

DELEGATED DECISION REPORT

HPK/2024/0250
Valid 10/07/2024

**ALLOTMENTS GARDENS
LAND ON THE EAST SIDE
OF REGENT STREET
PADFIELD
GLOSSOP**

**PART RETROSPECTIVE
APPLICATION FOR REBUILD
OF TIMBER FRAMED SHED
ON EXISTING FOOTPRINT**

(FULL - MINOR)

MAIN ISSUES

- Conservation area
- Design
- Residential Amenity

DESCRIPTION OF SITE

The site relates to a parcel of land set behind Post Street and Platt Street in Padfield. The land is considered to be a small holding and there are number of small structures and trees on the land. The site is bordered by residential properties on its north-western and south-western boundaries (Post Street and Platt Street). The site has a vehicular access between 109 and 111 Platt Street.

The site is bordered by other undeveloped greenfield site on its two other sides. Collectively the site and these two adjacent undeveloped parcels of land are identified as a green wedge in policy S5. The site is within the Padfield conservation area.

PROPOSAL

The application relates to the construction of timber shed which is 8m long and 4m deep which has a pent roof which highest point is 3.2m which drops to 2.7m. A double side hung door is proposed on eastern elevation and a single width door on the north elevation. Windows are on the eastern and western elevations. The materials are larch wood walls and a green corrugated sheet steel roof.

The application form and plans indicate the space would be used a workshop/store. The construction of the building has commenced.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 5 Glossopdale Sub-area Strategy
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment

CF 6 Accessibility and Transport

Supplementary Planning Document

Padfield Conservation Area Appraisal

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development

Chapter 12: Achieving Well Designed Places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 16.08.24

Neighbour consultation period ends: 16.08.24

Press Advert: 08.08.24

Public Comments

6 letters of objection, including a joint letter from 6 residents, have been received which raise the following comments:

- There is covenant on the land that prevents the construction of buildings and structures except greenhouses, restricting them to 4m long and 3m in height or sheds no more than 3m long and 2.5m in height.
- The building is larger than what the covenant permits.
- The covenant also prevents the parking of vehicles at the site and form states there is space for 5 cars and 2 light goods vehicles.
- Building looks like a summer house.
- Concerned about poultry sheds and environmental impacts.
- Changing the nature of the green space by building on it.
- The proposed building is a new construction rather than a rebuild of an existing structure.
- Plans submitted with the application are inaccurate, position of greenhouse is incorrect and vegetation and trees on eth boundaries are not shown.
- Glazing is not consistent with it intended use, fully glazed balcony style windows are not typical for workshops.
- Heritage Statement does not provide a detailed analysis or the asset's historical importance.
- A Design and access Statement has not been submitted.
- Waste Management Plan and drainage details should be provided, plans indicate a WC on site.
- Planning application form inaccuracies: glazing is white not uPVC, PVC panels not feasible on this building, a tree survey should be undertaken.

Derbyshire County Council Highways

No objection.

OFFICER COMMENTS

Principle of Development

The site is located within the built up area boundary of Padfield, on land that is identified as a green wedge which should be protected from development (policy S5). However, the green wedge designation is intended to provide a strategy gap/ buffer to development and to remain open in character.

The storage /workshop building is relatively modest in scale in relation to the site and the use of the land so that it would not impinge on the openness of the land relating to its green wedge designation.

It is also accepted that the land is within private ownership of the applicant and it has an established use as a small holding which will not undermine the purpose of the green wedge designation.

The site is in a conservation area but this designation does not preclude it from development but any development should respect the character and appearance of the conservation area.

Objectors have also queried about whether the term 'rebuild' is accurate and whether there was a building at this location previously. To a degree this is considered academic as the proposal will be assessed on its own merits on the basis of what is acceptable rather than being justified on the basis of a building having previously been sited at this location.

Given the site is a small holding is accepted that a building may be required to manage and maintain the land. Therefore, the principle of siting a building on this land is considered acceptable subject to other considerations.

Heritage

The site is located centrally within the Padfield conservation area which covers the majority of the village. A conservation area appraisal has been prepared for Padfield which notes the following about the site and adjacent green wedge parcels:

The green space between Temple Street, Post Street and Platt Street is a distinctive feature of Padfield, particularly when viewed from afar, and along with the allotment gardens to the south of Platt Street and to the north of Post Street, offers one of very few public open spaces to share village life and opportunities to celebrate events.

Clearly, collectively the green wedge parcels of land form a break in development and the conservation area appraisal notes the lack of open space in Padfield. However,

this land is not publicly accessible and it is screened from public views within the conservation area as figure 4 of the conservation area illustrates. The site is only accessible from an access between 109 and 111 Platt Street and the entrance to the site is set back about 70m from the road, from Platt Street the site is not visible.

The site is visible from the properties that surround the site but being able to see a development is not a reasonable reason for objection, whereas an objection based on amenity reasons (loss of light, overbearing, loss of privacy, noise or smell) are valid grounds of objection, discussed further in the amenity section.

The storage /workshop building is sited centrally within the parcel of land maximising distances from surrounding properties. The proposal is considered to have negligible impact on the character and appearance of the Padfield Conservation Area due to it being sited in a discrete location hidden from public views. It therefore would result in no harm to the designated heritage asset and satisfies heritage considerations of policy EQ7 and the NPPF.

Design

Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to protect, and where possible enhance the environment.

Policy EQ6 state 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 building has a typical workshop/shed appearance with larch wood walls. As discussed previously the site is within a discrete location hidden from streetviews therefore there are no concerns relating to its design and the impact on the character and appearance of the conservation area.

In design terms the proposed building is considered acceptable and accords with policy EQ 6.

Amenity

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 store/workshop building is located centrally within the site at its closest point it is 15m from the shared boundary with the properties on Post Street. It is 18m from the shared boundary with the properties on the Platt Street. There are windows on the western elevation but two of these are high level windows and the distances to the rear elevations on Post Street is 26m or more. Distances to Platt Street are over 30 metres and there are no windows proposed on the southern boundary. The two doors are on the north and eastern elevations on the two sides that are not bordered by

residential properties. Therefore the potential for noise and disturbance from the building is considered minimal.

Concerns have been raised that the outbuilding could be used for commercial purposes. For the avoidance of doubt, it is recommended that a condition be added to the planning permission to ensure that the use of the building is only used for workshop purposes in connection with the land.

In all other respects the application is considered to be compliant with Local Plan Policy EQ6 and the NPPF, with regards to potential impacts on neighbouring residential amenity.

Trees

It is noted that there are a number of trees on the site none of which are subject to Tree Protection Orders. However, section 211 of the Town and Country Planning Act requires local planning authority to be notified of tree works within conservation area for any trees with a stem diameter over 7.5cm and over 1.5m high.

The building is sited close to some existing trees but it has not indicated that there would be a need for these to be removed. An informative can be added advising the applicant would need to apply to do any works to trees due to its conservation area location.

Ecological Considerations

For new developments with a net increase of 25sqm a biodiversity net gain report is required in order to demonstrate a net increase in biodiversity on or off site. As this proposal is a retrospective application, it is not subject to BNG requirements and a report is not required.

Highway Safety

The application form makes reference to existing car parking and states 5 cars and 2 light good vehicles. The site has vehicular access between 109 and 111 Platt Street and it is possible for vehicles to drive onto the site as you would expect for a small holding. The 7 vehicles cited on the planning application form does seem high as the land is privately owned and only used by the applicant therefore it is considered to be more of a capacity figure rather than an indication of vehicular movements for the site which are likely to be low.

The highway authority was consulted on the application and raise no objection. The proposal is not considered to have a highway impact and therefore satisfies the requirements of policy CF6.

Other matters

Objectors have raised a number of concerns that are not planning considerations:

Covenants

Objectors have included a copy of a covenant that relates to the land that sought to protect the land from development, limits the size of any greenhouses or sheds and prevent vehicles, mobile homes or caravans being sited/stored at the site.

Covenants are separate legal agreements and have no bearing on the determination of an application for planning permission. Planning permission can be granted for a development but a restrictive covenant may prevent a development being implemented (i.e. it needs consent from someone else to be implemented). If development occurs that is contrary to restrictive covenant then this can only be challenged privately through the courts.

Use of site and other existing buildings

It is evident that site has been in this smallholding use which is exempt from planning (agricultural use) for several decades. Aerial photographs of the site indicate that the land has had a number of structures on the land for many years. Whilst the local authority does not have any records for planning history for the site it is clear the most of the structures on the site, except the proposed new building, have been present for years given their physical condition and evidence from aerial photographs.

There are some existing poultry sheds on site which is accepted given its use as a small holding. It is unlikely that these would give rise to environmental health concerns as it is not particularly unusual for residential properties to have chickens coops in gardens, indeed some properties surrounding the site may keep chickens without detrimental impact on surrounding residents.

Application documents

Some objectors have criticised the quality of the application submission. National validation requirements are established in the Town and Country Planning (Development Management Procedure) (England) Order 2015 which sets out a minimum standard of information. In addition to this Local Planning Authorities can set their own local list of validation requirements but the NPPF recommends that this be 'relevant, necessary and material to the application in question' in other words proportionate.

It is considered that the applicant has submitted sufficient details for the local planning authority to assess the application. Given the application is for a store/workshop building the LPA would not expect a detailed Design and Access Statement thoroughly assessing the site and surroundings, the design evolution and local plan policies. It is for the LPA to make this assessment when reviewing the planning application. A design and heritage statement was submitted with the application which was considered proportionate the proposal.

CONCLUSION / PLANNING BALANCE

The proposal has been assessed in the context of local plan policies relating to principle, design, heritage and residential amenity. It has been concluded that the proposal is an acceptable design and it will not result in any adverse amenity impact. Accordingly the application is recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Rosie Dinnen / Eloun Smith

Recommendation Date: 12.09.25

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council