 13/07/2023

Neighbour consultation period ends: 4/07/2023

Public Comments

One comprehensive representation received, objecting to the proposal, and providing numerous photos of the site as the barn was demolished and through to the build starting. The main points raised were:

- the size, position, and profile of the windows on the West wall facing the neighbour and rear elevation. Window to blank gable distance is not respected and the character of the former barn is not reflected in the new build
- the rear extension – protrudes filling the area that was designated the extent of the rear garden when the barn conversion was approved (HPK/2023/0152)
- the decking – the land drops and the decking will be greater than 30cm and will have to be a raised platform that will potentially impact on privacy/amenity of neighbours
- there needs to be a clear designation of the curtilage boundary, the previous approval justified the be an area drawn considered to be appropriate in scale relative to the size of the then barn. The proposed enlarged curtilage encroaches into farmland.

Town / Parish Comments

Objection - Given the specific circumstances and background to this proposal Chinley, Buxworth & Brownside Parish Council raises no objection in principle to re-building the barn, provided that it is re-built in the original stone, the footprint is the same, and all other design features (e.g. fenestration) remain as originally approved so that the historic form of the barn is retained. In addition, the Parish Council accepts the proposed dual-pitched roof in place of the mono-pitched roof, having regard to the photographic evidence that it would restore the original form of the barn.

However, the Parish Council strongly objects to the proposed single storey flat roofed rear extension, which is both inappropriate in design and appearance and did not form part of the original building or the approved conversion plans.

Highways Authority

No comments received. No objection raised to conversion of former barn into one dwelling.

The section of road fronting the site is private, but it does carry the route of a Public Right of Way (FP16 Chinley on the Derbyshire Definitive Map).

OFFICER COMMENTS

Planning Policies

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent, or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

Local Plan policy S2 defines this site as “other rural areas”, as such development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5.

Local Plan policy EQ2 looks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment. New housing in the countryside will generally not be supported.

Local Plan policy EQ3 new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. New development will be permissible for certain circumstances reflective of the exceptions listed in the NPPF.

Local Plan policy EQ4 is specific to Green Belt development. The Council will seek to protect the Green Belt and maintain its openness and permanence. Within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.

Local Plan Policy H1 (Location of Housing Development) identifies that new housing should be provided on allocated housing sites in the Local Plan or a Neighbourhood Plan, promote the effective reuse of land, support housing on unallocated sites within the defined built up area boundaries, encourage housing in mixed use schemes, support development identified by community right to buy or build order and support self-build scheme. However, the Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that:

- The development would adjoin the built up area boundary and be well related to the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and
- The development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and
- It would have reasonable access by foot, cycle, or public transport to schools, medical services, shops, and other community facilities; and
- The local and strategic infrastructure can meet the additional requirements arising from the development.

Policy H3 requires all new residential development to meet the requirements of affordable housing within the overall provision of new residential development set out in policy H4 and to provide a range of market and affordable housing types and sizes, whilst the mix should contribute positively to the promotion of a sustainable and inclusive community taking account the characteristics of the existing housing stock in the surrounding locality.

Principle of Development

The site lies outside the built up area boundary within the Green Belt and Open Countryside and does not adjoin the built up area boundary.

Since the former barn was demolished, and therefore not a conversion pursuant to HPK/2020/0152, this is effectively a new build dwelling in the countryside and green belt. The development would not adjoin a built up area boundary. The proposed development is considered inappropriate development that would lead to prominent intrusion into the countryside and adversely affect its character.

Paragraph 80 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Exceptions are listed however the site does not conform to any of this criteria. This advice is echoed in Policy EQ3 of the Local Plan, which allows certain forms of new residential development including the redevelopment of a previously developed land, where it does not have an adverse impact on the character and appearance of the countryside (The former building was an agricultural building and therefore not previously developed land). Where the existing building is in an isolated location the development should lead to an enhancement of the immediate setting.

The principle of development of a new dwelling on this site cannot be considered acceptable unless other material considerations create very special circumstances.

The Main Issues

The main issue for consideration in this matter is whether the proposal is acceptable as a matter of principle having regard to both National and Development Plan policies.

The planning history of the site confirms that the residential conversion of the former barn on the site had previously been considered to be acceptable. Normally development outside settlement boundaries would not be permitted but given the previous building being on site the principle of conversion was accepted. The NPPF recognises that, structurally sound existing buildings are appropriate exceptions and wherever possible, sites of this nature should be developed in preference to greenfield sites. Whilst it is appreciated that there is a history of a planning consent for residential development on this site, this cannot be complied with now that the barn has been demolished.

Both national and local planning policies have an emphasis upon making decisions based upon the sustainability of the site for the proposal.

Local Plan Policy H1 sets the general context for development in the open countryside and identifies those exceptions to the presumption against development in such locations. These are set out in a criterion based list within the policy. The proposals are not advanced for consideration in respect of any of these identified criteria. Examination of the proposals against the relevant criteria identify that it is not;

- The development would NOT adjoin the built up area boundary and be well related to the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and

- The development would be materially larger than the barn it replaces, and the fenestration details urbanise the appearance of the dwelling in this rural location leading to prominent intrusion into the countryside which would have an adverse impact on the character of the countryside; and
- It could not be said to have reasonable access by foot, cycle or public transport to schools, medical services, shops, and other community facilities; and
- The local and strategic infrastructure could probably meet the additional requirements arising from the development.

Accordingly, no support for the proposals can be drawn from either the general context policy in the form of H1, nor the specific policies in the form of Policy EQ3.

Green Belt

The application site lies within the Green Belt where restrictive development plan policies apply and accordingly Section 13 of the National Planning Policy Framework (NPPF) and Policy EQ4 are applicable. Policy EQ4 states that the Council will seek to protect the Green Belt and maintain its openness and permanence. Within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.

Paragraph 149 of the NPPF states that Local Planning Authorities should regard the construction of new buildings in the Green Belt as being inappropriate. However, certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

In circumstances where a building in the Green Belt requires significant rebuilding of external walls the development would then not comprise re-use of a building in accordance with Para 149 of the NPPF. The development as constructed is a new building, which does not meet any of the exception tests in paragraph 149 and therefore would conflict with the NPPF and Policy EQ4 of the Local Plan.

Moreover the extent of the curtilage has increased, having previously been set back from the rear boundary of Stubbins House, it is now proposed to almost align it. It is noted that when dealing with HPK/2020/0152, the original building did not have any definitive curtilage and therefore the location plan was drawn with a relatively tight boundary in order to ensure that any encroachment into the green belt was limited. The red line boundary accompanying this application would result in additional harm to openness by the encroachment of domestic paraphernalia into the green belt. For reasons set out below it is considered that the development amounts to inappropriate development, which harms the openness of the green belt being a larger building and with an enlarged curtilage than that of the previously approved scheme. No very special circumstances have been advanced by the applicant, to outweigh the inappropriateness, or any other harm to the green belt. This forms the basis of the first reason for refusal of the application.

The proposal is therefore an inappropriate form of development within the Green Belt and Open Countryside, which does not accord with LP Policy EQ4 and Section 13 of the NPPF.

Design & Visual Impact

Policy EQ6 refers to design and states that all development should be well designed and be of a high quality that responds positively to both its environment and the challenge of climate change, whilst contributing to local distinctiveness and sense of place. New development should be well designed to respect the character, identity and context of the High Peak's townscapes and landscapes. Development is expected to contribute positively to an area's character, history, and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

The NPPF requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

The development should contribute positively to the character of the area, respect and where appropriate enhance the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials, and respect and where possible enhance local distinctiveness through the use of building layout, design, materials, architectural detailing, public realm and boundary treatment.

The former barn was characterised by its simple, traditional nature, forming a significant part of its materiality. The surrounding properties located along the lane are further characterised by their traditional architectural detailing and simple form.

The proposed new dwelling will be 6.65 metres in height, the former barn's roof sloped from 5.7m to 3.7m, the massing of the proposed dwelling is therefore significantly materially larger than the former barn. This is in part due to a change in the roof design. The approved plans showed a monopitch roof, sloping from north to south. By comparison the proposed dwelling shows a dual pitch roof with a height of 6.65m.

The proposal would have a similar footprint than the former barn, however with the change to the roof design and increase in height by 1m the proposed new dwelling would have a significantly larger massing than the former barn and would cause significant harm to the intrinsic character and beauty of the countryside.

The rear single storey protrusion and decking area that was originally proposed has now been removed and amended plans submitted.

The proposed dwelling will appear visually prominent, a dominant feature due to its size, visually urban character with the introduction of a large and incongruous rear glazed opening and regular fenestration to larger openings. The proposed development would result in the construction of a 'classical style' replacement dwelling that would incorporate increased levels of glazing (larger window openings

and concertina doors) into its design. The resulting scheme would appear suburban in nature and would contrast with the application site's rural setting within the countryside and the character of the surrounding properties located along the Lane.

For the above reasons it is considered that the development would be contrary to policy EQ6 of the Local Plan and the spirit of the NPPF.

Residential Amenity

High Peak Local Plan Policy EQ6 seeks to secure development that does not result in unacceptable effects on the amenity of the area by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Proposals for new development will be expected to safeguard the quality of life for residents within the development and those living nearby and development which give rise to significant adverse impacts on health and quality of life will not be allowed.

Regard has been had specifically to the relative positions of windows on the western elevation, separation distances, the orientation and height of buildings and boundary treatments. It is considered that the proposal would not have an adverse impact on the residential amenity of the occupants of the neighbouring property. The development includes two bedroom windows serving the ground floor bedroom to the western gable end at ground floor level facing towards the side of Stubbins House. Whilst these windows are larger than those shown on the approved scheme, these windows are unlikely to cause any intrusive overlooking of the neighbouring property as they are set significantly lower than the neighbour's first floor window in the side elevation.

Overall, it is considered that the development would not harm the amenities of the neighbouring dwelling.

Ecology

The application is located immediately adjacent to Stubbin Park Local Nature Reserve and Chinley Community Meadow Local Wildlife Site.

The barn has been demolished and building works commenced. A Supplementary Bat Survey report prepared by Dunelm Ecology dated August 2018 was submitted relating to the former barn (HPK/2020/0152). The report presents the results of one dawn re-entry survey and one dusk emergence survey carried out during June and July 2018. The dusk emergence survey confirmed the presence of a Common Pipistrelle bat roost on the southern elevation of the building. The report rightly stated that a Natural England licence would be required in order for the development to proceed without committing an offence and details of mitigation and compensation measures are provided in Sections 4.4.3 and 4.4.4 of that Supplementary Bat Survey.

For the purposes of that application the mitigation measures were accepted as outlined in Sections 4.4.3 and 4.4.4 of that Supplementary Bat Survey report

prepared by Dunelm Ecology dated August 2018. Had the proposals been acceptable an updated survey would have been requested to update the mitigation matters to accord with Local Plan Policy EQ5 and the provisions of Section 15 of the NPPF. However no ecology report has been submitted with this application.

Trees

The mature trees to the eastern boundary of the field would not be affected by the proposals and can be protected during the construction period in accordance with the submitted Tree Protection Scheme.

Highway Safety

The lane is lightly trafficked. There is adequate parking and turning within the site and areas for bin storage and collection are indicated on the submitted drawings.

The previous application to convert the former barn flagged no highway issues, there should be no detrimental effect on highway safety and the proposal can be conditioned to secure parking and turning, visibility splays and no gates to comply with policy CF6 of the Local Plan.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the development (as detailed on the submitted drawings) is considered inappropriate development in the Green Belt and contrary to the provisions of Section 13 of the National Planning Policy Framework and Policies EQ3 and EQ4 of the High Peak Local Plan 2016. As such the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: P. Twigg

Recommendation Date: 27.7.2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

