

**HOW GREEN BARN, HOW GREEN FARM, SHILOH ROAD, NEW MILLS,
DERBYSHIRE, SK22 4QR**

**CONVERSION OF REDUNDANT STABLE BUILDING TO DWELLING AND
REPLACEMENT OF EXISTING MENAGE WITH GRASSED AREA
TO BE RETURNED TO AGRICULTURAL USE**

COUNCIL REFERENCE HPK/2023/0515

STATEMENT FOR THE APPELLANT ~ DECEMBER 2024

	CONTENTS	PAGE
1	INTRODUCTION	2
2	THE APPEAL SITE	3
3	PLANNING HISTORY	5
4	THE APPEAL PROPOSAL	6
5	DETERMINATION OF THE APPLICATION	8
6	LEGISLATIVE BACKGROUND	9
7	LOCAL PLANNING POLICIES AND GUIDANCE	10
8	NATIONAL PLANNING POLICY FRAMEWORK	12
9	ANALYSIS OF ISSUES	15
10	CONCLUSIONS	18

*GTP Ltd
24A Market Street
Disley
Cheshire
SK12 2AA*

1 INTRODUCTION

- 1.01 This statement is submitted on behalf of the appellant, Mr P Ardern of How Green Barn in New Mills. The appeal is made against the decision of High Peak Borough Council to refuse planning application reference HPK/2023/0515 for the conversion of a redundant building to a dwelling along with the returning to agricultural use of an adjacent large menage which is also disused.
- 1.02 This document, along with the wider appeal package, present the case in favour of granting planning permission for the development.

2 THE APPEAL SITE

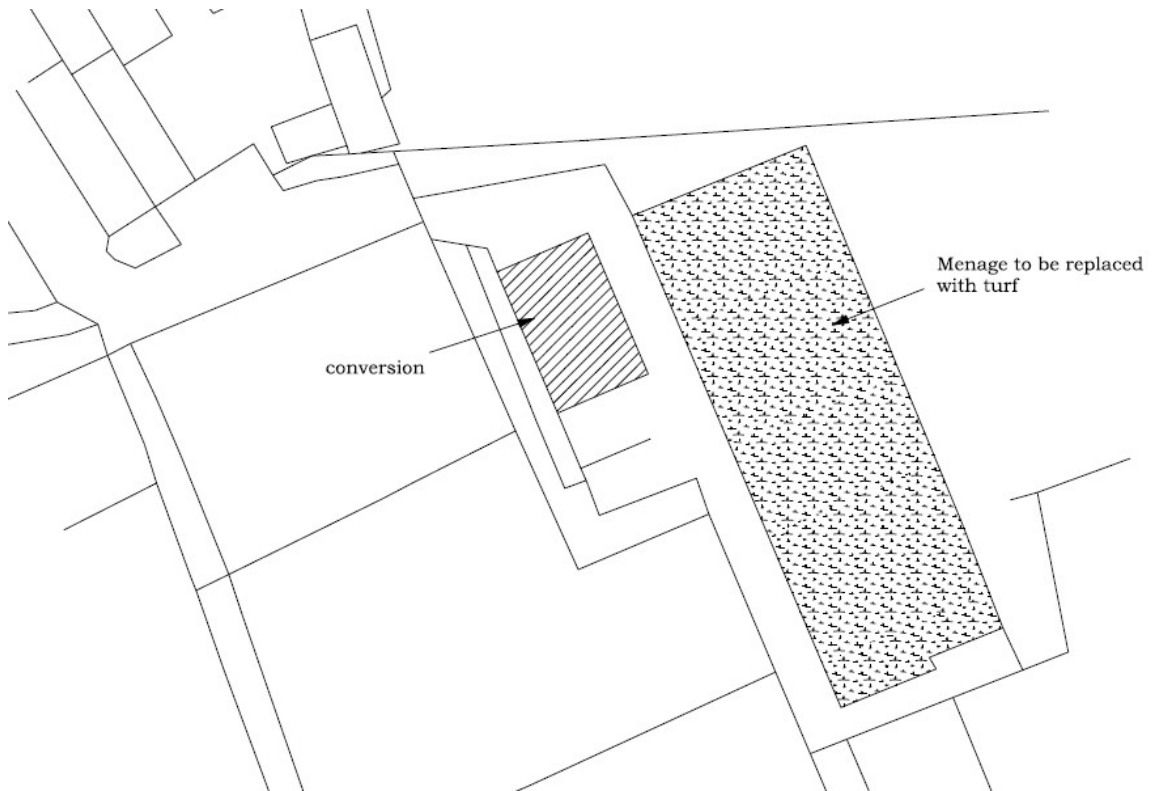
- 2.01 The appeal site is located within the Green Belt and is adjacent to a cluster of existing residential properties, a number of which were formed from converted former agricultural buildings, and is reached by an elongated track off Shiloh Road to the west. The building is a former large stable building which was previously utilised extensively but has now become redundant along with the large menage which lies adjacent to the east of the stables. An aerial view indicating the position of the building to be converted edged by a red line is provided below at Figure 1.

Figure 1: Aerial View



- 2.02 The site also contains a concrete hardstanding area to the southern end of the building, as can be observed on the above view and is also shown on the block plan extract provided at Figure 2.

Figure 2: Extract from the Submitted Block Plan



2.03 A view of the building looking from the south east is shown below at Figure 3.

Figure 3: View of the Building



3 PLANNING HISTORY

3.01 The site has been subject to the following planning applications:

HPK/2007/0518 - New stable block and storage shed: Approved 2007.

HPK/2009/0145 - 20 metres by 40 metres menage: Approved 2009.

HPK/2016/0164 - Proposed extension to existing stable block for horses, construction of canopy over open air existing menage for schooling horses and extension of menage with extended canopy: Refused 2016.

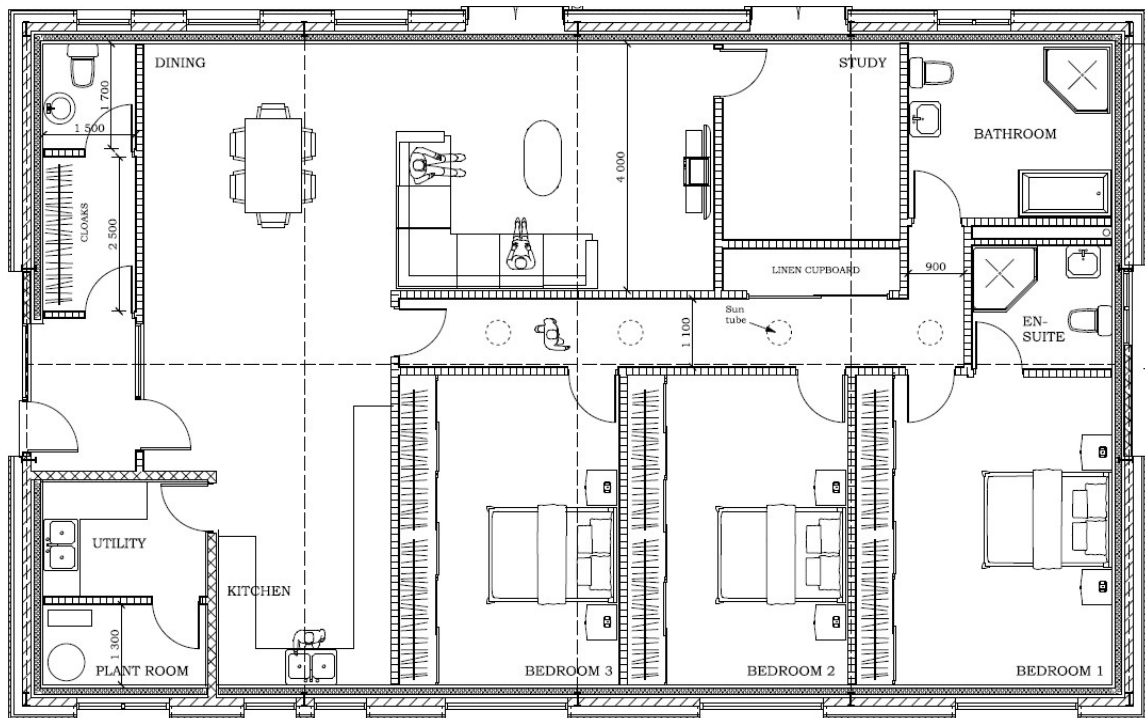
HPK/2021/0012 - Retrospective application for extension of equestrian ménage and associated access track and landscaping: Approved 2023.

3.02 In addition to the appeal site, there have over the years been a number of further planning approvals for the nearby former complex of former farm buildings to the north west for their conversion to dwellings, including the current home of the appellant at How Green Barn.

4 THE APPEAL PROPOSAL

- 4.01 The appeal scheme seeks consent to convert the redundant building into a three-bedroom dwelling with a floor plan as illustrated at Figure 4 below:

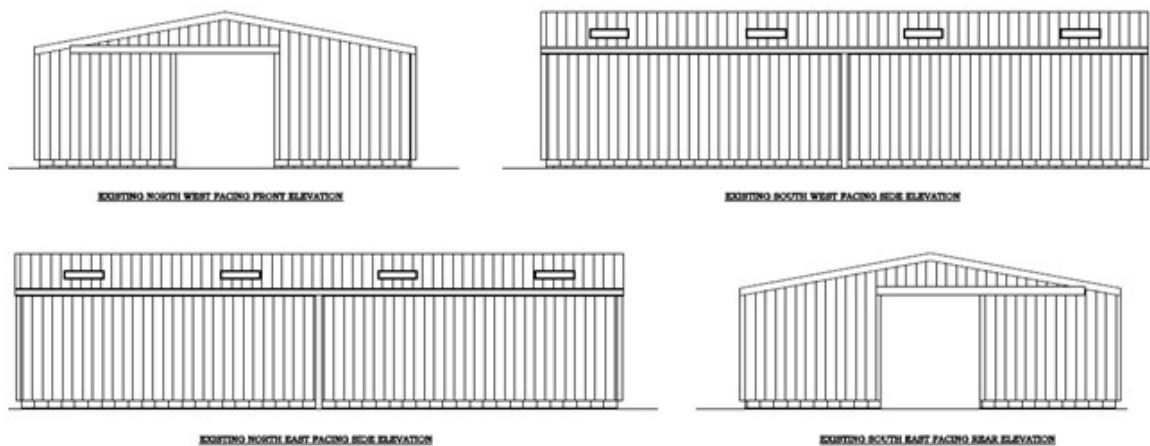
Figure 4: Proposed Floor Plan



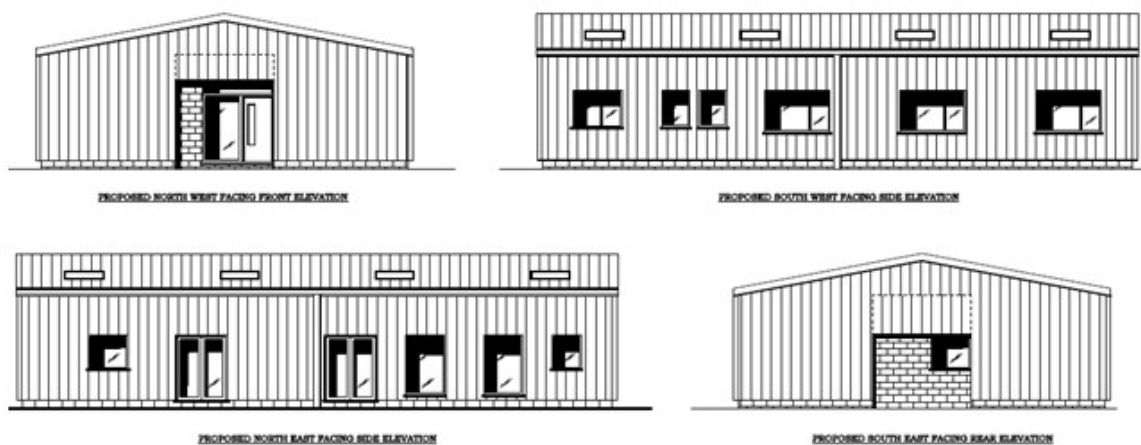
- 4.02 Although the structure has an agricultural appearance, it is accepted that its approved equine use prevents the conversion being undertaken via a Class Q prior approval which would normally be the route taken for such a scheme where there would be an acceptance in principle of a residential use. As such, the application was made on the basis of full planning permission being sought with the associated benefits of the re-use of the building along with the re-turfing of the existing large menage area adjacent to it, which will benefit the landscape. Parking is available on the existing concrete hardstanding and amenity space is also provided for future occupiers.

- 4.03 The submitted planning application package included an ecological appraisal which confirms that there are no protected species present in the building, along with a structural report to evidence the building integrity as being entirely suitable for conversion.
- 4.04 Externally, the changes proposed to the building best can be seen via the comparison of the existing and proposed elevations shown below at Figure 5:

Figure 5: Comparison of the Existing and Proposed Elevations



Existing Elevations



Proposed Elevations

5 DETERMINATION OF THE APPLICATION

5.01 The submission was lodged on 2 November 2023, and after a protracted consideration process eventually was refused by the Council on 17 October 2024 for the following two reasons:

- 1. The proposal would create a new residential use physically separate and remote from any settlement, and as such would not accord with the strategy of the development plan to locate new housing in defined, sustainable locations with good access to services and facilities. The proposals would not re-use a redundant or disused building and would have an adverse impact on the character and appearance of the countryside. The development would represent an unsustainable form of development in the countryside in conflict with High Peak Local Plan Policies S1, S2, EQ3 and EQ4 and that of the provisions of the National Planning Policy Framework (2023).*
- 2. The residential development within a large utilitarian building not suited for residential uses both in its function or form would result in a development which would be out of character with the surrounding rural area. The associated domestic development and paraphernalia, would further erode the open and undeveloped rural character and appearance of this part of the countryside, thereby harming the intrinsic character and beauty of the Countryside. As such, the proposed development would be contrary to the provisions of Policies EQ3 and EQ4 of the High Peak Local Plan and related provisions of the National Planning Policy Framework.*

5.02 Whilst accepting that any views offered by an officer during the course of an assessment are not binding until a final decision has been made by a local planning authority, the appellant is understandably aggrieved that the case officer confirmed in early February 2024 that a positive report had been written and the proposal was with a line manager to be signed off as an approval, with an Extension Of Time until 14 February 2024 agreed between the parties. To subsequently have a refusal issued over eight months later was extremely distressing and has led to this appeal being necessary.

6 LEGISLATIVE BACKGROUND

- 6.01 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.02 It is considered by the decision issued by High Peak Borough Council fails to adhere to the requirements of the Act and is unreasonable.

7 LOCAL PLANNING POLICIES AND GUIDANCE

The Adopted Development Plan

7.01 The current planning policy framework for the Borough is comprised of the High Peak Local Plan (LP) of April 2016.

7.02 It is noted that the Council have relied on four policies of the LP in their reasons for refusal as follows:

Policy S1 'Sustainable Development Principles'

Policy S2 'Presumption in Favour of Sustainable Development'

Policy EQ3 'Rural Development'

Policy EQ4 'Green Belt Development'

7.03 The content of the above policies is reviewed as follows.

Policy S1 'Sustainable Development Principles'

7.04 This generalist policy confirms that the Borough Council will expect that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area. Policy SD1 then sets out a total of 15 objectives by which the policy will achieve its aims, the second of which seeks to make effective use of land (including the re-use of brownfield land), buildings and existing infrastructure, which therefore lends support to the appeal proposal.

Policy S2 'Presumption in Favour of Sustainable Development'

7.05 Policy S2 informs that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will work pro-actively to enable proposals to be approved wherever possible.

Policy EQ3 'Rural Development'

- 7.06 This policy informs that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.07 Policy EQ3 also serves to lend full support to the appeal scheme by establishing that new development outside of the main settlement areas is permitted in some circumstances, one of which being:
- “Re-use 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. Where the existing building is in an isolated location the development should lead to an enhancement of the immediate setting.”*
- 7.08 Accordingly, the scheme demonstrably adheres to Policy EQ3, given that the stable building is no longer required and its conversion, along with the removal of the associated menage and its restoration to grassland, would lead to the enhancement of the immediate setting.

Policy EQ4 'Green Belt Development'

- 7.09 Policy EQ4 simply states that the Council will seek to protect the Green Belt and maintain its openness and permanence, with the boundaries of the designation shown on the Policies Map. Within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy, which the appeal proposal will be as it proposes the re-use of an existing building on previously developed land.

8 NATIONAL PLANNING POLICY FRAMEWORK

- 8.01 It is noted that the Council have utilised the National Planning Policy Framework (NPPF) of December 2023 (subsequently replaced by the updated December 2024 version) in both of their reasons for refusal, but unfortunately without making specific reference to any paragraphs of the NPPF to which it is considered the proposal is contrary. This makes it difficult for the appellant to directly rebut any such references given the size of the NPPF.
- 8.02 Section 12 of the NPPF requires good design for new developments with Paragraph 135 setting out objectives to contribute to the overall quality of the area and to respond to local character but to not prevent or discourage appropriate innovation. Planning policies should allow schemes which are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing appropriate innovation or change.
- 8.03 Paragraph 139 of the NPPF confirms that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 8.04 In regard to Green Belt considerations, NPPF Paragraph 154 confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless it falls within one of a limited number of exception categories, including:
- c) the alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - g) the 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.

- 8.05 In addition, the updated 2024 NPPF confirms at Paragraph 154(h) that additional forms of development are not inappropriate provided that they preserve the openness of the Green Belt including *“iv) the re-use of buildings provided that the buildings are of permanent and substantial construction.”*
- 8.06 As an equine building rather than agricultural, the subject building is considered as permanent and previously developed land in nature, and accordingly its conversion without extension is appropriate under criteria 154 (c), 154 (g) and 154 (h) (iv) of the NPPF.
- 8.07 Leading on from the above, NPPF Paragraph 155 confirms that certain other forms of development including ‘the development of homes’ are also not inappropriate where such development would utilise ‘Grey Belt’ land and would not undermine the purposes of the remaining Green Belt.
- 8.08 The Glossary of the NPPF defines ‘Grey Belt’ as: *“Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey Belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*
- 8.09 For clarification, footnote 7 references a series of particularly sensitive locations such as habitats sites, Sites of Special Scientific Interest, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change. The appeal site does not lie within any designated sensitive area and accordingly it represents Grey Belt due to its previously developed status, in which the type of development as proposed by the appeal is supported still further by the updated NPPF of 2024.

- 8.10 This is a clear acceptance via the NPPF of precisely the type of scheme presented by the appeal proposal which will re-use the demonstrably sound existing building for beneficial use, with the current use not strongly contributing to the purpose of the Green Belt.

9 ANALYSIS OF ISSUES

- 9.01 It is considered that the key issues which are contained within the two reasons for refusal can be identified as:

Issue 1 – Unsustainable location of the site

Issue 2 – Redundant or disused building

Issue 3 – Character and appearance of the countryside

Issue 4 – Out of character with the surrounding area

Issue 5 – Associated domestic development and paraphernalia

- 9.02 These issues are addressed as follows.

Issue 1 – Unsustainable location of the site

- 9.03 The subject building lies adjacent to a cluster of existing residential properties, many of which were formed from the conversion of agricultural buildings. Neither Policy EQ3 nor the NPPF require the proposed conversion of an existing building to stand within a sustainable location and both specifically allow for the exact form of development being proposed by this appeal. Although it is recognised that the scheme cannot be a standard Class Q agricultural conversion as the subject building has been used for equine purposes, it is akin to such a proposal as it represents the appropriate re-use of a building with a barn appearance and accordingly there is no reasonable need for the site to be set within a sustainable location for the appeal to be allowed given that conversions are not subject to such a requirement.

Issue 2 – Redundant or disused building

- 9.04 The building and the adjacent large-scale menage were utilised extensively by the appellant and his family in years gone by, as reflected by the planning history of the site. However, now that the appellant's family no longer ride and have moved on elsewhere, the building and the equine use are redundant.

- 9.05 It is further the case that paragraph 155 (d) of the 2023 NPPF allowed for “the re-use of buildings provided that the buildings are of permanent and substantial construction” (as maintained in the current 2024 NPPF at paragraph 155 (h) (iv)) without any reference to the need for them to be redundant or disused as included in Policy EQ3 of the 2016 Local Plan. However, given that the building, the adjacent yard and the menage are all now redundant the scheme to make beneficial use of the appeal site should be encouraged given that the appeal site represents Grey Belt as defined in the NPPF, where development of the form proposed cannot be considered as inappropriate

Issue 3 – Character and appearance of the countryside

- 9.06 The appeal scheme will make use of an existing building without making any extensions to it, change an adjacent concrete yard area to green amenity space, and perhaps most importantly return the adjacent large-scale menage area to agricultural grassland. The scheme will therefore be of significant benefit to the countryside rather than detracting from its character and appearance, demonstrably leading to the enhancement of the immediate setting as specifically aimed for by Policy EQ3.

Issue 4 – Out of character with the surrounding area

- 9.07 The appeal site lies adjacent to a number of dwellings with many formed by barn conversions, including the appellant’s current home, and with the conversion serving to make valuable re-use of an existing building without altering its scale or footprint. Accordingly, the conversion will actually be in-keeping with the context of the surrounding area by the creation of an additional dwelling rather than being out of character with the location in any way. Should it be considered by the Inspector that there is a need to change the appearance of the building via the use of materials such as stone to match the nearby dwellings. then the appellant would be happy to accept any reasonable conditions in this regard if considered necessary by the Inspector to enable the appeal to be allowed.

Issue 5 – Associated domestic development and paraphernalia

- 9.08 The Council's reliance on Policy EQ3 and EQ4 and the NPPF in the second reason for refusal is peculiar, given that none of the text of these policies and guidance makes any reference to domestic paraphernalia. The conversion of the building to a dwelling would not create any such intrusion over and above that created at the existing nearby residential conversions or that which could be expected from a standard Class Q barn conversion.
- 9.09 Moreover, the conversion would include only a small-scale area of amenity space being created adjacent to the southern end of the building in place of the existing concrete yard as can be seen in Figure 1 earlier in this statement. Such a change will create a discretely located greened curtilage for the dwelling which will not be intrusive, in fact just the opposite as it will represent a positive visual benefit.

Other Material Considerations

- 9.10 In addition to being shown to comply with the requirements of the Council's Local Plan and the 2023 NPPF which was in force at the time of the Council's decision, it must also be noted that the replacement current version of the NPPF which was introduced in December 2024 reinforces the key objectives of the new government to facilitate additional built development and add to the current housing stock wherever possible, including the imminent increases to housing land supply numbers for local planning authorities must achieve.
- 9.11 Although only a single unit, the conversion of the building to a dwelling would be wholly in line with the aims of the revised NPPF and further weight should be attached to this in the overall planning balance especially given the Grey Belt nature of the site as previously developed land, with the re-use of the building having no adverse impact; indeed given the associated removal of the menage the scheme overall will be significantly beneficial to the locality.

10 CONCLUSIONS

- 10.01 This statement and the accompanying appeal documentation have demonstrated that the appeal scheme is in full accordance with the relevant paragraphs of the National Planning Policy Framework, along with the requirements of the Development Plan.
- 10.02 The granting of permission for the appeal development is consequently entirely in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 as the planning balance in favour of the scheme includes prevailing material considerations which strongly support the proposal.
- 10.03 The appeal scheme puts forward an entirely acceptable form of rural conversion development on Grey Belt land which will demonstrably improve the character and appearance of the locality and the wider countryside via the visual benefits that will result including the return of the current large menage to open grassed agricultural land. The scheme is therefore one which should be encouraged by the Council rather than being refused.
- 10.04 The Council's unreasonable refusal of the application does not bear close scrutiny and is without foundation in any of the quoted policies relied upon in the reasons for refusal.
- 10.05 Accordingly, it is respectfully requested that this appeal be allowed.

*GTP Ltd
24A Market Street
Disley
Cheshire
SK12 2AA*