

## DELEGATED DECISION REPORT

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HPK/2024/0307  
Valid 23/07/2024

MEADOW BANK  
WHITEHOUGH HEAD LANE  
WHITEHOUGH

INSTALLATION OF DOMESTIC  
AIR SOURCE HEAT PUMP  
  
(FULL - HOUSEHOLDER)

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### MAIN ISSUES

- Principle of Development
- Green Belt
- Design and Conservation
- Amenity

### DESCRIPTION OF SITE

The application relates to a two storey detached property known as Meadow Bank, located adjacent to and west of Whitehough Head Lane, in the hamlet of Whitehough, which lies a short distance south of the village of Chinley. The site is located outside of any settlement boundary, within the Whitehough Conservation Area and in the Green Belt.

### PROPOSAL

The application seeks full planning permission for the installation of a domestic Air Source Heat Pump on the rear elevation of the existing house. The application is accompanied by a Technical Specification Document containing the details of the Air Source Heat Pump, together with a Heritage Statement and scaled plans.

### 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.

#### Chapel Neighbourhood Plan 2015

No relevant policies

#### High Peak Local Plan 2016

S1 Sustainable Development Principles

S1a Presumption in Favour of Sustainable Development  
S6 Central Sub-area Strategy  
EQ1 Climate Change  
EQ3 Rural Development  
EQ4 Green Belt  
EQ6 Design and Place Making  
EQ7 Built and Historic Environment  
EQ10 Pollution and Unstable Land

### **National Planning Policy Framework 2023**

|                                                   |            |
|---------------------------------------------------|------------|
| Achieving Sustainable Development                 | Chapter 2  |
| Achieving Well Designed and Beautiful Places      | Chapter 12 |
| Protecting Green Belt Land                        | Chapter 13 |
| Conserving and Enhancing the Natural Environment  | Chapter 15 |
| Conserving and Enhancing the Historic Environment | Chapter 16 |

### **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

|                |                                                                                                                                        |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------|
| HPK/0003/4547  | Vehicle Access to Field (Withdrawn)                                                                                                    |
| HPK/2005/0574  | Proposed Loft Conversion Dormer Roof And Internal Alterations (Refused 05/09/2005)                                                     |
| HPK/2006/0456  | Single Storey Side Extension Containing Utility And Garden Room, Loft Conversion Containing Study And Play Rooms (Approved 26/07/2006) |
| HPK/20209/0292 | Single Storey Extension And Roof Space Conversion (Approved 04/08/2009)                                                                |
| HPK/2022/0412  | Widening of the existing access gate to form a parking space to charge an electric vehicle (Approved 31/10/2024)                       |
| HPK/2023/0330  | Installation of Solar Photovoltaic Panels on the front East facing roof and 5 on the back west-facing roof (Approved 15/01/2024)       |

### **CONSULTATIONS**

#### **Publicity**

Site Notice expiry date: 3<sup>rd</sup> October 2024  
Neighbour consultation period ends: 13<sup>th</sup> August 2024  
Press Advert: 22<sup>nd</sup> August

#### **Public Comments**

No comments received

## **Chapel-en-le-Frith Parish Council**

No objection.

## **HPBC Conservation Officer**

No comments received at time of writing

## **Environmental Health Officer**

If the ASHP is MCS-020 compliant then its PD and planning is not required

- Certified ASHP unit
- Certified installer
- MCS-020 risk assessment demonstrated <42dB(A) at receptor.

If the ASHP is not a certified unit to be installed by a certified installer, the applicant needs to submit a BS4142 assessment. You can't rely on a MCS-020 assessment for none MCS-020 products.

## **Derbyshire County Council Highways**

No objection.

## **OFFICER COMMENTS**

### **Principle of Development**

The application seeks to introduce small scale domestic renewable energy apparatus to the existing property on a site which lies outside of the built-up area boundary in the open countryside, in the Whitehough Conservation Area and in the Green Belt.

The proposal fully supports the aims and objectives of Local Plan (LP) Policy EQ1 and relevant paragraphs contained under Chapter 14 of the NPPF which seeks to promote and champion the shift towards a net zero future and fully supports the introduction of such schemes.

However, in order to be supported in principle, the application must demonstrate compliance with LP Policies EQ3, EQ4 and EQ7, and relevant restrictive policies relating to Green Belt Development and Heritage Conservation contained under Chapters 13 and 16 of the NPPF, notwithstanding all other material considerations.

### **Green Belt**

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Chapter 13 of the NPPF contains the relevant national policies relating to Green Belt Development. Paragraph 152 states that inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 sets out the exceptions whereby new buildings do not constitute inappropriate development, which includes the following:

- c) 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;

Whilst there is no definition within the Local Plan or the NPPF regarding the word “disproportionate”, a useful starting point is to calculate the footprint and volume of the original dwellinghouse (i.e. that which stood in 1948 or if built after that date, its original form), and then establish if any increase in footprint and volume has occurred by virtue of extensions and alterations, which includes the proposed development.

It is clear based on an inspection of the Existing and Proposed Elevation Plans that the introduction of this domestic renewable energy source to the exterior of the property does not result in any noticeable increase in either footprint or volume and such the application is judged to not amount to inappropriate development in the Green Belt and thus compliant with LP Policy EQ4 and relevant paragraphs within Chapter 13 of the NPPF.

## **Design and Conservation**

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

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 EQ3 supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Chapter 16 of the NPPF contains the relevant national policies relating to heritage conservation. Paragraphs 205-209 sets out how a local planning authority should assess the significance of a heritage asset and how to assess the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The existing property lies adjacent to the public highway and thus any changes to the property or its associated curtilage should be handled in a sensitive manner.

The proposed development amounts to a very modest box like structure that would be installed to the rear of the house, and would not result in any material change to the overall character and appearance of the property, the wider street scene, or indeed the setting of the Conservation Area.

As such, it is considered that the proposed development would preserve the character and appearance of the site and its wider setting, thus demonstrating compliance with LP Policies S1, EQ6 and EQ7, and relevant paragraphs under Chapter 16 of the NPPF.

### **Amenity**

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.

Paragraph 191 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions which includes the requirement to mitigate and reduce to a minimum potential adverse impacts on noise.

Schedule 2, Part 14, Class G permits the installation alteration or replacement of a microgeneration air source heat pump on a dwellinghouse, subject to compliance with parameters set out under Paragraph G.1. As set out within the supporting Statement, the proposed product is compliant with MCS Planning Standards, and is to be installed by a MCS Certified Company as approved contractor. The only reason that the application requires planning permission is due to a small breach beyond the maximum permitted dimensions of the structure.

A Noise Assessment accompanies the application which concludes that the final decibel corrected sound level will be 41dB. This Assessment, together with plans and supporting Technical Fact Sheet has been reviewed by the Environmental Health Officer, who has confirmed that subject to being MCS compliant, there are no further comments to make in relation to potential noise impacts.

As such, it is considered that when considering the Permitted fall back position, and that the product is MCS compliant, the proposed Air Source Heat Pump would not

give rise to any adverse harm to neighbouring public or residential amenity with regards to noise impacts, in accordance with LP Policy EQ10 and relevant paragraphs under Chapter 15 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 to introduce a domestic renewable energy source to an existing residential property that lies in the rural area, in the Green Belt and in the Whitehough Conservation Area.

The proposal fully supports the aims and objectives of LP Policy EQ1 and relevant policies contained under Chapter 14 of the NPPF.

An assessment of the application has concluded that owing to its very modest scale, and that there would not be a material difference to the character and appearance of the property and wider street scene as a result of introducing the box type structure to the rear elevation, the application would not constitute inappropriate development in the Green Belt and preserve the character and appearance of the property, wider street scene and setting of the Conservation Area, in accordance with LP Policies S1, EQ3, EQ6 and EQ7, and relevant paragraphs contained under Chapters 12 and 16 of the NPPF, the latter underpinned by Section 72(1) of the Act 1990.

Furthermore, the proposed Air Source Heat Pump is MCS compliant and a review of the Noise Assessment and Technical Product Information has raised no objection from Env Health regarding potential noise impacts, in accordance with LP Policy EQ10 and relevant paragraphs under Chapter 15 of the NPPF.

The application is thus considered to constitute a sustainable form of development and therefore in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

**OFFICER RECOMMENDATION :    Approve with Conditions**

**Case Officer: James Stannard**

**Recommendation Date: 8<sup>th</sup> October 2024**

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**