

We object to the updated proposals under applications HPK/2023/0222 and HPK/2023/0223 and seek refusal of the applications for planning permission/listed building consent on the following basis:

1. The proposed development conflicts with/does not accord with applicable planning policies, including those set out in the National Planning Policy Framework (September 2023) ("NPPF") and the High Peak Local Plan (adopted April 2016) ("Local Plan"), nor does it accord with the 10 characteristics of well-designed places as set out in the National Design Guide; and/or
2. The further material considerations, all as set out below.

In setting out grounds for our objection, we refer, without limitation, to the following:

NPPF: 2, 7, 8, 9, 10, 11, 12, 38, 47, 55, 56, 57, 92, 104, 107, 110, 111, 112, 119, 120, 124, 125, 126, 128, 130, 131, 134, 135, 174, 180, 185, 189, 194, 195, 199, 200, 201, 202, 203, 206, 207.

Local Plan: S1, S1a, S7, EQ2, EQ5, EQ6, EQ7, EQ8, EQ9, EQ10, H1, CF7

National Design Guide: C1, C2, I1, B1, B2, M3, N3, H1, H2, H3, L1, L2

Conflicts with applicable Planning Policies and the National Design Guide

The proposed development conflicts with/does not accord with applicable planning policies and/or the National Design Guide as follows:

Development cannot be considered to be well-designed

The proposed development cannot reasonably be considered as meeting the ten characteristics of well-designed places as set out in the National Design Guide. Paragraph 134 of the NPPF provides that development that is not well designed should be refused.

(a) Removal of Garage from Designated Heritage Asset of Greenmoor

The proposed development leaves the prestigious seven bedroomed Grade II listed heritage asset with no garage or other outbuildings for external storage of vehicles, bicycles or any tools used for gardening and/or maintenance which may be reasonably required to support the sustainable occupation of a large, detached villa with extensive gardens and grounds. This loss of amenity fails to support the current and future needs of owners/occupiers of the heritage asset. This cannot reasonably be considered to be well-designed.

The existing large garage currently serving the large Greenmoor villa, which is proposed to be subsumed within the new curtilage of the stable block/coach house, is grossly oversized for the proposed stable block/coach house development, totaling around 50% of the proposed footprint of the habitable space. This is excessive and disproportionate and cannot reasonably be considered to be well-designed.

(b) Parking, Vehicle Accessibility, Movement and Safety Issues

The application fails to detail parking space numbers, sizes or accessibility or to demonstrate that these are sufficient for the intended number of occupants. This cannot reasonably be considered to be well-designed.

There is also no provision for the turning of vehicles within the proposed new curtilage of the independent residential dwelling to facilitate the efficient delivery of goods or access by service, emergency or other visiting vehicles, causing access and related safety issues. Such vehicles would therefore have to reverse into/out of the plot along a long and narrow private driveway, causing safety issues for the occupants of Greenmoor, as well as for the public at the point of access/egress to/from the public highway.

(c) Design constitutes Overdevelopment

The scale of the proposed development, which is a very modest reduction in footprint of the extension compared to the original application, remains an overdevelopment as a matter of site context and identity and also as a matter of built form, mass, layout, scale and appearance.

The planning permission for the extension to the stable block to create a swimming pool was approved for recreational purposes only (Class D2) and the stable block/coach house was presumably built as a service building for the main heritage asset rather than having any residential use itself. The proposal therefore far exceeds the least change required to ensure the optimum and viable use of the building on the heritage site and therefore fails to accord with EQ7 of the Local Plan.

Harm to Designated Heritage Asset

The application documents acknowledge that the Parker and Unwin designed, Grade II listed heritage asset of Greenmoor is a “building of significance inside and out”. The NPPF states that significance derives not only from a heritage asset’s physical appearance but also from its setting, which it goes on to define as the surroundings in which a heritage asset is experienced.

(a) Setting of the Designated Heritage Asset of Greenmoor

The proposal harms the setting of the heritage asset in the following ways:

- The curtilage of the heritage asset would be substantially diminished as compared to the large majestic plot in which the heritage asset was designed to be situated by Parker and Unwin design;
- Due to the significant diminution of its curtilage, the heritage asset would lose its Western boundary with, and close connection to, the protected woodland and vistas beyond to the golf course and distant countryside, as intended by the original Parker and Unwin design;
- The prestige of the setting of the heritage asset would be undermined by the removal from its original curtilage of all historic service outbuildings, being the stable block/coach house, swimming pool and large garage; and
- The proposal would result in the creation of a shared driveway running immediately adjacent to the heritage asset, removing all privacy, diminishing the prestige of the heritage asset and significantly increasing disturbance by noise and vibration from vehicular activity immediately adjacent to it.

(b) Loss of Subservient Relationship of Stable Block/Coach House to Heritage Asset of Greenmoor

It is stated in the updated Heritage Statement that the proposed development is a “subservient coach house” to the heritage asset. The proposal undermines the historic relationship between the large detached villa of Greenmoor and its small, subservient service outbuilding:

- The proposal would result in a disproportionately large footprint of buildings within the proposed separate curtilage (comprising the extended stable block/coach house and garage which is estimated from the plans to total in excess of 250m²) as compared to the heritage asset of Greenmoor (324m² based on previously published marketing plans).
- The proposal would result in an inappropriately high residential density immediately adjacent to the heritage asset if the stable block/coach house were developed into a 3 bedroomed property, or potentially a 4 or 5 bedroomed property as explained further below.

(c) Environmental Factors affecting Setting

The Planning Practice Guidance on Historic Environment confirms that the setting of a heritage asset is also affected by environmental factors such as noise, dust and vibration from other land users in the vicinity.

- The dust and vibration caused by the demolition and construction works would have a detrimental impact on the heritage asset's setting during the development works.
- There is also ongoing potential for adverse noise impact from such a large increase in residential density which would continue for the whole life of the development. The creation of a 3 bedroomed property (or a 4 or 5 bedroomed property as explained below) would create significant potential for noise pollution, adversely impacting on the otherwise tranquil and natural setting in a conservation area, adjacent to a protected tree area with only a golf course and countryside to the rear.

The above paragraphs explain the potential harm caused to the heritage asset by the development. Paragraphs 199 onwards of the NPPF are clear that great weight should be given to the heritage asset's conservation, which includes its setting. The applicants have not demonstrated any clear and convincing justification for the potential harm caused to the setting, nor have they evidenced any public benefit which may outweigh such harm caused.

Pollution Control and the Natural Environment

The main entrance to the stable block/coach house is broadly equidistant to the entrances to both the neighbouring property of Ravensworth and to the heritage asset. The only proposed lawned area suitable for recreational use is a modest area immediately adjacent to and sharing its boundary with the neighbouring property of Ravensworth. This concentration of such a potentially high number of people using a small garden area in close proximity to this neighbouring residence would result in visual intrusion, overlooking and a loss of privacy to the neighbouring property, as well as adverse impacts on local character and amenity from noise and disturbance to both this property and the wider, tranquil conservation area. Without a corresponding planning obligation to limit residential density to mitigate such effects to an acceptable level, the design is not in line with the requirements of Paragraphs 174 and 185 of the NPPF or with EQ6 or EQ10 of the Local Plan.

Trees/Woodland

All applications where there are semi-mature or mature trees within or immediately adjacent to the application site, as is the case here, require an arboricultural survey. The Tree Survey and Arboricultural Impact Assessment, which has not been updated states as its basis that "there are no new building works, extensions or demolition work proposed", however the Design, Access and Planning Statement and the updated Heritage Statement both state that the existing swimming pool will be demolished and replaced by a new extension building.

As shown on the Tree Survey, there are numerous mature trees in close proximity to the proposed large extension whose canopy distribution and/or root protection areas may be adversely impacted by the proposed demolition, extension and/or building works. This has not been taken into account in the Arboricultural Impact Assessment and the obligations in Paragraph 131 of the NPPF and EQ9 of the Local Plan to ensure that existing trees are retained wherever possible and protected from loss or deterioration have therefore not been met as insufficient information has been provided to assess this.

Biodiversity

The proposed development is sited in a conservation area and immediately adjacent to, and situated along the boundary with, a mature woodland which is designated as a protected tree area. The application documents, however, provide no assessment of possible harm or adverse effects to biodiversity or natural habitats which may be caused by the demolition and construction works, or from the impacts of increased human occupation on proximate flora and fauna. It has therefore not been demonstrated how the development would ensure that significant harm to biodiversity is avoided or adequately mitigated.

Rebuttal of Presumption in Favour of Sustainable Development

As set out above, the proposed development does not meet the social objective nor the environmental objective. It therefore fails to fulfil the criteria to benefit from the presumption in favour of sustainable development as provided for in the NPPF.

Further Material Considerations

Our objection is also based on the following material considerations.

Precedent of Refusal to grant Permission for Residential Development

Planning permission was previously refused for the proposed erection of a dwelling house on land to the rear of Greenmoor under application ref: HPK/0001/3540. This is strongly indicative that increasing residential density on this highly sensitive site conflicts with applicable planning policies and/or design guidance.

Omissions, Inconsistencies and Inaccuracies in Documents Submitted with the Applications

Inconsistent Statements and Potential for further Overdevelopment

There remains an inconsistency in the number of proposed bedrooms. The updated Heritage Statement now fails to confirm the proposed number of bedrooms, however both the unamended Application Form and the Design, Access and Planning Statement continue to refer to the development of a 4(+) bed roomed property. Conversely, the updated floor plan designates only three rooms as bedrooms, with the large first floor room, previously described as the master bedroom with en-suite and photographed in the updated Heritage Statement in use as a bedroom, is now shown on the plans as a living room, despite a living room already being provided on the ground floor. This lack of coherence does not constitute good design and the inconsistency in number of bedrooms makes it impossible to confirm the true level of occupancy/residential density and consequent impact on the heritage asset and wider conservation area.

This question over occupancy level/residential density is further exacerbated by the potential to easily reconfigure the internal design by repositioning access to the 2 bathrooms and redesignating the snug as a bedroom and the upstairs living room again as master bedroom with ensuite, to then create a 5 bed, 3 bath property which could accommodate up to 10 people. This could be achieved relatively easily post construction as a matter of merely reconfiguring doorway access to en-suite bathrooms. A 4-5 bed roomed property would amount to gross overdevelopment of the site in conflict with EQ7 of the Local Plan.

Rejection of Validity of Claim of Ancillary Residential Use Status

The Design, Access and Planning Statement describes the development as “conversion of the existing ancillary residential accommodation into a separate independent dwelling, with minor alterations”. The updated Heritage Statement goes on to claim that “The coach house is currently in ancillary residential use, this was deemed with the granting of the planning permission for the

modern extension of the building and provision of the swimming pool extension, effectively changing the use into residential”.

No evidence of any permission for ancillary residential use, deemed or otherwise, has been provided. The swimming pool building, whose footprint is being largely replicated under the proposals, is a recreational building given permission under Class D2. It has never been granted permission for residential use, ancillary or otherwise, and residential use of the adjacent stable block could not reasonably be argued to follow from such permission as ‘ordinary and reasonable practice’ or what would ‘normally be done’ (as set out in *Harrods v Secretary of State and the Royal Borough of Kensington and Chelsea* [2002]). The stable block/coach house therefore does not appear to currently benefit from ancillary residential permission as claimed. Neither does the swimming pool extension to the stable block.

Rejection of Validity of Claim of Brownfield Status and Under-Utilisation

The Design, Access and Planning Statement describes the development as a brownfield site. Brownfield land, referred to as ‘previously developed land’ in the NPPF, excludes land in built-up areas such as residential gardens. It is therefore inaccurate and potentially misleading to refer to the development as a brownfield site and it consequently does not benefit from the weight to be given in planning decisions to the value of using suitable brownfield sites as set out in Paragraphs 119 and 120 NPPF and S1 of the Local Plan.

Equally, as is evident from the photographs included in the Heritage Statement, the stable block/coach house and swimming pool have been subject to extensive building operations and have already been extensively refurbished and are not under-utilised in terms of their uses for which they have permission. They therefore also do not benefit from the promotion and support of the development of under-utilised land and buildings as also set out in Paragraph 120 NPPF.

Rejection of Validity of Claim that development or work has not been started without consent

The Application Form states that the development or work has not been started without consent. Photographs of the stable block/coach house in the Design, Access and Planning Statement and the Heritage Statement, when compared against the photographs on rightmove.co.uk of the stable block/coach house at the time when the applicant presumably purchased the property, clearly show that significant and extensive exterior (and interior) alterations have already taken place. These include:

- (i) the removal of the large glass doors in the stable block/coach house and replacement with a partial timber infill and smaller wooden doors with no glazing;
- (ii) the removal of a square window in the Southern elevation of the stable block/coach house; and
- (iii) building operations, including other extensive exterior and interior refurbishment.

As set out above, various statements in the documents submitted are not accurate and do not reflect the true extent of the development being proposed. They are therefore potentially misleading and may deprive the consultees from providing properly informed comments, and the High Peak planning authority from making a properly informed recommendation or decision. In addition to those specifically cited above, we therefore explicitly reject the accuracy of the following statements in the Design, Access and Planning Statement: 3.0, 3.6.3, 4.2.4, 4.2.5, 4.2.7, 4.2.9, 4.2.10, 4.2.12, 4.2.15, 4.2.17, 4.2.18, 4.3.1, 4.3.3, 4.3.4, 4.3.5, 4.3.6 and 5.1.

Procedural Irregularities and Uncertainty as to Lawful Validation of Application

The High Peak Borough Council's Validation Guidance National and Local Lists sets out the documents required to be submitted. These requirements have not been met.

- a) The application form has not been updated to reflect the current proposed development and so fails to confirm material matters such as the number of proposed bedrooms, and therefore residential density.
- b) The Design, Access and Planning Statement has not been updated to reflect the current proposed development despite the material changes including full demolition of the swimming pool and construction of an entirely new structure, and the applicant has therefore not demonstrated, or sought to demonstrate, how the development meets the requirements of the NPPF and the Local Plan.
- c) The Eastern boundaries of the proposed new curtilage shown on the proposed site plan rev B and the proposed site plan rev E are inconsistent, with one being immediately adjacent to the garage and one being further away. An accurate plan is required to be able to reasonably assess the access and parking arrangements proposed.
- d) The applicant has not provided information on the number of parking spaces, their size and the provision for disabled people. This is missing from the application.
- e) All applications for the demolition or partial demolition of buildings within a conservation area require a full structural survey. The revised development now includes the full demolition of the swimming pool and construction of a very large extension estimated at around 80m². It would therefore not be reasonable to waive the requirement to provide a full structural survey given the nature and scale of the proposed development and that a full structural survey will therefore be a material consideration in determining the application in such a sensitive site location.
- f) All applications where there are semi-mature or mature trees within or immediately adjacent to the application site, as is the case here, require an arboricultural survey. The arboricultural survey submitted is explicitly stated to be based on there being "no new building works, extensions or demolition works proposed" and is therefore invalid.

We maintain that all of the above need to be rectified to avoid any procedural impropriety.

Relevant Case Law re the Determination of Applications for Planning Permission

Piecemeal Development

The removal of access to/use of the garage or any other outbuildings by the heritage asset continues to risk the need for future planning applications to replace such outbuildings within the curtilage of the heritage asset which, as established in *Rugby School Governors v Secretary of State for the Environment* [1975] JPL 97, would result in piecemeal development, stated to be bad planning practice and a ground for refusal of an application.

An alternative potential future use

The Design, Access and Planning Statement states that the proposed development "will provide a new home". It further seeks to justify the development by reference to the Government's objective of significantly boosting the supply of homes as advanced by the NPPF statement that "it is important that a sufficient amount and variety of land can come forward where it is needed [to supply homes]". The proposed 3/4/5 bedroomed development, with only two en-suite bathrooms and limited parking, vehicular turning area and garden area, appears more suited to use as holiday accommodation than to a permanent new home in the local community, however.

Carroll v Secretary of State for Communities and Local Government and others [2016] EWHC 2462 (Admin) confirmed that an alternative potential future use was capable of being a material consideration within the meaning of section 70(2) of the Town and Country Planning Act 1990. It also referenced *R (Mount Cook Land Ltd and another) v Westminster City Council* [2003] EWCA

Civ 1346, whereby the Court of Appeal held that a planning decision-maker should have regard to alternative proposed uses where this could result in conflict with planning policy or other planning harm.

We believe that the configuration of the proposed development, as updated, suggests that there is a *likelihood or real possibility* (as set out in *Mount Cook*) that the intended future use of the development is not to provide a home within the local community but rather to provide holiday accommodation. Such use would not fulfil the above NPPF objective to provide sufficient homes and, without a planning obligation to ensure that it remains restricted to Class C3, would likely exacerbate the issues arising from inadequate parking, overlooking, loss of amenity and noise disturbance both to the neighbouring property and the wider conservation area. For the same reasons, such use would also likely have detrimental impact on the heritage value of the adjacent heritage asset of Greenmoor.

Conclusion

For the above reasons, we seek refusal of the applications for planning permission/listed building consent.

If the case officer appointed under delegated authority to consider the application does not feel able to refuse the application under delegated authority, we request that the application be referred to the planning committee with a recommendation for refusal. We believe that, given the complexities present in the proposal, such referral would be the only rational decision in this case based on:

- The detailed explanations above, setting out the many areas where we believe that the proposal conflicts with/does not accord with applicable planning policies and national design guidance; and
- Precedent set by previous planning applications relating to this site. Both previous planning applications cited by the applicant (HPK/0002/1459 'Extension to Stable Block to form a Swimming Pool' and HPK/0002/8491 'Rear Porch') were referred to planning committee for decision despite arguably resulting in less adverse impact/harm on the heritage asset of Greenmoor and the conservation area as a whole. In addition, the application does not refer to the planning application on the site which was refused, being for the 'Proposed Erection of a Dwelling House' to the rear of the heritage asset (HPK/0001/3540). The details of this application are no longer available online and so it is not possible to say whether this was also decided by planning committee but the refusal of an application to build a new dwelling and thereby increase residential density on the site also demonstrates the sensitivity of this proposal and the need for careful consideration of its potential adverse impacts/harm.