

DELEGATED DECISION REPORT

HPK/2024/0125
Valid 28/03/2024

BARN AT HOLLIN WOOD
BRIERLEY PARK
BUXWORTH

PROPOSED CONVERSION OF
EXISTING BARN TO SINGLE
DWELLING.

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Ecology
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application site relates to an existing disused stone built barn with a simple rectangular form with gables facing east-west, located in a field which lies adjacent to a small cul-de-sac known as Brierley Park characterised by mid 20th century houses in the Buxworth area, a short distance north of the Manchester-Sheffield Railway Line.

In its current form, the former agricultural barn is constructed in traditional stone with a partial timber roof. The northern side of the building shows much of the roof covering to be absent, with structural members in poor condition.

Following multiple unsuccessful attempts at securing planning permission for the change of use of the barn to a dwellinghouse in the 1980's and 1990's, including two applications dismissed at appeal, the building has more recently been subject to a Prior Notification application under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, whereby Prior Approval was granted subject to planning conditions under DET/2021/0013 in November 2021.

PROPOSAL

The application seeks full planning permission to convert the existing former agricultural barn to a dwellinghouse.

The proposals are almost identical to that which was the subject of the positive Prior Approval, granted under DET/2021/0013 in November 2021. The only noticeable difference is a minor change to land levels surrounding the building which would see the land levels be cut to that consistent with the finished floor levels in the northern and western elevations.

The Cover Letter supporting the application notes that the motivation for seeking full planning permission will give the applicant greater flexibility with regards to timescales in implementing the approved conversion, after first discharging all relevant planning conditions.

The ground floor of the dwellinghouse provides for an Entrance Hall; an open plan Kitchen/Dining area, and Lounge; whilst the first floor comprises 2no. double Bedrooms with a shared Bathroom.

The dwellinghouse would be accessed via an existing field entrance at the end of the existing cul-de-sac with an internal private driveway connecting the house with this access.

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
- EQ5 Biodiversity
- EQ6 Design and Place Making
- 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
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/7005 Conversion of Barn to Dwellinghouse (Refused 17/10/1988)

Appeal Dismissed 04/08/1989

HPK/0003/0535 Change of Use of Barn to Dwellinghouse (Refused 12/06/1991)

HPK/0003/0801 Change of Use of Barn to Dwellinghouse (Refused 22/10/1991)
Appeal Dismissed 28/05/1992

DET/2021/0013 Change of Use of Barn to Dwellinghouse under Schedule 2, Part 3, Class Q of the General Permitted Development Order (Prior Approval Required and Granted 09/11/2021)

CONSULTATIONS

Publicity

Site Notice expiry date: 16th May 2024
Neighbour consultation period ends: 2nd May 2024
Press Advert: N/A

Public Comments

None

Chinley Buxworth and Brownside Parish Council Comments

No Objections

AES Waste

Properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240l wheeled bin.

Collection vehicles are unable to access unadopted highway / private driveways to the bins for this proposed property will need to be presented at the nearest adopted highway.

Network Rail

No objections

Derbyshire Wildlife Trust

Initial Comments

We have reviewed the Preliminary Bat Roost Assessment (BEK Geo-Environmental Consulting March 2024). The building was considered to have a 'low' suitability in supporting roosting bats, with some potential to support hibernating bats. The site is

also considered suitable for nesting birds and the surrounding grassland as suitable for reptiles and as a terrestrial habitat for amphibians.

We support the recommendation for one nocturnal bat survey, in line with best practice guidance and based on the level of bat roost potential identified.

Paragraph 99 of Circular 06/2005 states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”*

Surveys should be undertaken at the correct time of year by a suitably qualified and experienced ecologist. The results should be submitted to the LPA, including a mitigation strategy as necessary.

Recommended conditions will be confirmed once all ecological information is submitted.

Further Comments

Following on from our previous comments dated 23rd May we have reviewed the Bat Emergence Survey Report (BEK Geo-environmental Consulting, May 2024). No roosting bats were found during the survey, however foraging activity was identified on site attributed to low numbers of common pipistrelle. Survey work is in line with Good Practice Guidelines (Collins, 2016) and no further surveys regarding bats are considered necessary in this instance.

In reference to the Preliminary Bat Roost Assessment, no signs of nesting bird activity were identified. However, evidence of history use by birds of prey were found in the building and the site is considered a suitable habitat for nesting birds. The surrounding grassland is also considered suitable for reptiles and as a terrestrial habitat for amphibians.

No objection subject to conditions.

HPBC Environmental Health

No comments received at time of writing

Derbyshire County Council Highways

DCC have commented on a previous application for the same site and scale of development and offered no objections. I concur with the previous comments to the principle of development.

However, we would ask that a turning area is provided within the site to allow delivery type vehicles to manoeuvre; without a turning facility all vehicles e.g. visitors, servicing etc. would have to reverse back to the public highway and then to

the nearest junction within the Brierley Park estate which is some 80m. If this can be shown on a revised plan and resubmitted, further comments will be provided.

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission to convert a redundant agricultural building to a single dwellinghouse on a site that lies outside of the built-up area boundary in the open countryside (not constrained by the Green Belt). As such, the application is subject to Local Plan Policies EQ3 and EQ4 which relate to Rural Development and Green Belt development respectively.

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 sets out the types of residential development that will be supported in the rural areas, and includes the re-use of redundant buildings where it does not have an adverse impact on the character and appearance of the buildings.

LP Policy EQ4 requires development proposals within the Green Belt to be assessed and determined in accordance with national policies contained under Chapter 13 of the NPPF.

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 of the NPPF 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 of the NPPF sets out the instances whereby new buildings do not amount to inappropriate development. Paragraph 155 goes on to set out other types of development that are not inappropriate (provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it). These include the following:

- the re-use of buildings provided the buildings are of permanent and substantial construction

The building subject of this application benefits from an extent Prior Approval permission (DET/2021/0013) for the change of use of this former agricultural building to a residential dwellinghouse under Schedule 2, Part 3, Class Q of the Town and Country (General Permitted Development) (England) Order 2015 as amended, granted on 9th November 2021. As such, this permission is a material consideration that should be attributed weight in the assessment and determination of this application.

In assessing the Prior Approval application, Officer concluded that the building, despite having a dilapidated roof, met the relevant parameters under Paragraph Q.1 with regards to the change of use amounting to a conversion rather than a rebuild, which was informed by a Structural Report.

An updated Structural Report has been submitted with this application, which includes a further letter dated 20th June 2024 which confirms the following:

- *Results of trail hole investigation of external walls examined in conjunction with proposed changes to external ground levels and proposed replacement floor slab specification*
- *Results of existing foundation depths confirm that foundations are at a depth which will not be compromised by proposed development, with relatively short section of underpinning required to part of the west gable and northwest corner*
- *Any reduction in external levels will alleviate the requirement for an internal tanking system which will be beneficial in a building of this gage and form of construction*

In light of conclusions previously reached by the Authority, and in the interests of consistency, the only logical conclusion is that the building amounts to that of a permanent and substantial construction, thereby meeting the first 'limb' of the relevant exception under Paragraph 155 of the NPPF.

With regards to 'openness', case law has found that this term is made up of a spatial and visual element. The proposed conversion would work within the existing footprint of the building, with the exception of very minor engineering operations used to 'level off' the land in certain areas, and the provision of an access track that is consistent with the Prior Approval granted under DET/2021/0013.

It is considered that the engineering operations amount to 'de minimis' operations, and, even if one were to take a different view that this amounted to a material engineering operation that requires planning permission in its own right, this does not result in any harm to openness and thus meets one of the exceptions under Paragraph 155 of the NPPF.

Having regard to the above, and when considering the extent Prior Approval permission, the principle of development is accepted subject to an assessment of all relevant material considerations.

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 High Peak Design Guide SPD (2018) provides useful guidance for conversions and alterations to buildings in the interests of achieving a high quality design that is appropriate for its context. Guidance pertinent to the assessment and determination of this application is set out as follows:

- 5.1 *The improvement or renovation of an existing property is generally preferable... to redeveloping the site afresh..*
- 5.2 *Alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The key to a sensitive approach is to take note of what is there already before preparing the design and to work with, and not against, the building's character. The aim should be to revitalise the building without altering its fundamental character.*
- 5.4 *It is best to use existing openings to the full, if necessary rearranging the functions of the rooms to suit, before considering their alteration.*
- 5.15 *The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained. This means that in most cases the barn, mill or chapel should afterwards look like a converted barn, mill or chapel, and not like a new house or new block of flats...*

Paragraph 135 of the NPPF 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 conversion of the existing agricultural building is, with the exception of minor (de minimis) works to ensure consistent land levels immediately surrounding the property, identical to that which was the subject of a positively determined Prior Notification application under DET/2021/0013.

The proposed dwellinghouse would work with the existing shell of the building utilising high quality traditional materials, with external walls finished in a natural stone and the roof finished in a traditional slate tile. Elevations would be simple with minimal detailing, complimented by more contemporary window design as a result of having to work with the larger openings.

It is considered that the resultant dwellinghouse would contribute positively to the immediate rural landscape character, and is consistent with the design principles set out in the Landscape Character Assessment SPD (2006) and Design Guide SPD (2018).

In light of the above, subject to applying relevant planning conditions to secure specific details of facing materials, it is considered that the development amounts to a high quality design that accords with LP Policies S1, EQ2, EQ3 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 15 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. A minimum of 21m should be achieved between existing and proposed habitable windows.

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

The site comprises part of a larger agricultural field that is relatively isolated from neighbouring residential development associated with the existing estate. Given the fact that the conversion will be limited to the existing footprint, and when considering the distance and spatial relationship between habitable windows and associated amenity areas, it is not considered that any adverse impacts to residential amenity will occur as a result of the proposed development, in accordance with LP Policy EQ6, Residential Design Guide SPD, and paragraph 135 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.

Chapter 15 of the NPPF contains the relevant national planning policies associated with conserving and enhancing the Natural Environment. Paragraph 180 states that decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 186 of the NPPF sets out a number of principles that local planning authorities should apply a number of principles which include the following:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The site lies within the open countryside not within any statutory ecological designation, with the nature and age of the building having potential to accommodate protected species.

The application is supported by an updated Preliminary Ecological Assessment that confirms that no changes have occurred since the original surveys submitted with DET/2021/0013 that would alter this conclusion. In addition, a Bat Roost Assessment (Geo-Environmental March 2024) supports this application which confirms a low potential roosting habitat value on site for crevice dwelling bat species, but nevertheless recommends a further survey during the survey season (May-September).

This additional emergence survey was submitted on 28th May and forwarded to Derbyshire Wildlife Trust for comment.

It has since been confirmed by Derbyshire Wildlife Trust that both the Preliminary Ecological Assessment and further Emergence Bat Survey can both be accepted, and that subject to appropriate conditions which both preserve ecological assets, and secure a nett gain in biodiversity, it is considered that ecological matters have been fully addressed, in accordance with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

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 is to be accessed via an existing field gate access at the end of the existing cul-de-sac and short private driveway, consistent with the approved Site Plan under DET/2021/0013.

Whilst comments from the Highways Authority are noted with regards to a turning head, it is the case that the access and parking arrangements are consistent with those considered and approved under the extent Prior Approval application. As such, it is judged that no further amendments are required and that the proposal would not result in 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. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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 change of use of a redundant agricultural building to a single residential dwellinghouse, which is largely consistent with plans approved under a Prior Notification application pursuant to Schedule 2, Part 3, Class Q of the GPDO. The minor changes to this extant permission is minor levelling works on two sides of the building to achieve consistent levels.

Having regard to all relevant local and national planning considerations, and the fall back position referred to above, Officers have concluded that the application is fully compliant with all relevant policy considerations including those relating to Green Belt development, and that subject to appropriate conditions, amounts to a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate planning conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 17th July 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council