

DELEGATED DECISION REPORT

HPK/2022/0478
Valid 07/11/2022

THORNCROFT, LOWER
HAGUE, NEW MILLS,
DERBYSHIRE, SK22 3AP

EXTENSION TO EXISTING
OUTBUILDING.
(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Principle of Development in the Green Belt
- Design
- Amenity
- Impact on Countryside

DESCRIPTION OF SITE

The application relates to a parcel of land sited adjacent to a detached residential property at Thorncroft, Lower Hague, located in the New Mills area of Derbyshire.

The parcel of land is located outside of the curtilage of the adjacent property at Thorncroft and bounded by a railway line to the north and mature trees to the south.

An existing outbuilding, formerly a stable block, is located to the north of the application site and this is the subject of this application. The area in front of the existing building is surfaced with concrete and enclosed with fencing, and this area would also be occupied by the new building. The building is reached from the access serving the adjacent dwelling at Thorncroft, via a grassed area adjacent to the driveway to Thorncroft.

The site is located in the Green Belt and within Flood Zone 1.

PROPOSAL

Full planning permission is sought for an extension to the existing outbuilding. The Planning Statement submitted alongside this application explains that the extension will provide an additional workshop/storage space. The proposed extension will increase the volume of the outbuilding from 212.35m³ to 281.88m³. This additional 70.04m³ represents an approximate increase of 33% in terms of volume.

The application has been reclassified from a Householder to a Full Minor application during the determination period. A revised application form has been received to reflect this and the applicant has paid the difference in fee to reflect this change.

The site has been subject to a recent Inspector decision in relation to a Certificate of Lawfulness for *the proposed removal of existing outbuilding, erection of new outbuilding comprising Motorbike Store, Garden Store, Workshop. Creation of additional hardstanding in the form of permeable gravel which will serve as access to*

the new outbuilding. This application for a Certificate of Lawfulness was refused by the LPA, reference HPK/2021/0058, for the following reason:

- 1. The proposed outbuilding and hard standing would be outside the boundary of the curtilage of the dwellinghouse at Thorncroft and would therefore not comprise permitted development under Schedule 2, Part 1, Classes E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.*

In the Inspectors decision, the LPAs decision was upheld and the appeal dismissed. In the decision the Inspector described the main issue as *whether the Council's decision to refuse to issue a certificate was well founded. This turns on whether, at the time of the application, the site of the proposed development fell within the curtilage of the dwellinghouse 'Thorncroft'.* For the reasons outlined in the Inspectors report, the decision concludes that no part of site of the outbuilding is intimately associated with the dwelling Thorncroft such that it forms part and parcel with it. Accordingly, the decision concluded that the outbuilding is located outside the curtilage of the dwellinghouse at Throncroft.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- EQ 3 Rural Development
- EQ 4 Green Belt Development
- CF6 Accessibility and Transport

National Planning Policy Framework

- Paragraph 11 The presumption in favour of sustainable development
- Section 12. Achieving well-designed places
- Section 13. Protecting Green Belt land
- Section 14. Meeting the challenge of climate change, flooding and coastal change

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0058 - Certificate of Lawful Development for the proposed removal of existing outbuilding, erection of new outbuilding comprising Motorbike Store, Garden Store, Workshop. Creation of additional hardstanding in the form of permeable gravel which will serve as access to the new outbuilding. Refused, 13/08/2021. Appeal dismissed, 03/10/2023.

HPK/2017/0219 - Proposed demolition of existing outbuilding and erection of a single dwelling. Refused, 10/12/2018. Appeal dismissed, 22/06/2020.

HPK/0001/2693 - For Proposed Erection Of Four Dwelling Houses With Access From Waterside Road Strines. Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: 08/12/2022
Neighbour consultation period ends: 08/12/2022
Press Advert: N/A

Public Comments

None received.

Town / Parish Comments

No objection.

Derbyshire County Council Highways

No objection.

Network Rail

No objection, subject to the following comments:

The applicant is to confirm that the extension works are not within 3m of the railway boundary. The applicant is to submit the attached dev form to AssetProtectionLNWNorth@networkrail.co.uk with details of:

- RAMS
- Scaffolding which must not over-sail the railway boundary and have a fail-safe of 3m
- Agree excavation/earthworks
- No rainwater goods or windows to over-sail the railway boundary

OFFICER COMMENTS

Principle of Development

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 National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless:

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

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with policies S1 and S1a of the High Peak Local Plan the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. Policy S1a establishes a presumption in favour of sustainable development, as outlined within the NPPF.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at LP (Local Plan) Policy S2.

Development is directed towards the most sustainable locations in accordance with the settlement hierarchy outlined by policy S2. The spatial strategy seeks to focus future growth within the largest settlements in the High Peak, namely Buxton, Glossop, Chapel-en-le-Frith, New Mills and Whaley Bridge, in order to strengthen their role as service centres.

Adopted Local Plan Policy EQ6 requires development to respect character of the original dwelling and also the surrounding area in terms of scale, design, layout, fenestration and external appearance. Where development is on the edge of the settlement, new development can improve the urban / countryside interface. Development will be required to reflect this in its design and to protect and enhance landscape character.

Local Plan adopted policy EQ6 also refers to the impact of new development on existing residents, stating that development should achieve a satisfactory relationship to adjacent development, and it will not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Policy EQ3 states that where development is proposed within the countryside, particular care will be needed in order to ensure that it integrates sympathetically into

the landscape and the impact on the character and distinctiveness of the landscape, and its quality is minimised.

With regards to the Green Belt, policy EQ3 states that for land outside the settlement boundary including the countryside and the green belt land the council will seek to ensure that new development is controlled in order to protect the landscapes intrinsic character and distinctiveness. This is supported by green belt policy EQ4 which states that the council will seek to protect the green belt and will aim to maintain its openness and permanence.

Green Belt

The National Planning Policy Framework (NPPF) states that when considering any application substantial weight is given to any harm to the Green Belt. The LPA should regard the construction of new buildings as inappropriate in Green Belt, with few exceptions to this principle. One of the exceptions is; 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 NPPF also clearly indicates that inappropriate development within the Green Belt is, by definition, harmful and should not be approved except in very special circumstances.

‘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. Provided that development does not result in disproportionate additions over and above the size of the original building (which is, as defined by the NPPF, a building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally) planning permission for development within the Green Belt will be granted.

As the proposed extension will result in an approximate 30% addition in terms of volume, the proposed extension will not be considered a disproportionate addition to the existing stable building. The proposed end development will maintain a single storey appearance and remains a modest addition to the existing structure. The proposed extension will not harm the openness or character of the green belt as it will assimilate well with the existing building and will not detract from the openness of the site.

Design

The NPPF highlights that good design is a key aspect of sustainable development, is

indivisible from good planning and should contribute positively to making places better for people.

Local Plan policies S1 and EQ6 expect new development to contribute to a sense of place by taking account of the distinct character, townscape and setting of the area and securing high quality and locally distinctive design and amenity.

The High Peak Design Guide 2018 requires new development to be guided by existing character and context, including the grain of development and building heights.

Due to the lay of the land and the mature trees surrounding the majority of the site, the proposal will not be visible from the highway and will therefore not harm the character of the street scene of Lower Hague. As the building is set within a large site, the proposed extension will not appear incongruous and remains sympathetic to the design of the original building and therefore is acceptable in terms of its design.

Overall, the proposal therefore complies with the general design and conservation tenets of Local Plan policies EQ6, S1 and S5 and those outlined in section 12 of the NPPF.

Residential Amenity

LP 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.

Similarly, LP Policy EQ10 states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments. Given the scale of the buildings and their positions relative to nearby dwellings, it is not considered that they do or would give rise to harm in terms of visual intrusion, overbearing, loss of light or overshadowing.

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. LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

The proposed extension would not give rise to any harm to amenity of neighbouring properties, including in terms of loss of light and overshadowing over the existing arrangement.

While it has been established that the former stable now outbuilding is located outside of the curtilage of the adjacent property at Throncroft, the LPA acknowledge that the building is owned by the occupiers of Thoncroft. Given that the outbuilding

shares an access with the adjacent property at Throncroft, a suitably worded condition has been attached to this permission to ensure that the extended building shall be used solely for the private use of the occupants of Throncroft and shall not be used for commercial or livery purposes. This is considered appropriate and reasonable due to the close relationship with this adjacent property and the shared access in order to protect the amenity of current and future occupiers.

On this basis the application is considered to comply with LP Policies EQ6 and EQ10.

Impact on Countryside

Care has been taken when designing the extension to ensure that the proposal is subservient to the original building, it integrates sympathetically with the landscape and that the development has little impact on the quality of the landscape.

The site has a number of mature trees within the boundary which will screen the proposed extension from views from the open countryside. Therefore the proposed extension and conversion will not have an adverse affect on the character of the landscape.

Other Matters

It is noted that the Inspector concluded that the site is not within the curtilage of the dwelling. The Inspector when referring to the outbuilding stated that when they saw the site *the current building appeared to be used for domestic storage, and I understand it has been used as such since the current owners acquired the property in 2013.* The applicant claims it has established use for domestic storage (for a period greater than 10 years). However, this has not been demonstrated through a certificate of lawful development process so the LPA is not in a position to determine that this is the lawful use. An informative should be added to the decision to advise the applicant that they should satisfy themselves that the use of the building is lawful and that any unlawful use would be subject to enforcement action.

CONCLUSION / PLANNING BALANCE

Bearing the above points in mind it is considered that the proposed development would not be harmful to the character of the area nor adversely affect residential amenity or highway safety. All other relevant planning matters have been satisfactorily addressed. The development therefore constitutes a sustainable form of development which accords with Local Plan policies S1 and S1a (sustainability) and the central tenet of sustainability running through the NPPF. As such it is recommended the application be approved.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: John Van Eker

Recommendation Date: 06/12/2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council