

DELEGATED DECISION REPORT

HPK/2023/0264
Valid 04/07/2023

OLLERSETT FARM
LANESIDE ROAD
NEW MILLS

PROPOSED GARAGE
BUILDING

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of Development
- Impact on Green Belt
- Design, Character and Appearance
- Amenity
- Parking Provision and Highway Safety

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. To the east is a single storey stone outbuilding. The gap between the eastern gable of the main house and this outbuilding was subject to a recent Certificate of Lawful Development application, granted under HPK/2022/0145, for development described as “*proposed construction of a single storey detached orangery and a single storey outbuilding as shown on plan refs 0177-P05C, 0177-P10B, and 0177-P11B.*”

The single storey outbuilding is referred to as Building No.1, which is described within the Delegated Report as “a single storey outbuilding to form a garage building on the eastern side of the building, measuring 10.6m in length, 6.8m in width and a flat roof with maximum height of 2.4m.”

In order to be judged to be lawful, the garage has a stepped design with a step to the proposed south facing elevation where the building will be sited directly adjacent to the red edge and residential curtilage of the site (Rev C).

PROPOSAL

The application proposes a single storey flat roofed garage extension to the side of Ollersett Farm, adjoining the eastern elevation of the main house and the western elevation of the existing outbuilding, essentially differing from the permitted structure by closing the gap with the house, and in addition, includes an element of “cut and fill” operations to allow a level internal floor.

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
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

- | | |
|-----------------------------------|------------|
| Achieving Sustainable Development | Chapter 2 |
| Promoting Sustainable Transport | Chapter 9 |
| Achieving Well Designed Places | Chapter 12 |
| Protecting Green Belt Land | Chapter 13 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has been subject to an extensive planning history. The following has occurred within the last 10 years:

- | | |
|---------------|---|
| HPK/2012/0683 | Certificate of Lawfulness of proposed development – single storey extension (Approved 01/02/2013) |
| HPK/2020/0024 | Certificate of Lawfulness for existing use of residential garden land (Approved 13/03/2021) |
| HPK/2022/0145 | Certificate of Lawful Development for proposed single storey side and rear extensions (Approved 04/01/2023) |
| HPK/2023/0126 | Proposed Orangery Extension (Approved 14/06/2023) |

CONSULTATIONS

Publicity

Site Notice expiry date: 15th September 2023
Neighbour consultation period ends: 2nd August 2023
Press Advert: N/A

Public Comments

None

New Mills Town Council Comments

No Objections

Peak and Northern Footpaths Society

Whilst we note that no footpaths are to be changed as a result of the proposal if approved, two rights of way are potentially affected during any works, namely New Mills No.139 and 140. Indeed, the access road to the site is also a PRoW. We would therefore ask that a planning condition is attached to any permission given to the effect that *“all rights of way must remain open and safe to use during and after any works.”*

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 itself; a 16th century establishment shown on the first ed 1:2500 OS but demolished by the end of the 19th century. You should, however, consult your own buildings and conservation officer in regards to the appropriateness of the proposed development in regards to the setting of the listed buildings.

In terms of below ground archaeology and potential impacts to it, I note that stone, carved “celtic head” (MDR15967) has been incorporated into a wall some 90m to the northwest of the site and this implies early medieval activity on the site in the context of the former hall, which dated to the 1500's. The proposed location of the garage is adjacent to Ollersett Farm and its proposed footprint actually overlies part of the original range of buildings as shown on the 1st edn Ordnance Survey.

There is clearly therefore the potential for there to be impacts to below ground archaeology occasioned by the development though this has not been explored the planning application contra the recommendations of para 194 of NPPF. However, in this instance it is fairly clear that the proposed development may have an impact on archaeological deposits and structures related to a non-designated heritage assets and as such has the potential to physically damage and remove archaeological deposits/structures, which may relate both to the later occupation of the site and its potential earlier medieval occupation.

As the level and depth of archaeological survival is, at the moment, a “known unknown” I recommend that further archaeological works will be necessary, in the form of archaeological Observation, Investigation and recording excavations in advance of development during any stripping/ground reduction, with sufficient and appropriate time built into groundworks to allow full, appropriate and proportionate recording. These works could be achieved by attaching a condition to planning, the wording of which might read.

1. No development shall take place until a written scheme of investigation (WSI) for archaeological works 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 and 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*

The WSI should be compiled in consultation with and approved by this office before enactment. Works should be undertaken by a suitably experienced and demonstrably experienced archaeologist and be undertaken in line with established industry best practice.

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for extensions to an existing residential property that lies within the open countryside and in the Green Belt. The application is thus subject to Local Plan (LP) Policies EQ3 and EQ4.

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

The principle of development can thus be supported only where it can be demonstrated that the application complies with LP Policy EQ3 and EQ4, notwithstanding all other relevant 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.

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 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 sets out the exceptions to where the construction of new buildings are regarded as inappropriate development. These exceptions include:

- c) *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 existing dwellinghouse has been extended multiple times since its original construction. It is common ground between Officers and the agent (as referred to at paragraph 5.5 of the supporting Planning Statement) that this latest extension would clearly amount to "disproportionate additions over and above the original dwellinghouse" having regard to the definition of original dwellinghouse in the NPPF.

The application thus amounts to inappropriate development in the Green Belt and therefore Very Special Circumstances must exist that outweigh this identified harm by reason of inappropriateness, and any other harm (which includes harm to the openness of the Green Belt).

The agent submits that Very Special Circumstances are engaged by virtue of the established "fall back" position, achieved by way of the Certificate of Lawful Development issued under HPK/2022/0145.

This application proposes to link the garage extension by omitting the gap at either end of the garage building, by closing the gap between the gable of the house and that of the outbuilding. A finished ground floor level is also proposed in the interests of usability of the extension, which would be achieved by way of 'cut and fill' operations. As a result, the overall height is reduced slightly with the same footprint of the permitted outbuilding retained.

It is agreed that the visual and spatial impact on the openness of the Green Belt will be negligible given the fact that the closing of very small gaps would only be noticeable from very close range, and not easily identifiable from the public footpath.

Officers fully accept that the fall-back position is credible and is a material consideration that needs to be given appropriate weight.

When comparing the permitted scheme and the proposed scheme, it is considered that the overall design and appearance of this proposal is preferable to the permitted outbuilding (see relevant section) and that when considering the established fall back position, Officers concur with the agent that these do amount in this case to Very Special Circumstances which do outweigh the harm by reason of inappropriateness, with no harm to openness being identified.

As such, it is considered that despite being inappropriate development in the Green Belt by definition, Very Special Circumstances exist which outweigh such harm, thereby demonstrating compliance with LP Policy EQ4 and relevant restrictive 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 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.

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 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 proposed garage is shown on the supporting plans to be of a slightly reduced height and of a similar footprint to that which was permitted by way of a Certificate, which in turn occurs as a result of minor 'cut and fill' operations to provide a finished floor level consistent with the main dwellinghouse. The scale and height clearly

shows the extension to read as a subordinate and secondary structure to the main house.

The proposed garage would be constructed of materials that are consistent with the main house thereby preserving the character and appearance of the parent building and the wider rural landscape.

Whilst flat roofs are not desirable in the High Peak due to their potential unsightly appearance, it is considered that in light of the fall-back position that includes a flat roof, it is considered that there is either a reasonable or indeed credible reason for refusal on design grounds.

In light of the above, it is considered that the proposals are consistent with LP Policies S1, EQ3 and EQ6. 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.

Given the isolated nature of the site with regards to neighbouring residential properties, the proposed extension would not cause any adverse impacts with regards to overbearing impacts, loss of sunlight, or any other aspect associated with neighbouring properties. Given the nature of the proposed building (garage) and character of fenestration (timber doors) the users of the public footpath would not be adversely affected.

The application is therefore compliant with LP Policy EQ6, the High Peak Design Guide SPD and paragraph 130 of the NPPF.

Parking Provision and Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

The application provides additional secure off-street parking for the main dwellinghouse. The Highways Authority have no comments to make regarding the application and as such it is considered that there would be no material impacts to highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

The County Archaeologist has recommended a condition requiring a Written Scheme of Investigation. This would appear to be a reasonable request given the potential for archaeological remains as detailed in his consultation response.

Reference is also made to the setting of nearby listed buildings. Although the Conservation Officer has not commented, it is not considered that the proposal would result in any harm over and above that arising from the PD fallback position.

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 side extension that would function as a garage, and follows a Certificate of Lawful Development application for a structure of a similar size scale and height permitted under HPK/2022/0145.

The report has concluded that whilst the proposed extensions which require planning permission, clearly amounts to disproportionate additions over and above the original dwellinghouse, when taking account of this established fall back position and the differences between the proposed and permitted schemes, this amounts to Very Special Circumstances that outweigh the harm to the Green Belt by reason of inappropriateness. No harm is considered to be present with regards to the spatial or visual aspects of the Green Belt.

In light of the above, and when considering that the design and appearance of the proposed extensions better relate to the existing house by way of a consistent

finished floor level, it is concluded that the application fully complies with all relevant Local Plan policies and relevant parts of the NPPF including restrictive policies relating to the Protection of the Green Belt.

As such, taking all relevant material considerations into account, 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 subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 27th September 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council