

DELEGATED DECISION REPORT

HPK/2023/0469
Valid 13/11/2023

HOLLY FARM
BRIARGROVE ROAD
BIRCH VALE

DEMOLITION OF EXISTING
BUILDINGS AND ERECTION
OF REPLACEMENT
DWELLING

(FULL - MINOR)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application relates to a parcel of land south of Briargrove Road, Birch Vale that contains a single storey bungalow known as 'Holly Farm' which sits adjacent to the public highway close to the existing vehicular access, orientated with its principal elevation facing eastwards onto an area of hard standing, with its gable end fronting the dry stone wall boundary and highway beyond to the north.

Whilst no planning history exists, the bungalow is understood to date from the mid 20th Century, is currently vacant, and stands in a dilapidated condition, making an overall negative contribution to the general character and appearance of the site and wider rural landscape.

To the west of the site, the topography rises steeply into open agricultural land, with a dry stone wall denoting the boundary a short distance beyond the rear elevation of the existing bungalow.

The site contains a number of other buildings that are clustered south-east of the existing dwellinghouse and modest area of hard standing, which have a mixture of uses.

The existing buildings on site comprise the following with calculated floor area and volume:

Existing Bungalow	99.24m ²	570.04m ³
Bungalow Extension (HPK/2019/0365)	29.53m ²	154.02m ³

Existing Stables	53.39m2	208.09m3
Existing Garage	82.24m2	302.66m3
Existing Outbuilding	86.99m2	300.93m3
Existing Barn	110.19m2	323.73m3
Existing Building	77.17m2	216.91m3
Existing Garage	119.53m2	397.65m3
Existing Tall Barn	71.4m2	290.37m3

The Existing Barn and Existing Building have both been the subject of deemed consent under Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO) under DET/2019/0006 and DET/2019/0365 respectively. One of these permission has since been renewed by DET/2022/0010.

Further, the existing bungalow has been the subject of a Prior Notification application under Schedule 2, Part, 1, Class AA of the GPDO which granted approval to introduce a second storey to the existing bungalow.

When taken as a whole, this cluster of predominately timber buildings, which are generally not in a good condition, contribute negatively overall to the visual amenity of the site and wider rural landscape, particularly from the public right of way that runs parallel with the eastern and southern boundary.

The site lies in a relatively isolated position with regards to surrounding development, outside of the built-up area boundary of any town or village as defined on the Local Plan Proposals Map (2016) and in the Green Belt.

PROPOSAL

The application follows extensive pre-application discussions and seeks full planning permission for the demolition of all buildings on site and the erection of a new dwellinghouse.

The application as assessed within this report is made up of the following plans and documents:

Plans

- Site Location Plan (Ref: AB-00-DR-A-0100-P05)
- Existing Site Plan (Ref: AB-ZZ-DR-A-0001-P03)
- Existing Sections (1) (Ref: AB-ZZ-DR-A-0003-P03)
- Existing Sections (2) (Ref: AB-ZZ-DR-A-0004-P03)
- Plans and Elevations as Existing (Ref: B1-ZZ-DR-A-1000-P05-GA)
- Plan Level 00 as Proposed (Ref: ZZ-00-DR-A-0105-P04-GA)
- Plan Level -01 as Proposed (Ref: ZZ-B1-DR-A-0106-P04-GA)
- Site Plan as Proposed (Ref: ZZ-ZZ-DR-A-0108-P02)
- Elevations Proposed (1) (Ref: ZZ-ZZ-DR-A-0109-P05-GA)
- Elevations Proposed (2) (Ref: ZZ-ZZ-DR-A-0110-P04-GA)
- Visualisation (1) (Ref: ZZ-ZZ-IV-A-0900-P03)
- Visualisation (2) (Ref: ZZ-ZZ-IV-A-0901-P03)

Documents

- Phase 1 Preliminary Risk Assessment
- Arboricultural Statement
- Ecological Appraisal and Bat Surveys (Rev B)
- Treeworks Overview (Sheet 1)
- Proposed Landscaping – Trees (Sheet 2)

The replacement dwelling is made up of 3 distinct gabled blocks of development which are all read as being single when viewed from public vantage points and are interconnected via ancillary linkages. As per the Proposed Floor Plans the southern and central blocks benefit from a Lower Ground Floor.

The Lower Ground Floor is shown to comprise a double garage, a home Gymnasium, Utility and Plant Space, and a Home Cinema.

At Ground Floor Level, the southern aspect of the house is shown to provide 4no. Bedrooms all with En-Suite Bathrooms, and Dressing Area. Extending into the central area via a glazed link, provision is made for a Reading Alcove, 2no. Private Offices, and Library, served by an Entrance Hall. Beyond the Library within the northern part of the house is an open plan Kitchen and Dining Area and Lounge.

The northern and central blocks are shown to be finished in a natural stone with tiled roofs, whilst the southern element is finished in a more contemporary timber. Retaining walls that supplement and facilitate the development are also shown to be finished in a natural stone.

At the request of Officers, revised Elevation Plans of the split level southern section have been submitted showing the replacement of a timber roof with a dark metal cladding.

All existing timber buildings located to the south-east of the existing bungalow are to be removed. As shown on the Landscaping Plan, this area is shown to be the subject of intensive tree planting, that replaces the identified trees required to be removed.

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
 S2 Settlement Hierarchy
 S3 Strategic Housing Development
 S6 Central Sub-area Strategy
 EQ2 Landscape Character
 EQ3 Rural Development
 EQ4 Green Belt Development
 EQ5 Biodiversity
 EQ6 Design and Place Making
 EQ9 Trees, Woodland and Hedgerows
 EQ10 Pollution Control and Unstable Land
 EQ11 Flood Risk Management
 H1 Location of Housing Development
 H3 New Housing Development
 CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Protecting Green Belt Land	Chapter 13
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2014/0472	Proposed demolition of existing dwelling house & various outbuildings & erection of new dwelling house with garage (Refused 06/12/2014)
	APP/H1033/W/15/3004597 Appeal Dismissed (18/05/14)
HPK/2019/0365	Proposed extension and alterations to dwelling (Approved 04/02/2020)
DET/2019/0006	Prior notification for a proposed change of use of agricultural buildings to two dwellings (Prior Approval Not Required)
DET/2020/0003	Change of use of agricultural buildings to dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion (Prior Approval Not Required)
DET/2022/0010	Change of use of agricultural buildings to dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion (Prior Approval Not Required)

HNT/2022/0008 Application for prior approval of a proposed upper floor extension on existing bungalow - maximum height of 9.3m (measured from natural ground level to the highest part of the roof)
(Prior Approval Not Required)

CONSULTATIONS

Publicity

Site Notice expiry date: 29th December 2023
Neighbour consultation period ends: 13th December 2023
Press Advert: N/A

Public Comments

None

New Mills Town Council Comments

No Objections

United Utilities

No objection – Informative

Environmental Health

No objection subject to conditions.

Derbyshire Wildlife Trust

Further to our response dated 17th Jan 2024, a revised Ecological Report (Rachel Hacking Ecology 09/02/2024) has been submitted. This proposes an increased number of bat boxes within the new development site – six compared to two previously.

We are disappointed to see that no roof voids will be provided within the new dwellinghouse that could provide continued provision for roosting bats, however given that roosts recorded are of relatively low significance, the improved mitigation proposed is considered acceptable.

We are also satisfied with the Proposed Tree Planting (Drawing No. 240115/0002) and suggest that compliance with this document is secured.

No objection subject to conditions relating to Nesting Birds, Bat Mitigation, Lighting, Invasive Non-Native Species, and a Biodiversity Enhancement Plan.

Derbyshire County Council Highways

No Objections – Informative regarding Public Right of Way

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for a new dwellinghouse that would replace an existing (smaller) residential dwelling and other buildings, on a site that lies outside of the built-up area boundary of any town or larger village in the open countryside and which is also constrained by the Green Belt.

LP Policy EQ3 refers to 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 sets out a list of criteria whereby new residential development will be supported in principle, which includes the following:

"A replacement dwelling provided it does not have a significantly greater impact on the existing character of the rural area than the original dwelling nor result in the loss of a building which is intrinsic to the character of the area."

LP Policy H1 sets out the locations for where new housing development will be supported, which includes promoting the re-use of land by encouraging housing development, including (amongst other things) redevelopment, on all sites suitable for that purpose.

It is accepted that the existing building does not have any special architectural merit of traditional characteristics and is not therefore intrinsic to the overall character of the rural area. The proposal would therefore be supported by LP Policies EQ3 and H1.

However, the site is located within the Green Belt and in line with LP Policy EQ4, any proposal and subsequent application will be assessed against the restrictive national policies relating to the protection of the Green Belt contained within Chapter 13 of the NPPF.

Paragraph 142 of the (revised) NPPF highlights that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 sets out the five purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to prevent the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Paragraph 152 of the NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 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.

Paragraphs 154 and 155 of the NPPF contains a list of the exceptions whereby certain types of development are not deemed to be inappropriate development in the Green Belt (and thus acceptable in principle subject to all other planning consideration). Such exceptions under paragraph 154 include:

- (d) replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces;
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development;
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing needs within the area of the local planning authority.

The proposed dwellinghouse does not meet any other exception under either paragraph 154 or 155 of the NPPF.

At the beginning of the pre-application process, the applicant sought to argue that the two agricultural buildings that were the subject of deemed consent for conversion to a residential dwellinghouse amounted to a credible 'fall back' position that amounts to previously developed (brownfield) land that consequently is material to assessing potential harm to the Green Belt.

Officers have consistently rejected this argument, and therefore having regard to Green Belt policies, the application must be assessed having regard solely to the footprint and volume of the existing dwellinghouse, as all other buildings are considered to be agricultural, which as set out within the NPPF definition are excluded from being defined as previously developed land.

It is however acknowledged that the granted second storey extension granted by virtue of Schedule 2, Part 1, Class AA, and all other approved or permitted extensions to the existing bungalow are material considerations, as these can be introduced relatively swiftly.

A comparison between the footprint and volume of the existing and proposed replacement dwellinghouse, even when including the permitted and previously approved extensions to the bungalow, shows that the replacement dwellinghouse

would quite clearly represent a significant material increase in both floor area and volume and thus fails to comply with paragraph 154(d).

The application seeks permission for an open market dwelling and therefore the second bullet point under paragraph 154(g) can be discounted.

With regards to assessing potential impact on 'openness', having regard to the first bullet point under paragraph 154(g), recent case law has held that the term 'openness' comprises both a spatial and a visual aspect.

Spatially, it is accepted that the removal of the cluster of ad-hoc agricultural buildings to the south-east of the bungalow would improve and enhance the openness of the Green Belt. However, even when acknowledging that some of the footprint of the dwellinghouse would be situated below ground level, it is clear that by virtue of a significant increase in footprint and volume, even when taking account of the extensions to the existing bungalow that constitute the credible 'fall back' position, that there would, overall be a neutral impact on the spatial aspect of openness.

Turning to the visual aspect of openness, it is acknowledged that the removal of the cluster of ad-hoc and dilapidated agricultural buildings located to the south-east of the existing bungalow would 'open up' the views into and out of the site, experienced from the nearby public footpath and from Briargrove Road. The proposed residential dwellinghouse is made up of three distinct parts, that read as two single storey elements, with the central element having a below ground level, and a larger two storey aspect to the south, which represent an increase in volume over and above the existing dwellinghouse and permitted extensions. Overall, there would be a positive benefit on the visual aspect of 'openness' of the Green Belt.

As such, it is clear that the proposed development fails to meet any of the exceptions to 'inappropriate development' by definition, and also results in some degree of harm to openness.

In light of the above, the principle of development can only be supported where Very Special Circumstances (VSC) can be demonstrated that are found by the Local Planning Authority as a matter of planning judgement, to outweigh the harm to the Green Belt by inappropriateness, and any other identified harm to the Green Belt (to 'openness').

The VSC are considered and weighed against the identified harm to the Green Belt in the overall planning balance.

Notwithstanding the above, the application must also be considered and assessed having regard to all other relevant planning merits, which is undertaken below.

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 EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document.

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.

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 Landscape Character Assessment SPD (2006) identifies that the site lies within the 'Settled Valley Pastures' LCA. Characteristics of this area include properties being isolated farmsteads or clusters of cottages along the road, with small groups of amenity trees surrounding settlements and farmsteads.

With regards to development control the SPD offers design guidance with regards to both the form and detail of buildings, which include residential dwellings. A summary of this guidance is set out below:

Building Form

- Plan elevations with doors and windows recessed into walls
- Properties should have a broad front elevation with narrow sides and steep roof
- Simple robust building form with minimal detailing

Building Detail

- Consideration to be given to design and proportions of windows
- Roofs should be flush to the walls with plain verges and no fascia boarding
- Rainwater goods should be black located close to the eaves
- Windows should be set below the roofline – dormers not acceptable
- Materials, colour and textures should reflect local traditional buildings
- Chimneys should be low and robust

The more recently adopted Design Guide SPD (2018) contains further useful guidance that ensures that all new developments are appropriate for their context, and make a positive contribution to their proximity, through various aspects of design.

With regards to setting, the SPD advises that attention should be paid to its impact on views into, over and out of the site, and that in the countryside, buildings should sit comfortably in the landscape, best achieved by emulating the horizontal, ground

hugging form of traditional buildings with their strong eaves and ridge lines, and simple, low silhouettes parallel with contours.

With regards to new development, the architectural style should be guided through an assessment and understanding of the character and context of an area. Sites may be capable of accommodating contemporary and traditional forms of development that are high quality and functional, with schemes responding to, and not slavishly copying the local tradition.

With regards to the use of materials, the SPD states that new development should match or compliment those of the surroundings, but under certain circumstances, new materials can sometimes be introduced that compliment the more traditional elements.

Paragraph 135 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.

This application follows extensive pre-application discussions where a number of variations of layout and form were considered. Notwithstanding the principle of development, it was identified during pre-application discussions that the design should be guided by some fundamental principles.

The proposed layout of the site aligns with the first of these principles in that any replacement dwellinghouse would benefit from having the appearance of a simple farmstead, made up of three distinct parts to form a central area akin to a farmyard or courtyard, referencing the former historic use of the site.

The second key design principle encouraged by Officers was that the scale and height of the replacement dwellinghouse should be kept to a minimum, being read as single storey from public vantage points, taking reference from the existing bungalow, and allowing the building to neatly assimilate with its immediate and wider rural landscape. The proposed development has been designed in such a way that aligns with this design principle.

A third principle was that the proposed replacement dwellinghouse was shown primarily to be constructed and finished in traditional materials (natural stone and slate tile) with opportunities for contemporary elements to compliment the more traditional components of the scheme. The proposed development aligns with this design principle in so far as the central and northern aspects are shown to be finished in high quality traditional materials, with the southern aspect being finished in a dark stained timber cladding.

Whilst in a large number of cases, timber cladding is not appropriate for its context, given that it is not traditional to the High Peak, it is considered that on this specific occasion, the timber cladding acts as a reference point to the timber buildings that previously adorned the site, and reads as a striking contrast between traditional and modern architectural styles and design. The fact that the timber is in a very dark

colour (as opposed to a lighter stain) helps the proposal to integrate with its surroundings.

As submitted, the timber boarding shown to encapsulate the roof as well as the walls of the contemporary element was considered to be unsuitable and inappropriate, as this material is not traditionally used for roofing, as it would not have been durable or waterproof enough, especially for the harsher climate of the High Peak. It would therefore appear at odds with its surroundings. It was suggested to the applicant that a metal roof sheet is more often found on these types of building and as such a high quality metal standing seam type roof produce would create the desired effect and address this minor design issue, also helping to break up the massing of the building further.

The applicant has subsequently submitted revised Elevation Plans that omit the timber cladding on the roof for a sturdier metal cladding. These plans address this design issue.

It is acknowledged that the plans submitted show some building detail including fenestration that does not invoke any of the traditional characteristics found within the Settled Valley Pastures LCA, and is not of a style and appearance that is found traditionally within the Borough.

However, on this occasion, Officers take the view that given its isolated location, and that the proposed replacement dwellinghouse has little in the way of a reference point, there is more of an opportunity and more flexibility to introduce more modern and contemporary design features, that extend to fenestration.

The removal of the cluster of historic agricultural and other buildings, which currently make a negative contribution to the immediate landscape character when experienced from the public highway and nearby public footpath will undoubtedly enhance the rural character of the site.

Having regard to the above analysis, it is considered that the replacement dwellinghouse strikes an appropriate balance between introducing a development that makes reference to traditional architectural styles and materials found in the High Peak, and introducing unique high quality modern and contemporary elements. It should be emphasised that such opportunities in the High Peak are rare, and that the proposed development is acceptable having regard to the sites specific characteristics and surrounding context.

It is therefore considered that the proposed removal of existing buildings, introduction of the replacement dwellinghouse, and associated landscaping and planting, provides a high quality design that will contribute positively to the immediate and wider rural landscape character, in accordance with LP Policies S1, EQ2, EQ3 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy H3 relates to all new residential development and requires applications to provide a high standard of amenity of future occupiers by way of demonstrating compliance with Nationally Described Space Standards (NDSS) published by DCLG (2015), which sets minimum standards based on the number of bedrooms and occupants.

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 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 135 states that planning should create places with a high standard of amenity for existing and future users.

Paragraphs 189 and 190 of the NPPF require Local Planning Authorities to ensure a site is suitable for development having regard to any potential risks relating to land contamination, and secure appropriate remediation in the interests of public health and amenity.

Paragraph 191 of the NPPF goes on to state that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst other things) mitigate any potential impacts relating to noise and light pollution.

The existing bungalow is located in a relatively isolated location in the open countryside, and sits within close proximity to a number of ad hoc structures that predominantly have lawful uses of agricultural purposes.

Given the isolated nature of the site, it is clear that there would be no potential harm relating to any overbearing impacts, overlooking, loss of privacy, or loss of sunlight, to any neighbouring property, and, given the orientation and form of the proposed dwellinghouse, this extends to users of nearby public footpaths.

As per Environmental Health comments, conditions are proposed that ensure the health and safety of members of the public and preserve their amenity during the construction phase.

The proposed dwelling far exceeds the minimum NDSS having regard to the number of bedrooms, the occupancy rate, and size of bedrooms.

Subject to these conditions, it is considered that the proposed development provides a high standard of amenity for future occupiers, all neighbouring residential properties, and the general public, in accordance with LP Policies H3, EQ6 and EQ11, and relevant paragraphs contained under Chapters 12 and 15 of the NPPF.

Ecology

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Paragraph 186 of the NPPF states that when determining planning applications, local planning authorities should apply a number of principles which essentially ensures that any harm to protected species and/or habitats is preserved and mitigated, and where possible efforts are made to secure enhancements to biodiversity.

The application is supported by a Landscape Strategy that shows the removal of the cluster of timber agricultural and other buildings that are located south-east of the existing bungalow and the planting of a number of trees (28 in total as per the schedule) and a significant amount of native hedgerow.

In addition, the latest version of the Ecological Appraisal and Bat Surveys (Rev B) shows the provision of 6no. bird and bat boxes within the proposed dwellinghouse.

The latest Ecological Appraisal, Bat Surveys and associated Landscaping Plans have been reviewed by Derbyshire Wildlife Trust who have confirmed that there are no objections in relation to ecological matters, subject to appropriate conditions to ensure protection and secure ecological enhancement.

As such, it is considered that the proposed development will preserve protected species and habitats and deliver ecological enhancement, thereby supporting the aims and objectives of LP Policy EQ5 and relevant paragraphs under Chapter 15 of the

Trees

LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss. The policy also requires development where

appropriate to provide replacement tree planting at a ratio of 2:1 and soft landscaping.

The application has been supported by an Arboricultural Statement prepared by Cheshire Woodlands Tree Consultants (dated 30 August 2023). This document identifies that in order to facilitate development, the application involves the removal of 1no. moderate quality 'Category B' tree (T5), and several low quality 'Category C' trees (T6, T9 and Area 'A1'), as per the Tree Survey Schedule (Appendix 1) and Table 1 at paragraph 8.2 of the Statement. A small amount of hedgerow (H1 and H2) will also be removed to facilitate development.

As already identified above, the Landscaping Strategy seeks to plant a significant number of trees and hedgerow within the site, predominantly in the area of where the timber agricultural buildings are to be removed. It is considered that the significant amount of re-planting that is to be achieved will mitigate any moderate harm caused by the removal of one moderate and several low quality trees to accommodate development.

Overall therefore, it is found that the application is compliant with LP Policy EQ9 and is acceptable subject to conditions that secure the replacement planting and wider ecological enhancement of the site.

Drainage

LP Policy EQ11 refers to Flood Risk Management and requires all applications to demonstrate that the proposed development will not give rise to any unacceptable increase in flood risk either onsite or elsewhere in the Borough.

The site is not located within Flood Zone 2 or 3 and given that the proposal amounts to Minor Development, the applicant is not required to submit a Flood Risk Assessment. Drainage on schemes of this scale are largely a matter for building control.

United Utilities have not provided any objections or indeed requested any planning conditions be applied in order to mitigate any concerns. They have however advised that an informative be placed on any decision notice.

In light of the above, it is considered that the application is compliant with LP Policy EQ11 however in the event that planning permission be granted, the applicant must heed the advice of United Utilities and engage with them prior to commencement of development if and when appropriate.

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 114 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. Paragraph 115 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site contains an existing dwellinghouse that benefits from an existing vehicular access, and also benefits from permitted and approved domestic extensions and alterations that includes a second storey that would in effect create a large detached dwellinghouse of four bedrooms or more.

There is more than sufficient space within the site to accommodate the required number of off-street parking spaces in accordance with the Council's parking standards, allowing vehicles to exit the site in a forward gear.

As such, and given that the Highways Authority have not raised any objections, it is considered that the application will not give rise to any harm to highway safety in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

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 the demolition of an existing single storey bungalow, which benefits from previously approved and permitted extensions, a cluster of dilapidated agricultural and other buildings that are situated within the site, and the erection of a replacement dwellinghouse, with associated landscaping and planting.

The application follows extensive pre-application advice, whereby Officers confirmed firstly that the buildings subject to Prior Notification applications under Schedule 2, Part 3, Class Q of the GPDO did not constitute a fall-back position with regards to previously developed (brownfield) land, and that secondly, the introduction of a replacement dwellinghouse that is materially larger than the one it replaces with

regards to floor area and volume, would constitute 'inappropriate development' in the Green Belt, and that notwithstanding all other planning considerations, any forthcoming application could only be supported whereby the LPA are satisfied that Very Special Circumstances exist which outweigh the substantial harm to the Green belt by reason of inappropriateness, and any other identified harm.

For the reasons set out within this report, the application fails to meet any of the exceptions set out under Paragraphs 154 or 155 of the NPPF and therefore constitutes 'inappropriate development' in the Green Belt.

The application was not originally accompanied by any supporting Planning Statement setting out what the applicant contends are the Very Special Circumstances (VSC) that outweigh the harm to the Green Belt. As stated within the pre-application advice, it is for an applicant to set out the VSC and for Officer to assess them and form a planning judgement.

As such, the applicant was invited to submit a Planning Statement containing the VSC, which was duly received. The VSC submitted by the applicant amount to the following:

- Development would enhance and increase the openness of the Green Belt and open up views through the site from public vantage points by virtue of the demolition of existing sheds and outbuildings
- High quality development by virtue of architectural design and choice of materials would enhance the immediate rural character of the site, which is currently in a poor condition by virtue of the dormant unsympathetic bungalow and dilapidated sheds and outbuildings

In addition to the above benefits to the spatial and visual openness of the Green Belt, and enhancement to visual amenity of the site and its immediate rural landscape character, the scheme is also shown to provide a significant amount of on site biodiversity enhancement, with existing buildings replaced with a large quantity of trees and hedgerow, in addition to further enhancement associated with the proposed replacement dwellinghouse.

Lastly, the proposed dwellinghouse has been orientated in order to respond to passive solar gain.

In assessing these benefits against the harm to the Green Belt, it is judged that the planning balance is very tight.

As per the assessment within this report, it is judged that when accounting for the positive benefits to the spatial aspect of openness that results from the demolition of the existing sheds and outbuildings, and the increased size and scale of the proposed replacement dwellinghouse, the overall impact on the spatial aspect of openness is neutral.

With regards to the visual aspect of openness, it is accepted that the removal of low quality and unsympathetic buildings which include the existing bungalow and all

sheds and outbuildings, with the replacement dwellinghouse continuing to read as a single storey dwellinghouse from public vantage points would enhance the visual aspect of openness and represents a public benefit.

Furthermore, the replacement of dilapidated and unsympathetic structures with a well designed scheme of high architectural quality using a striking combination of traditional and contemporary materials will undoubtedly enhance the immediate visual amenity of the rural landscape character, particularly when experienced from nearby public footpaths and the public highway, which also constitutes a public benefit.

Finally, the opportunity to maximise sustainable and renewable energy features also represents a benefit albeit modest.

When assessing the above benefits against the harm to the Green Belt by inappropriateness, and considering that the harm to the openness of the Green Belt would be reduced, it is judged that as a matter of planning judgement, the planning balance weighs very marginally in favour of the proposed development. As such, the application is considered to comply with LP Policy EQ4 and relevant restrictive policies contained under Chapter 13 of the NPPF and is acceptable in principle having regard to potential harm to the Green Belt.

Having regard to all other planning considerations, the proposal is considered to constitute a high quality design, that would, subject appropriate planning conditions, provide a high standard of amenity for future occupiers, preserve the amenity of members of the public and neighbours, provide a substantial enhancement to biodiversity and not result in any harm to highway safety.

The application is therefore in accordance with all other relevant local and national planning policy considerations, and, as a result of a planning balance with very fine margins, constitutes a sustainable form of development. As such, in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 11th April 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council

