

DELEGATED DECISION REPORT

HPK/2026/0074
Valid 19/03/2026

SHADY OAK INN LONG
HILL
FERNILEE

CHANGE OF USE OF FORMER
PUBLIC HOUSE WITH SELF
CONTAINED RESIDENTIAL
ACCOMMODATION AND BED
AND BREAKFAST
ACCOMMODATION TO ONE
THREE-BEDROOM DWELLING
AND ONE TWO-BEDROOM
HOLIDAY LET

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to the Shady Oay Inn, a Public House which is situated in hamlet of Fernilee, made up of a cluster of residential properties, farmsteads and a Church, which stands approximately 2km from Whaley Bridge in a rural isolated and attractive location on the fringes of the Peak District National Park.

The site benefits from an existing car park that is accessed from Folds Lane which in turn forms a junction with the A5004 immediately adjacent to the Public House.

For the purposes of the Local Development Plan, the existing premises is defined as a “Community Facility”, with the site being situated outside of the built-up area boundary in the open countryside.

The site has recently been the subject of a retrospective planning application which sought part retrospective full planning permission for the change of use of the Public House to one dwellinghouse with associated curtilage including a domestic garage. This application was refused under Application Ref: HPK/2025/0285 on 31st October 2025 on the following grounds:

1. *The proposed change of use would result in the loss of the Shady Oak Public House, a designated Community Facility that serves as a community ‘hub’ for the residents of the small hamlet of Fernilee. There are no alternative facilities (i.e. Public Houses) within 1 mile of this site with the route to that facility being via an unlit undulating single track with no pedestrian footpath. No marketing evidence has been submitted which demonstrates why the use of the Public*

House as a going concern, either by way of a rental agreement or by open market sale is not commercially or financially viable. As such, the application fails to comply with Whaley Bridge Neighbourhood Plan Policy WB-G2, Policy CF5 of the High Peak Local Plan 2016 and relevant paragraphs contained within Chapter 8 of the NPPF.

2. *The intended use of the existing large car parking area, and introduction of a single domestic garage situated a significant distance from the parent building, results in an unsatisfactory and remote relationship which adversely harms the character and appearance of the rural landscape, contrary to Policies S1, EQ3 and EQ6 of the High Peak Local Plan 2016 and relevant paragraphs contained under Chapter 12 of the NPPF.*

PROPOSAL

Upon receipt of the Decision Notice associated with HPK/2025/0074, the applicant has sought to appoint a different agent and now seeks planning permission for the change of use of the Public House, including ancillary residential accommodation and B&B accommodation, to 1no 3 x bedroom residential dwellinghouse, and 1no 2 x bedroom holiday let unit.

Further to additional information being submitted during the consultation process, the application is supported by the following plans and documentation, which are subject to assessment within this report:

Plans

Location Plan

Existing Floor Plans (01A)

Existing Elevation Plans (02A)

Proposed Floor Plans (03A)

Proposed Elevation Plans (04A)

Block Plan (05C)

Documents

Planning Statement & Appendices:

Appendix 1 Sales Particulars

Appendix 2 Admiral Taverns (17th Dec 2025)

Appendix 3 Miss Welch & Mr Smith (25th Nov 2025)

Appendix 4 Mr Boulton & Mr Harrison (21st Jan 2026)

Appendix 5 Adele Duffy (21st Jan 2026)

Appendix 6 Financial Accounts 2016/2017

During the consultation period, further submissions were received in the form of a letter from Everard Cole Estate Agent (dated 19th May 2026).

Written clarification was also received from the applicant with regards the date of sale 1st April. The agent states that the offer was received shortly before the completion of

the sale, further to the Public House being on the market from the beginning of January 2025.

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.

Whaley Bridge Neighbourhood Plan 2024

WB-G2 Community Facilities

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- H1 Location of Housing Development
- H3 New Housing Development
- EQ3 Rural Development
- EQ6 Design and Place Making
- E6 Promoting Peak District Tourism and Culture
- CF5 Provision and Retention of Local Community Services and Facilities
- CF6 Accessibility and Transport

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Healthy and Sustainable Communities	Chapter 8
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0003/1516 Proposed Floodlighting To Existing Public House
(Approved 03/07/1992)
- HPK/0003/2552 Renewal of Septic Tank (Approved 16/06/1993)
- HPK/2005/0473 Small Extension to rear of premises (Approved 01/08/2005)

HPK/2012/0202	Proposed Sewer Separation Works, New Sewage Treatment Plant, New Grease Trap And General Modifications To Existing Drainage To Suit (Refused 27/06/2012)
HPK/2012/0418	Proposed Sewer Separation Works, New Sewage Treatment Plant, New Grease Trap And General Modifications To Existing Drainage To Suit (Approved 26/09/2012)
HPK/2025/0285	Part retrospective change of Use of Shady Oak Inn from Public House with self-contained residential accommodation to 1no residential dwellinghouse & associated curtilage including domestic curtilage and garage (Refused 31 st October 2025)

CONSULTATIONS

Publicity

Site Notice expiry date: 14th May 2026

Neighbour consultation period ends: 14th April 2026

Press Advert: N/A

Public Comments

1no neutral comment has been received in connection with the application that raises the following points:

- Report in connection with HPK/2025/0285 was thorough and consistent with local and national planning policy
- This application does nothing to address the points raised previously
- In the hands of a brewery the pub was unsustainable; it has been proven locally that the leasing of pubs to tenants takes profit from tenant through high rents and cost of beer
- Some local pubs are thriving
- Pub requires money to be spent on it to bring it up to standard, and this should have been taken into account when being purchased as a pub
- People still walk and drive up to see if it is open and it would be a shame to lose this community asset

4no objections have been received in connection with this application, with the grounds of objection summarised as follows:

- Shady Oak has been a thriving centre of the local community for 40 years and acted as a meeting place
- Failure of the pub was down to two main factors:
 - Breweries not understanding what was required, lack of due diligence into qualification of applicants to run a country pub business
 - Food and beer has been far below standard and the pub was badly manged by the tenants
- Similar sized pubs in the area including the Bee Hive at Combs is thriving

- Building should not be allowed to change the use as it will rip the heart out of the community
- Building should be restored to a Public House including windows
- Applicant states that there was no interest in retaining the Public House but this is not true – the property sold within a short timescale, with interest from locals to run the property as a Public House
- Shady Oak has not been given the chance to operate as a free hold premises which would likely result in a successful business model – this opportunity should be explored before change of use is granted
- Shady Oak is missed by local community and tourists residing at local campsites and short term holiday accommodation alike

Whaley Bridge Town Council Comments

No comments received at time of writing

Derbyshire County Council Archaeology

The proposed development lies adjacent to the supposed line of the Roman road from Buxton to Manchester recorded on the Derbyshire HER (MDR14123) and lies just to the west of the line of the Cromford and High Peak Railway originally built in 1826 (MDR7889) and the Fernilee and Shallcross boundary wall (MDR9282). The change of use in and of itself in accordance with the plans submitted will have no archaeological impact and I have no objection.

Derbyshire County Council Highways

Site Access

It is noted that the former car park for the PH is included in the red line application site plan and it is assumed that these parking facilities are to be retained as the parking provision for the proposed dwelling and holiday let. If this is not case and alternative parking arrangements are intended, i would be grateful if this could be confirmed.

Considering the scale of the former PH car park it is considered that there is ample parking provision to accommodate the parking requirements of the dwelling and holiday let. There is also likely to be a reduction in vehicle movements generated by the proposed uses over those potentially generated by the former use.

Sustainable Travel

The site is located on a bus service route with stops directly outside the premises. The service provides regular connections between Buxton and Glossop.

The site is located outside recommended walking distances for a large range of amenities, apart from access to bus stops, and as such walking is not considered to be a reasonable mode of transport for future occupiers of the proposed dwelling or clients of the holiday let. However, the site is within reasonable cycling distances of a range of day-to-day services and facilities in Whaley Bridge and is considered to be a reasonable travel option.

Whilst recognising that opportunities for walking are limited and that there is likely to be a degree of reliance on private car travel the Local Highway Authority considers the site to have reasonable accessibility to local services and public transport, and that future occupants would have opportunities to undertake some trips by sustainable modes.

Notwithstanding the above, the Local Highway Authority recognises that the final decision on the acceptability of the development rests with the Local Planning Authority, which must undertake the overall planning balance having regard to all relevant material considerations.

Should the Local Planning Authority be minded to grant planning permission, the Highway Authority recommends that the following conditions are attached to any approval.

Conclusions

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

1. The existing parking and turning facilities shall be retained to serve as the parking provision for the dwelling and holiday let in perpetuity.

OFFICER COMMENTS

Principle of Development

This application seeks part retrospective full planning permission for a change of use from the existing Shady Oak Inn Public House (Sui Generis) to a mixed use comprising a 3 bedroom single dwellinghouse and separate 2 bedroom short term holiday let unit, both across two floors.

The application follows a complaint to the Council's Enforcement Team and subsequent investigation that established that a breach of planning control has occurred by way of the applicant beginning to change the use of the existing Public House without the necessary planning consent.

Policy Context

Whaley Bridge Neighbourhood Plan (2024)

Whaley Bridge Neighbourhood Plan (WBNP) Policy WB-G3 refers specifically to Residential Development but only refers to development within the built-up area boundary of the town and as such is not relevant to this application.

WBNP Policy WB-G2 refers to Community Facilities and includes the following:

3. The loss of existing community facilities will only be supported where a similar or better facility is provided or available in an equally accessible location for users, or it can be demonstrated that the use is no longer viable or no longer required.

High Peak Local Plan (2016)

High Peak Local Plan (LP) Policies S1, S2 and S3 together comprise the strategic housing development for the Borough and directs the focus of housing development to within the built-up area boundaries of the larger Market Towns and Larger Villages.

LP Policy H1 refers to the location of new housing development and promotes the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose.

LP Policy EQ3 refers to all development proposals located outside of the built-up area boundary in the open countryside and presents a list of the types of housing development that would be supported in principle in these areas. This includes the following:

- 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.

LP Policy CF5 refers specifically to the Provision and Retention of Local Community Services and Facilities and seeks to maintain and improve the provision of local community services and facilities, achieved by:

- Resisting proposals involving the loss of community assets and facilities (including land in community use, community/village halls, village shops and post offices, schools, nurseries, places of worship, health services, care homes, convenience stores, libraries, public houses, museums, performing arts venues and other community facilities) unless it can be demonstrated that the existing use is no longer financially or commercially viable and there are no other means of maintaining the facility, or an alternative facility of the same type is available or can be provided in an accessible location.

LP Policy E6 aims to promote and support the development of Peak District tourism and culture, by supporting tourism and provision for visitors which is appropriate to the settlements and countryside consistent with environmental objections, and also seeks to retain and enhance existing serviced accommodation to encourage overnight visitor stays.

National Planning Policy Framework (2024)

Chapter 5 of the NPPF contains the national planning policies relevant to ensuring that a sufficient supply of housing is delivered across the country. Paragraph 79 of the NPPF confirms that Council's are required to maintain a 5 year supply of deliverable housing land.

Paragraph 84 of the NPPF policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Chapter 6 of the NPF contains national planning policies aimed at building a strong competitive economy. Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity.

Paragraph 87 goes on to refer specifically to the rural economy and states that decisions should enable (amongst other things):

- c) sustainable tourism and leisure developments which respect the character of the countryside;
- d) the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.

Chapter 8 of the NPPF contains national planning policies aimed at promoting healthy and sustainable communities. Paragraph 96 states that policies and decisions should aim to achieve healthy, inclusive and safe places which (amongst other things):

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other

Paragraph 98 of the NPPF goes on to state that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

Assessment

Proposed Short Term Holiday Let accommodation

One aspect of the application is to convert part of the building into a short term holiday let that would serve as an independent unit containing 2no bedrooms and bathrooms at first floor level and communal areas including a Kitchen at ground floor level.

Given that the Existing Public House contained Bed and Breakfast accommodation comprising 3no bedrooms, it is the case that although this existing short term holiday accommodation is ancillary to the Public House and not an independent unit, the principle of development has already been established to some degree and therefore it is accepted that the application complies with Local Plan Policies EQ3 and E6 in this regard.

However, due to the fact that the re-configuration of the Public House would see part of the ground floor Bar and Dining areas lost to this independent self contained holiday let accommodation, sufficient justification must be provided within the application to demonstrate that the loss of the existing Public House is acceptable, having regard to Whaley Bridge Neighbourhood Plan WB-G2, Local Plan Policy CF5, and paragraphs 87 and 98 of the National Planning Policy Framework.

Loss of the Existing Public House

Objections have been received from local residents in connection with the loss of the existing Public House, and the importance of this community facility to the residents of the hamlet of Fernilee.

Specifically, local residents are concerned that the decline of the existing Public House has come about as a consequence of unsustainable rents and associated costs charged by Breweries alongside the poor management of the business by people who are not experienced in the sector. Objections make the case that by allowing the opportunity for the Public House to be run as a freehold, there remains significant potential for this rural community facility to thrive.

Objections point to the recently determined application under HPK/2025/0285 which refused part retrospective planning permission for the conversion of the Public House to a single dwellinghouse together with ancillary garage, and that nothing within this latest application addresses the primary reason for refusal relating to the loss of the existing community asset.

The Local Development Plan and NPPF contains local and national planning policies that seek to protect the loss of a community facility unless adequate justification has been provided, with a change of use away from the existing Public House only being acceptable once all opportunities for maintaining the existing facility as a going concern have been exhausted, or where there are alternative facilities within the locality that would not prejudice the needs of the local community.

Alternative Facilities

Fernilee is a small hamlet of residential properties and farmsteads situated approximately 2km from Whaley Bridge in a rural, isolated location. The Shady Oak sits at the heart of this community.

The Drum and Monkey Public House located on Chapel Road, Whaley Bridge is the nearest Public House (alternative facility) to this site, located 1.6km distant, and accessible via Folds Lane and Elnor Lane, both unlit single-track roads with no pedestrian pavement, that include significant changes in topography.

The second nearest Public House is the Cock Pub, Buxton Road, Whaley Bridge, located approximately 2.5km distant, which lies outside of what is considered to be a sustainable walking distance (Manual for Streets 2007). Whilst there is a pedestrian pavement providing access along the A5004 to this facility, it is similarly unlit and therefore not an attractive proposition for patrons returning to Fernilee on foot. Public transport does exist, but it is sporadic.

In light of the above, the Council do not consider there to be any alternative facilities that could accommodate the needs of Fernilee residents that were currently being met by the Shady Oak Public House.

As such, the Council will only support the principle of this change of use and the loss of this Community Facility whereby an extensive and rigorous marketing campaign has been demonstrated which provides evidence that there is no interest in taking on the operational management of the Public House as a going concern, either to rent or as an open market purchase.

Marketing & Viability Justification

Previous Application (HPK/2025/0285)

The previous application determined under HPK/2025/0285 presented a very weak argument in relation to why the current existing Public House is not financially viable.

It was asserted by the applicant via a former agent that the Shady Oak traded satisfactorily as a food based pub until 2016, but that trade declined then declined to the extent that the business became unprofitable. Reasons attributed to its decline included the opening of the Chapel by-pass (that opened in the 1970s) and that whilst the local Community were interested in taking on the Public House, initial interest went no further, and that there were no other interested parties with a view to taking on the premises as a Public House.

No information was submitted with this previous application with regards the marketing of the premises that took place prior to the sale of the Shady Oak, which as confirmed by the current agent was completed on 1st April 2025. As stated within the report associated with HPK/2025/0285, the Local Planning Authority would expect to see a Marketing Report accompany this type of application, which includes (but not necessarily limited to) the following:

- Evidence of where premises has been advertised (online estate agent etc) over a 12 month period
- Details of rental price and/or open market price for the existing business as a going concern as a Public House
- Valuation provided by RICS surveyor
- Records of any interested parties and reasons for declining interest
- Details of any reductions in price to attract interest and exhaust opportunities

None of the above was forthcoming which subsequently led Officers to conclude that the applicant failed to demonstrate that all opportunities to retain the existing Public House (a Community Facility) as a going concern have been suitably exhausted, and as such, the application was found to be in direct conflict with Whaley Bridge Neighbourhood Plan Policy WB-G2, Local Plan Policy CF5, and relevant paragraphs contained within Chapter 8 of the NPPF.

New Information (HPK/2026/0074)

The Planning Statement submitted with this application seeks to address the primary reason for refusal associated with HPK/2025/0285 regarding the principle of development (the loss of the Public House). A summary of the applicant's position within this application as submitted is presented as follows:

- Shady Oak has been subject to short term closures and tenants due to financial struggles, an acute lack of footfall and impact of the Covid-19 pandemic
- No financial accounting records are available (other than those set out under Appendix 6 dating from 2017)
- Statement from Mr Barnes of Admiral Taverns (Appendix 2) confirms that the Public House had four separate tenants in the 2 years before it was placed on the market, and required an investment of £150,000 to bring it up to standard and it was concluded through an internal viability study that this site was no longer a viable or investable business to trade on
- Account from previous landlords Miss Welch and Mr Smith (Appendix 3) is said to be of significance because it verifies the issues that existed prior to its closure and sale, owing to lack of footfall or community demand, together with an isolated location, changing social habitats and high operational costs contributed to long term decline.
- Previous landlord states that even with extensive work, investment and attempts to diversify services, the income generated was not enough to support

continued trading. Therefore evident from this account that the Shady Oak is not commercially viable

- An account from previous tenants to the above landlords (Appendix 4) between Nov 2019 and April 2022 notes that they had to liquidate the business as they were not able to trade to bring in the required finances needs to ensure the upkeep of the building and its running costs with debts amounting to £70,000
- Representation from Mrs Duffy of the White Hart Public House in Whaley Bridge (Appendix 5) said to support the argument that there is not enough footfall within the village to generate enough business to cover overheads, which results in her giving up her tenancy.
- The accounts from 2016/2017 (Appendix 6) show a loss of £42,000 over a single year, and is claimed to support the notion that the Public House was unviable long before additional difficulties caused by the pandemic

Further to dialogue with Officers, the applicant has submitted a further piece of information for consideration - a letter from the Estate Agent Everard Cole (dated 19th May 2026). The contents of this letter are summarised below:

- Instructions were received to market the property from Admiral Taverns on 10th January 202 and was marketed by the Nottingham Office
- Although we were not involved, it is understood that the owner Admiral Taverns had unsuccessfully marketed the pub 'To Let' prior to our involvement.
- Sales particulars showed the Public House and associated ancillary living accommodation to be marketed for £425,000 and was marketed on different online locations including via Admiral Tavern platforms
- Marketing did generate interest and a number of parties received further details, leading to numerous viewings. However, it is noteworthy that not one party wishing to view the property was interested for a continued use as a Public House and was all associated with alternative uses
- No offers were received or continued Public House uses and the overwhelming feedback from pub operators was that there was very little prospect of the pub being viable
- In our opinion, the pub was suffering from a long term, terminal decline from which it will not recover. The Shady Oak is a victim of several factors endemic with the wider industry including high taxes on beer, rising business rates, fuel, property, taxation, lower disposable income due to the cost of living, the smoking ban, and changing social trends.

In response to the above, it has been demonstrated within Appendix 2 of the letter prepared by Everard Cole that the premises was at some point prior to January 2025 marketed on a 'To Let' basis on a 5 year tenancy for an annual rent of £22,361. It would appear that the rent was then reduced to £19,000 (Appendix 3).

No further details regarding this marketing period prior to the involvement of Everard Cole have been made available to the Council and therefore it is not possible to assess the demand or otherwise for this premises on a tenancy basis. Moreover, it is unclear how a valuation of circa £21,000 and £19,000 rent per annum has been calculated and whether this represents fair market value.

The information submitted with the application confirms that the premises was put on the market on January 10th 2025 for the freehold, at a valuation of £425,000. No evidence has been submitted that this valuation includes 'hope value' that could be realised as part of any redevelopment or conversion of the premises. The Council will expect an application to demonstrate that the premises is marketed for a 12 month period for a valuation that does not include 'hope value' in order to maximise interest and exhaust all opportunities to continue the existing use. In the absence of such details, the Council cannot be certain that the premises has been marketed for the appropriate price.

The agent has confirmed in writing by email that the premises was sold on 1st April 2025, approximately 8 weeks after the property was put on the market. The Council have carried out a Land Registry search, and established that the property was purchased by the applicant for £365,000 - £60,000 below the asking price. The short timeframe between the property going on the market and the property being sold (which doesn't take account of an offer being accepted) supports the view that this did not represent a concerted effort to secure a new pub operator.

Everard Cole have sited that the marketing generated interest from a number of parties which led to numerous viewing but that none were interested in the continued use of the premises as a Public House and that feedback suggested that there was little prospect of the pub being viable. This is essentially anecdotal evidence that is not supported by any written documentation and can therefore not be verified.

The Council considers that if the premises were marketed for a longer period of time at the price of £365,000 as purchased, this is likely to have attracted buyers who were interested in taking on the Public House as a Freehold.

The length of marketing undertaken is therefore considered to be wholly insufficient to exhaust all opportunities for potential purchasers to take on this Public House and maintain a viable rural business.

It is noted that the landlord Admiral Taverns undertook their own internal viability appraisal which concluded that the Public House was no longer viable, however this detail has not been shared with the Council and therefore it is not possible to interrogate this claim further.

Moreover, there seems to be an inconsistency between the claim from Admiral Taverns that the Public House requires £150,000 worth of work and the claim from the former last landlord that *"even with extensive work, investment, and attempts to diversify services, the income generated was not enough to support continued trading"*, which implies that significant investment has already been made. No details surrounding the "extensive" work that is claimed to have taken place, or a breakdown

of the works that Admiral Taverns assert would be needed which total £150,000 have been provided, and therefore it is not possible to interrogate this assertion any further.

Reference is made within the submissions to the Covid-19 pandemic having a significant adverse impact on the business. Whilst in the early part of the pandemic the immediate shocks triggered by lockdown was certainly challenging, the Government subsequently launched numerous financial grant and loan schemes including “eat out to help out” which specifically targeted hospitality businesses such as this.

Objectors have made reference to the Bee Hive Inn Public House at Combs within the High Peak that is located in a small hamlet, and how this pub is thriving, supporting the notion that with the right expertise and experience, the Shady Oak could easily be a profitable Public House business.

Whilst it is acknowledged that the hamlet of Combs may support a slightly larger number of permanent residents, the Shady Oak benefits from being at the immediate fringes of the Peak District National Park located on a main thoroughfare between the Market Towns of Buxton and Whaley Bridge and therefore despite its isolated location relative to large built up areas, it is not accepted that its location prevents a Public House business from being sustainable if appropriately marketed to custodians that have the correct knowledge and experience, which according to some locals has been lacking over time.

For the reasons set out above, and taking account of all material planning considerations, the Council are not satisfied that all appropriate measures have been taken to market the premises in a manner that maximises and exhausts all opportunities to continue the use of the premises as a Public House, contrary to Whaley Bridge Neighbourhood Plan Policy WB-G2, Local Plan Policy CF5 and relevant paragraphs contained under Chapters 6 and 8 of the NPPF.

The above policies do not relate to the delivery of housing in the High Peak and therefore shall be attributed full weight in the overall planning balance.

At the time of writing, the Council cannot demonstrate a 5 year supply of deliverable housing land and therefore the application must be assessed and determined with regards to the presumption in favour of sustainable development contained under LP Policy S1a and paragraph 11 of the NPPF.

Amenity

LP Policy H3 requires all new housing developments to provide a high standard of amenity for future occupiers by ensuring that any residential unit complies with Nationally Described Space Standards (NDSS) with regards to the number of storeys, overall floor area of the property, the number of occupants, and size of bedrooms.

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.

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

The existing Public House building is shown to be converted into two planning units: (i) a two storey 3no bedroom dwellinghouse; and (ii) a two storey 2no bedroom short term holiday let.

At ground floor level, the existing lounge connected to the bar area would be blocked up, so that the holiday let benefits from a ground floor lounge and an open plan kitchen and dining area.

The sub-division results in the dwellinghouse having a ground floor consisting of a kitchen lounge and small bathroom, with the pub kitchen toilet and fridge areas to the rear serving as utility and storage space.

At first floor level there are not shown to be any internal changes to room layout. The former Sitting Room serving the ancillary living accommodation would serve a bedroom, with the current kitchen now shown to serve a study.

Interestingly, there is shown to be a connecting link between Bedroom 2 in the dwellinghouse and the first floor of the neighbouring short term holiday let next door.

NDSS requires a two storey residential dwellinghouse containing 3no bedrooms based on full occupancy (6no people) to have an overall floor area of 102m² with each bedroom having a minimum floor area of 11.5m², with a minimum width of 2.15m.

The Proposed Floor Plans are shown to far exceed the minimum NDSS and therefore the proposed residential property is considered to provide an acceptable standard of amenity in this regard. It is acknowledged that the proposed dwellinghouse would not benefit from any usable outdoor amenity space. However given the proximity to local public footpaths and the open countryside the absence of outdoor amenity space is not considered to be prejudicial to the positive determination of this application.

The same principles apply to the neighbouring short term holiday let. The Council take a more flexible approach to NDSS compliance in relation to this type of accommodation given the temporary occupation that would occur. In any event the floor plans show that the size of bedrooms and overall floor area exceed the minimum requirement (79m²), and therefore notwithstanding the principle of development, the application is considered to be acceptable with regards the standard of amenity for future occupiers.

Turning to potential impacts on neighbouring residential properties, 'Greenacres' is located off Folds Lane to the rear, situated some 35m distant. Given this distance and that rear habitable windows do not have a direct relationship with habitable windows in this property, it is considered that the occupiers of this property would not have their amenity adversely affected by the proposed change of use.

'White Cottage', is situated immediately to the south of the site accessed from the A5004. The proposed change of use would see the first floor (habitable) sitting room that currently serves the ancillary residential accommodation above the Public House serving as a bedroom, which includes a south facing window. Given that the proposed dwelling would not introduce any physical extensions or new windows facing this property, it is considered that the occupiers of this property would not have their amenity adversely affected by the proposed change of use.

In light of the above, notwithstanding reasons for refusal regarding the principle of development, the proposed change of use would provide an acceptable standard of amenity for future occupiers and preserve the residential amenity of neighbouring properties in accordance with LP Policy EQ6, the Residential Design Guide SPD and relevant paragraphs contained under Chapter 12 of the NPPF.

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 of the NPPF 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 existing Public House benefits from a large car park on the opposite side of Folds Lane. Notwithstanding concerns regarding the inclusion of all of this car park within site boundary depicted by a red edge on the Location Plan, there is sufficient space within the site to accommodate the 2no parking spaces required to serve the proposed dwellinghouse, and an addition 2no parking spaces to serve the proposed holiday let unit, having regard to the Council's parking guidelines under Appendix 1 of the Local Plan.

In light of the above and comments received from the Highways Authority, notwithstanding reasons for refusal regarding the principle of development, the proposed development is not deemed to result in any conflict with LP Policy CF6 and relevant paragraphs contained 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-date, 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

This application seeks part retrospective planning permission to convert the existing Shady Oak Public House to a two storey 3no bedroom dwellinghouse, together with a separate two storey 2no bedroom short term holiday let unit.

At the time of writing, the Council cannot demonstrate a 5 year supply of deliverable housing land and therefore the application must be assessed and determined with regards to the presumption in favour of sustainable development contained under LP Policy S1a and paragraph 11 of the NPPF.

Benefits

The application would deliver one open market dwelling in an isolated rural location. Limited weight is attributed to this benefit, given the negligible contribution to housing delivery and no other associated benefits that come with larger housing developments.

The application would introduce a short term holiday let unit at the edge of the Peak District National Park. However, the benefits associated with this aspect are negligible given the fact that ancillary first floor B&B accommodation already exists within the Shady Oak Public House. As such, no weight can be given to any perceived benefit to the tourism sector.

Harm

The application would result in the loss of a Public House which as evidenced by objectors, serves as an important community hub for the residents of the Fernilee hamlet.

Further to the extensive and detailed analysis contained within the body of the report the Council take the view that the insufficient evidence has been provided to

demonstrate that the premises was marketed for an appropriate length of time and at an appropriate price that would attract prospective purchasers that have experience in operating a rural hospitality enterprise and that all opportunities to continue the use of this Public House, proven to be a valued Community Asset by the residents of Fernilee, have been fully exhausted. Moreover, there are no similar community facilities which are accessible from this location.

In light of the above, the applicant has failed to demonstrate to the Council's satisfaction that all opportunities to retain the existing use of the premises as a Public House, a designated community facility, as a going concern have been exhausted, and as such, the application is in direct conflict with Whaley Bridge Neighbourhood Plan Policy WB-G2, Local Plan Policy CF5, and relevant paragraphs contained within Chapters 6 and 8 of the NPPF.

Planning Balance

Further to the above, the Council conclude that in the overall planning balance, the loss of the existing Public House (Community Facility) without sufficient justification significantly and demonstrably outweighs the very limited benefits associated with the delivery of one open market dwellinghouse and short term holiday let unit.

As such, the application therefore results in an unsustainable form of development contrary to LP Policy S1a and paragraph 11 of the NPPF, and is recommended for refusal for the reasons set out within this report and on the Decision Notice.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 3rd June 2026

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council