

DELEGATED DECISION REPORT

HPK/2024/0240
Valid 04/07/2024

SHALLCROSS HALL FARM
SHALLCROSS ROAD
WHALEY BRIDGE

REMOVAL OF CONDITION 2
IN RELATION TO
HPK/2006/0358 -
APP/H1033/A/07/2033715

(FULL - MINOR)

MAIN ISSUES

- Countryside Location
- Housing Need/Supply
- Residential Amenity
- NDSS

DESCRIPTION OF SITE

The application site relates to Shallcross Hall Farm, which currently consists of 4 Holiday lets and one unrestricted residential unit. The site sits outside the built up area boundary and is accessed via the single tracked Shallcross Road.

The north of the application site is bound by seven dwellings which have been created through the conversion of a former barn. To the south the application site is bound by open countryside. The application site is located within the Settled Valley Pastures landscape character area, for the purposes of identification in the Local Plan.

PROPOSAL

Due to a significant drop off in demand over the last 5 years, the application submitted is to remove the following planning condition (no. 2) attached to the original planning permission (HPK/2006/0358) which was allowed at appeal: "The 4 units of holiday accommodation shall not be used as permanent dwellings."

The property currently consists of 1 unrestricted residential flat and 4 flats which are let as holiday accommodation.

No physical alterations are proposed to the buildings or associated parking and amenity areas.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles

S 1a Presumption in Favour of Sustainable Development

EQ 2 Landscape Character
EQ 3 Rural Development
EQ 6 Design and Place Making
H 1 Location of Housing Development
H 3 New Housing Development
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting Sustainable Transport
Chapter 12 - Achieving well-design and beautiful places

Whaley Bridge Neighbourhood Plan (WBNP)

WB-G3 Residential Development
WB-E4 Rural and Landscape Character

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2006/0358 – Adaptation of farmhouse provide dwelling and 4 holiday accommodation units. Refused 29/06/2006.

HPK/2006/0720 – retention of tennis court, change of use of land to orchard, change of use of land to garden. Refused 20/11/2006.

APP/H1033/A/07/2033715 – Allowed 26/09/2007. This was subject to the following condition (no. 2): "The 4 units of holiday accommodation shall not be used as permanent dwellings." The Inspector stated that "the officer report indicates the need for restriction of 4 of the new living units to holiday lets only and not use as permanent dwellings which would conflict with HPLP housing policy objectives".

APP/H1033/C/07/2034199 & 2034942 – Dismissed 26/09/2007.

HPK/2013/0127 – Lawful Development Certificate for proposed new internal layout to convert the existing farmhouse from one dwelling & four holiday cottages back to one dwelling and one holiday cottage. Approved 16/05/2013. This was not implemented.

HPK/2020/0009 – Erection of timber frame, single storey garage in location of previous garage. Approved 07/05/2020.

CONSULTATIONS

Publicity

Site Notice expiry date: 27/08/2024

Neighbour consultation period ends:27/08/2024

Press Advert: N/A

Public Comments

Neighbour representation, no objection but the following concerns raised:

- Additional traffic generation resulting from permanent occupation of the units
- Car parking demands
- Sufficient turning space
- Space for the provision of refuse bins
- The garage has one door and is not feasible to park 3 cars

Town / Parish Comments

Whaley Bridge Town Council support the application.

Environmental Health

None

Derbyshire County Council Highways

The removal of condition 2 to allow the units to be used for residential purposes does cause some concern relating to the remoteness of the application site and the likely changes to the travel patterns and number of trips made by future residents of the dwellings when compared to those made by users of the holiday lets.

The footway on Elnor Lane does not provide a continuous link requiring pedestrians to walk within the carriageway on Elnor Lane to access local amenities within the town centre and whilst there is an off highway footway link known as 'Shallcross Incline' between Shallcross Road and New Road, the ownership of this path is unknown and is not considered to be an attractive route in inclement weather and during hours of darkness. Having said that, there is some evidence that pedestrians do walk within the carriageway on Elnor Lane indicating that the lack of a continuous footway is not necessarily a significant barrier for some trips to be made on foot.

There is good pedestrian access to bus stops within recommended walking distances of the application site which provide good links to bus services to the town centre and beyond.

The location of the site relative to local amenities and the potential for future residents of the premises to access facilities by alternative modes of transport to a private car does cause some concern; however, there are alternative travel choices available and when also considering the number of existing residential dwellings in close proximity

to the application site which have the same travel options, the potential increase in additional vehicle trips on the network generated by the occupants of the dwellings is not considered to be severe and an objection to the application on sustainability grounds would be difficult to sustain.

It is not clear how many parking spaces are available within the application site to accommodate the likely parking requirements for residents; it is assumed that you will assess the available parking provision against your own parking standards.

Based on the aforementioned comments, there are no highway authority objections to the application.

OFFICER COMMENTS

Principle of Development

The application site is located outside of the defined settlement boundary of Whaley Bridge and therefore it is considered a countryside location where policy EQ3 applies.

WBNP policy WB-G3 states residential development outside of the Peak District National Park will be supported for the following locations, subject to meeting the requirements of other policies in this Neighbourhood Plan:

- a. within the defined Whaley Bridge settlement boundary;*
- b. within the defined Town Centre, providing street-frontage ground floor units are in uses open to the public;*
- c. brownfield sites;*
- d. infill sites in the form of gaps in existing substantially built-up frontages*

Policy EQ3 seeks to strictly control development in rural locations to protect the landscape's intrinsic character and distinctiveness and to ensure development occurs at the more sustainable locations (i.e. towns and villages).

With regards to residential development, policy EQ3 sets out a strict criteria, it should meet an essential need such as farm worker or rural enterprise dwelling where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere. Another acceptable exception to residential development is the reuse of redundant and disused buildings and/or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside. The application building is not redundant and has been used as tourism letting for little under two decades.

Policy EQ3 also cross references policy H1, which states the following in relation to site beyond settlement boundaries:

The Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that

- *The development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and*
- *the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and*
- *it would have reasonable access by foot, cycle or public transport to schools medical services, shops and other community facilities; and*
- *the local and strategic infrastructure can meet the additional requirements arising from the development*

The particular proposal under consideration involves the change of use of an existing building into dwellings rather than new-build dwellings.

The site does not immediately adjoin the built up area boundary of Whaley Bridge. The site is approximately 370m from the nearest part of the built up area boundary for Whaley Bridge (Shallcross Avenue) and approximately 1.3miles from the centre of Whaley Bridge. Policy H1 is drafted so that development proposals must comply with all four points of the policy and not just some of these points. For example, this site is somewhat close to a bus stop and walkable for some to other facilities but sustainability is just one element of the H1 and it must satisfy all four points and the proposals fails the first point by not adjoining the built up area boundary.

The proposal would also involve the loss of a tourism use which is contrary to one of the aims of EQ3 which supports the provision and expansion of tourist and visitor facilities in sustainable locations where identified needs are not met by existing facilities. Policy E6 also promotes tourism across the borough and the aims of the policy include:

- *retaining and enhancing existing serviced accommodation and supporting the provision of new serviced accommodation in towns and villages in order to encourage overnight visitor stays*

Whilst it is noted that the principle of development is acceptable in terms of tourism accommodation, an acceptable use in a rural location supported by policies EQ3 and S6, the proposal to use it as a permanent residential use is contrary to both local plan policies EQ3 and H1 due to its location outside of the built up area boundary of Whaley Bridge and contrary to WBNP policy WB-G3.

The loss of the tourism use is also contrary to policies EQ3 and E6.

Given the above, the principle of development is not considered to be acceptable.

Design and Amenity

In terms of the built form of the proposal, there are no physical alterations. No external or internal changes are proposed to the holiday let accommodation, the application relates to the change of use to permanent residential accommodation, as such there are no design concerns.

Amenity

In terms of amenity, there are three key points to consider which include, sufficient external private amenity space, sufficient internal floor space, and amenity of neighbouring occupiers.

With regards to the first point, the planning statement submitted with the application states the properties benefit from a communal garden area immediately to the south for sitting outside which is shared with all 4 holiday lets and the one unrestricted residential unit. This would be considered an appropriate amenity space which could be used by future occupants.

However, it is noted this land sits outside the red edge of the submitted site plan. Change of use of this land to be used as a garden was refused under HPK/2006/0720. An enforcement notice was served to stop use of this land as a domestic garden, this was subsequently upheld at appeal under APP/H1033/C/07/2034199 & 2034942, considering 'use of that land as a garden by occupiers of the adjacent dwelling or the holiday accommodation would represent an encroachment of domestic activity into the open countryside'.



HPK/2006/0720: change of use of land to be used as a domestic garden



Location plan submitted under HPH/2024/0240

Considering this, the land considered to be a 'communal garden' sits outside the red edge of the site plan, and using this space as a domestic garden would be considered to be a change of use from agricultural land to residential, contrary to policy EQ3. As such, there is a limited outdoor paving area for sitting outside, within the red edged boundary, for use of all 4 holiday lets and 1 unrestricted unit. There is not a traditional garden providing private amenity space for future occupants to enable play, outdoor enjoyment or a quiet sitting area sufficient for 5 units. It is therefore contrary to local plan policy EQ6 and the Residential Design Guide SPD.

Turning to the second point of internal floor space, policy H3 requires developments to meet Nationally Described Space Standards (NDSS). Details of the precise internal floor areas have not been provided by the agent, therefore, the internal floor areas are approximate measurements undertaken by the officer.

Two of the holiday lets are one bedroom, and based on the NDSS criteria one of these would be considered a 2 person property. NDSS expects a 1 storey, one bedroom

property to have a minimum gross internal floor area of 50sq.m. The gross internal floor area of the 2x one bedroom lets are approx. 43.3sq.m and 37sq.m both below the NDSS standard.

With regards to the two bedroom lets, NDSS criteria requires a 1 storey, two bedroom property with provision for 4 bed spaces to have a minimum gross internal floor area of 70sq.m. The gross internal floor area of the two bedroom units are approx. 63.7sq.m and 53.6sq.m.

There is one 3 bedroom unit, which spans over two floors. NDSS expects a two storey, 3 bed dwelling to have a gross internal floor space of 84sq.m. The gross internal floor area is approx. 78.6sq.m. Additionally, NDSS states in order to provide one bedspace, a single bedroom has a floor area of a least 7.5sq.m, one of the bedrooms in this unit is 5.4sq.m which would not be considered acceptable for a bedroom.

It is not demonstrated on the plans which unit is unrestricted. However, given that all units are undersized when assessed against NDSS, the proposal does not satisfy the policy requirements of H3. Therefore, the holiday lets would not be considered acceptable for permanent accommodation.

Regarding the third point of neighbouring amenity, traffic associated with the units is likely to directly affect the amenity of two of the neighbouring barn units (No.1 & No.2 Shallcross Hall Barns) in particular because of vehicles driving directly past. This would be the case if the units remained holiday accommodation although clearly not as intensively. Given that the holiday units already have a degree of communality, and a reduced degree of privacy as a result, it is not considered that the potential loss of amenity would be unacceptably significant.

Overall, the proposal does not comply with policies EQ6, H3 and the Residential Design Guide SPD, with regards, to amenity.

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.

The holiday lets (with the inclusion of the 1 unrestricted residential flat) consist of:

- 2x one bedroom
- 2x two bedroom
- 1x three bedroom

To be accordance with the guidelines set out under Appendix 1 of the Local Plan, nine parking spaces are required, it would also be recommended to have the addition of adequate turning space.

It is not clear how many parking spaces are available within the application site .Plans to show the current parking provision were requested from the agent, but the Council

were informed there is no plan to show the parking spaces. The applicant has advised the current garage is a 3 car garage. However, upon visiting the site it is apparent the garage currently has one double door only and therefore, would not be considered suitable to provide three car parking spaces.

Had the application been considered acceptable in principle, it would not have been possible to determine the application without a plan to show the car parking spaces, as this information would be crucial to the determination of the application.

CONCLUSION / PLANNING BALANCE

The application proposes the removal of condition 2 in relation to HPK/2006/0358 - APP/H1033/A/07/2033715, which restricts the use of 4 flats at Shallcross Hall Farm to be used as holiday accommodation only and shall not be used as permanent dwellings. The removal of this condition would allow the property to be used for permanent C3 residential accommodation which is contrary to policy EQ3 which does not permit residential development in the countryside unless there are exceptional circumstances. The loss of the tourism use is also contrary to policies EQ3 and E6.

In addition there are concerns about the size of the accommodation, as the flats do not meet NDSS requirements. In addition to inadequate provision of outdoor amenity for residents.

Accordingly the proposal is contrary to local plan policies EQ3, EQ6, H1, and H3.

OFFICER RECOMMENDATION : Refuse

Case Officer: Jennifer Robb

Recommendation Date: 30/09/2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council