

DELEGATED DECISION REPORT

HPK/2025/0050 Valid 10/04/2025	HARPUR COTTAGE UNNAMED ROAD REAR OF PVC FACTORY TO HARPUR COTTAGE WHITEHOUGH	RETROSPECTIVE PLANNING APPLICATION FOR SINGLE STOREY TWO BED HABITABLE TIMBER FRAMED ANNEX WITH DOMESTIC CURTILAGE.
		(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design & Impact on Heritage Assets
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application site relates to Harpur Cottage, a two storey detached residential property located immediately north of the Peak Forest Tramway and between Whitehough and Buxworth.

The property benefits from a generous curtilage which is characterised by a private driveway, large garden south of the property, and a smaller area of amenity space to the rear. An inspection of the property confirms owing to its fenestration design and layout, the southern elevation of the property reads as the principal elevation.

The garden area to the front of the house, west of the private driveway accommodates a single storey structure, which is described as an ‘annex’ which serves an ancillary living accommodation and a home office, with two bedrooms, kitchen/lounge, utility room, bathroom and dressing/shower room for the main property known as Harpur House.

The annex is situated on an area of land immediately to the west of the internal access, and adjacent to the defined private garden on one side, and the western boundary of the site on the other. The annex spans a length of 19m and a width of 5.9m, and constructed in timber with a shallow dual pitched roof.

The description of development as set out on the Application Form refers to the annex being located within the domestic curtilage of the property.

However, in line with the analysis contained within the report that informed a recent decision to refuse to grant a Certificate of Lawful Development for the annex structure under HPK/2024/00368, the position of the Council (until such time as a

Planning Inspector disagrees), is that whilst the site falls within the same planning unit as Harpur Cottage, it falls outside of the domestic curtilage associated with the property.

An inspection of the structure shows that the annex is set on a timber base that rests on concrete supports that in turn are cemented to the ground. The structure is also shown to be connected to mains and utilities by way of pipes and cables. A large area of hardstanding has been formed under and around the annex.

The Floor Plans show that the annex contains 2no Bedrooms, one served by a Dressing Room, a Kitchen/Living and Dining Area, Bathroom, Utility, Office, WC and Shower Room.

PROPOSAL

Following an enforcement complaint and subsequent investigation, the Council have established that the annex was erected without the benefit of planning permission.

At the request of Enforcement Officers, the applicant submitted an application for a Certificate of Lawful Development that sought to argue that the annex did not require planning permission, relying heavily on the fact that the structure fell within the parameters of the Caravan Act 1960 and due to the fact that there is no change of use, the introduction of the annex did not constitute development, and thus does not require full planning permission.

The Council did not accept the arguments presented by the applicant, and refused that application under HPK/2024/0368 in November 2024 for the following reasons:

- 1. The 'annex' in situ is sited on an area of hard standing which has been introduced to an area previously characterised by grass, which thereby amounts to an engineering operation that requires planning permission. The 'annex' is based on and relies upon a series of concrete blocks that are set in concrete and permanently attached to the ground, which are operational development and therefore constitutes a building, not a caravan. The 'annex' contains a raised verandah that extends beyond the main body of the 'annex' which similarly amounts to operational development that does not fall within the definition of a caravan.*
- 2. Notwithstanding the above, the annex is situated within a parcel of land that, whilst falling within the same planning unit as the main dwellinghouse Harpur Cottage, does not fall within the domestic curtilage, is sited forward of the principal elevation of the main house and contains primary living accommodation and as such does not benefit from Permitted Development Rights as an outbuilding under Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The hardstanding on which it is sited also lies outside of the domestic curtilage and does not benefit from permitted development rights under Part 1, Class F of that Order.*

Following the above decision, the applicant now seeks full retrospective planning permission for the annex.

The description of development contained on the Application Form states the following:

“Retrospective planning application for single storey two bed habitable timber framed annex with domestic curtilage.”

Prior to validation and registration, the Local Planning Authority disputed this description as it failed to reflect the Council’s position under HPK/2024/0368. However, owing to the fact that guidance contained under the PPG only permits a Local Authority to request a change to the description, the applicant is not duty bound to accept the requested change. As such, the application has been validated and registered having regard to the description of development as submitted.

However, for the avoidance of doubt, and in line with the reasons for refusal set out on the Decision Notice relating to the previous application for the Certificate of Lawful Development, there are two aspects of development that requires full planning permission in its own right – (i) the erection of the annexe structure; and (ii) the area of hard standing (an engineering operation) that sits below and forms the basis for the structure.

The application is supported by plans and drawings, together with a Planning Statement (V2) prepared by the applicant. The arguments presented within the Statement are summarised as follows:

- *Annex has been assembled in what is considered to be the back garden, which is why it was assumed that the structure would fall within Permitted Development rights*
- *The area of land in question does fall within the domestic curtilage, having regard to relevant planning history and Title Deeds.*
- *The principal elevation was historically the elevation that does not front the Peak Forest Tramway*
- *The annex is a mobile wooden structure that complies with the Caravan Act, sat on blocks that are not more than 300mm above ground floor level, which are not fixed and can be removed.*
- *The hard standing underneath and around the unit was used for drainage and to ease access whilst machines were on site. It is the intention to repair and reinstate the lawn area that has been messed up during assembly to complete landscaping.*
- *The annex is connected to all utilities in the house and there is on bill for the property. It is intended to get a building regulations certificate for the annex*

- *The veranda will be no higher than 300mm when the landscaping has been finished. The ground there was disrupted when the conifer hedge was removed and needs levelling with a new hedge reinstated*
- *Property has previously formed part of the Title Deed for the neighbouring mill, now Stephanie Works and continues to adjoin the land around the mill which is classified as industrial land, which is not Green Belt.*
- *Over past 30 years, Stephanie Works has expanded towards the house reaching the boundary with stables within our ownership and is now a heavily industrialised area*
- *Views of the house are limited. The annex is not affecting anybody and believe it has been assembled sympathetically in an area of mixed use land*
- *Feel that we have not been treated fairly having regard to historical information, facts and previous planning decisions*

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
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF6 Accessibility and Transport

Supplementary Planning Documents

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

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Protecting Green Belt Land	Chapter 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0001/1316	Proposed Erection of Garage (Approved)
HPK/0002/8807	Two Storey Side Extension (Approved 15/01/1990)
HPK/2024/0368	Lawful Development Certificate for Existing Annexe providing single storey two bedroom overflow accommodation for members of the family residing in the main dwelling, and home office facility (Refused 21/11/2024)

CONSULTATIONS

Publicity

Site Notice expiry date: 2nd June 2025
Neighbour consultation period ends: 2nd May 2025
Press Advert: N/A

Public Comments

None

Town / Parish Comments

The Council request that this application be referred to the Development Control Committee.

AES Waste

No objections

DCC Flood Risk Team

No comments to make

Derbyshire County Council Highways

No objections subject to conditions

OFFICER COMMENTS

Principle of Development

The application seeks full retrospective planning permission for the retention of an annex outbuilding, considered to amount to a permanent building, located within an area that falls within planning unit relating to the existing dwellignhouse Harpur

Cottage, but not within the domestic curtilage, on land that lies outside of the built-up area boundary of any town or village, in the open countryside, and in the Green Belt. The starting point for assessing this application is therefore Local Plan (LP) Policies EQ3 and EQ4.

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 EQ4 requires applications for development in the Green Belt to be assessed in line with national planning policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.

As such, the principle of development can only be supported where the application demonstrate compliance with the above policy context, which are assessed in turn below.

LP Policy EQ3 sets out the types of development that are acceptable in the rural areas outside of built-up area boundaries in the open countryside. No provision exists for domestic outbuildings to be situated on land outside of the curtilage of an existing property, and therefore the principle of development fails this policy.

The term 'curtilage' is assessed as a matter of fact and degree. The extent of domestic curtilage was considered and explored at length when assessing the recent application which sought a Certificate of Lawful Development to retain the annex, and concluded that as a matter of planning judgement, whilst the land in question falls within the same planning unit as the host property, it does not form of the domestic curtilage.

The applicant has submitted a lengthy Planning Statement that amongst other things, seeks to argue that the site does in fact form part of the residential curtilage. Whilst these arguments are fully noted and acknowledged, it is the Council's position that until such time as an Inspector states otherwise, the extent of the curtilage associated with Harpur Cottage does not extend to the area where this annex is situated.

The matter of whether the site amounts to domestic curtilage or not is entirely relevant to whether Permitted Development rights exist, and is also relevant with regards to policies relating to the rural landscape and potential impacts to the character of that landscape and a consequence of siting, design and appearance. This issue is therefore assessed further within the 'Design, Character and Appearance' section.

However, the extent of residential curtilage is irrelevant when having regard to relevant policies relating to the Protection of Green Belt contained under Chapter 13 of the NPPF.

Firstly, in light of the further information submitted in support of this application within the Planning Statement, it is necessary to deal with the matter of Previously Development Land, which is defined within the NPPF as follows:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”

The application relates to an area of land that, whilst historically may well have functioned differently to today, now forms part of a residential planning unit (garden), that (prior to this structure being erected) did not contain any (lawful) hard standing or structure. As such, this site does not fall within the parameters of previously developed land as per the above definition.

Turning to Green Belt policy contained within Chapter 13 of the NPPF:

Paragraph 153 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 goes on to list the types of development that are exceptions to inappropriate development and therefore acceptable in the Green Belt.

The proposed annex amounts to a new building in the Green Belt which does not meet any of the exceptions set out under Paragraph 154, and as such constitutes “inappropriate development” in the Green Belt which carries substantial weight in the overall planning balance.

Demonstrating Very Special Circumstances that outweigh any harm to the Green Belt by reason of inappropriateness (and any other harm) – to openness – is a very high bar to clear and will normally amount to public benefits (e.g. renewable energy schemes).

A review of all supporting information and justification submitted with the application leads Officers to conclude that there are no Very Special Circumstances that outweigh the harm to the Green Belt by reason of being inappropriate development in the Green Belt, and therefore the application is in direct conflict with Local Plan Policy EQ4 and relevant paragraphs contained under Chapter 13 of the NPPF.

The area of hard standing underneath the annex that has been introduced amounts to an engineering operation, which falls within one of the exceptions under Paragraph 154(h) of the NPPF, on the basis that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

As held in the courts, the term openness has a visual and spatial aspect. From a visual perspective, the area of hard standing is read in conjunction with the wider residential planning unit, which contains a lengthy private driveway characterised by hard standing, and located close to the Peak Forest Tramway which at this point is also defined by hard surfacing. Similarly, from a spatial perspective, there would be no harm to openness, owing to its containment within the planning unit.

With regards to the purposes of including land within the Green Belt, it is considered that the modest area of hard standing that provides a platform for the annex does not result in unrestricted sprawl, does not amount to encroachment, or indeed any other purpose, and therefore taken on its own, this aspect of development would not be contrary to Green Belt policy.

However, the application and aspects of unauthorised development must be assessed and determined as a whole. As such, the principle of development is not acceptable having regard to LP Policies EQ3 and EQ4, and relevant paragraphs contained under Chapter 13 of the NPPF, notwithstanding all other material planning considerations.

Design and Impact on Heritage Assets

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 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.

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.

The Residential Design Guide SPD (2005) contains guidance in respect of domestic outbuildings including but not limited to garages, which includes the following:

9.7 *...outbuildings should relate to the main dwelling in terms of size proportion and appearance. They should be subordinate in size and height and match the materials of the existing house...*

The Design Guide SPD (2018) contains further useful guidance for how best to integrate proposed development in a manner that contributes positively to and respects its existing context. Relevant guidance is presented below:

3.1 *The setting of any building should be carefully considered. Attention should be paid to its impact on view into, and out of the site.*

3.8 *A new building should respect the scale of those surrounding it...*

3.9 *New buildings should use facing materials that either match or complement those of the surroundings.*

7.24 *New materials need to respect the building and its setting..*

7.25 *There is no tradition of external timber boarding in the High Peak*

Chapter 12 of the NPPF contains the relevant national policies that aim to achieve well designed places. 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.

Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Chapter 16 of the NPPF contains the relevant national policies relating to the historic environment. Paragraph 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site relates to an existing dwellinghouse which has a traditional and attractive appearance and is located immediately adjacent to the Peak Forest Tramway, a popular public footpath which has historic significance and is thus deemed a local non-designated heritage asset, and sensitive receptor.

As experienced from two separate site visits, the proposed annex is visually prominent, easily visible when approaching the site from the west and from the east. The dual pitched roof is also highly visible from the Tramway immediately to the south on the opposite side of the boundary fence.

Even if one were to take a different view to the Council's position in determining that the area of land that contains the annex does form part of the domestic curtilage, the

structure nevertheless sits forward of what the Council consider -based on a matter of planning judgement - to be the principal elevation. As a consequence, the proposed annex, by virtue of its siting, and excessive scale and footprint for what is described as an ancillary outbuilding, fails to respect the dominance of the main dwellinghouse, and does not read as secondary or subordinate structure.

Moreover, the annex is constructed in timber boarding, which fails to respect the traditional and attractive natural stone characteristics of the main dwellinghouse, and by virtue of using non traditional an unsympathetic materials, is considered to be harmful to the wider rural landscape character and the setting of the Peak Forest Tramway.

As such, and in conclusion, the proposed annex, irrespective of whether it is deemed to fall within the domestic curtilage or not, is by virtue of its siting in a prominent and sensitive location, forward of the principal elevation, its excessive scale, and choice of materials, considered to result in a poor form of design which results in adverse harm to the character and appearance of the host dwellinghouse Harpur Cottage, the wider rural landscape, and the setting of the Peak Forest Tramway, contrary to Local Plan Policies S1, EQ3, EQ6 and EQ7, the Residential Design Guide SPD (2005), Design Guide SPD (2018) and relevant paragraphs contained under Chapter 12 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.

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

It is understood that the annex would function as an ancillary building in connection with the main dwellinghouse and would not be sold off or sub let to any other party. The site lies in an isolated location with regards to neighbouring residential properties and as such the proposed annex would not give rise to any adverse overbearing impacts, overlooking, loss of privacy, or loss of sunlight to any residential property.

Notwithstanding the fact that the size and scale of the annex and rooms contained within allows the annex to operate as an independent dwellinghouse which has no reliance on the main dwellinghouse, it is not considered that there are any grounds for refusal on amenity grounds, notwithstanding the recommended reasons for

refusal in relation to matters of principle, design and subsequent impacts on the rural landscape character and setting of non-designated heritage assets.

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 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The site is served by a private driveway, with substantial space within the planning unit to accommodate the additional parking provision triggered by the additional 2no bedrooms. As such, and in light of comments received from the Highways Authority, there are not considered to be any adverse harm arising from the proposed development in respect of potential highway safety issues, in line 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-date⁸, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks retrospective full planning permission for development described as an annexe building that falls within the domestic curtilage of Harpur Cottage, a traditional attractive dwellinghouse that is situated in the open countryside, in the Green Belt, and immediately adjacent to and within the setting of the Peak Forest Tramway – a non-designated heritage asset.

The assessment contained within this report has regard to all relevant local and national planning policies, supplementary planning guidance, and other material considerations, which includes the Statement submitted by the applicant.

The Council's position is that – contrary to the description of development – and noting the historical information cited by the applicant within the supporting Statement, the location of the area of land subject to this application does not fall within the residential curtilage of the property, but does sit within the planning unit, consistent with the position taken in respect of a recent decision to refuse a Certificate of Lawful Development for the same development under HPK/2024/0368.

In any event, (again contrary to the applicant's assertion), the site does not constitute Previously Developed Land, and as such the erection of the annex fails to comply with any of the exceptions set out under Paragraph 154 of the NPPF and therefore constitutes "inappropriate development" in the Green Belt. No Very Special Circumstances exist that outweighs the substantial harm to the Green Belt, and as such the application, when taken as a whole, is contrary to LP Policy EQ4 and relevant paragraphs contained under Chapter 13 of the NPPF, and is not therefore acceptable as a matter of principle.

The proposed annex, irrespective of whether it is deemed to fall within the domestic curtilage or not, is by virtue of its siting in a prominent and sensitive location, forward of the principal elevation, its excessive scale, and choice of materials, considered to result in a poor form of design which results in adverse harm to the character and appearance of the host dwellinghouse Harpur Cottage, the wider rural landscape, and the setting of the Peak Forest Tramway, contrary to Local Plan Policies S1, EQ3, EQ6 and EQ7, the Residential Design Guide SPD (2005), Design Guide SPD (2018) and relevant paragraphs contained under Chapter 12 of the NPPF.

Notwithstanding the above, the proposed annex is not considered to give rise to any adverse harm to amenity or highway safety.

For the reasons set out above, the application is found to be in conflict with the Local Development Plan and the NPPF, thereby amounting to an unsustainable form of development, contrary to LP Policy S1a and paragraph 11 of the NPPF, and is therefore recommended refusal for the reasons set out on the Decision Notice.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 5th June 2025

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council