
Appeal Decision

Site visit made on 5 January 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2017

Appeal Ref: APP/M9496/W/16/3159734

1 The Cross, Main Street, Great Longstone, Derbyshire, DE45 1TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Hunt against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0116/0033, dated 13 January 2016, was refused by notice dated 13 May 2016.
 - The development proposed is change of use of stone built outbuilding to holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of stone built outbuilding to holiday accommodation at 1 The Cross, Main Street, Great Longstone, Derbyshire, DE45 1TZ in accordance with the terms of the application, Ref NP/DDD/0116/0033, dated 13 January 2016, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr Peter Hunt against the Peak District National Park Authority. This application is the subject of a separate Decision.

Procedural Matters

3. The decision notice makes reference to the Council's concern regarding the access and parking provision as a residential amenity issue. Based on the information within the Committee Meeting Minutes and appeal statement and in light of third party comments and objections, I have dealt with this as a separate matter on highway safety.
4. Amended plans were submitted to the Council during the course of the application which reduced the size of windows to the front gable and showing a single parking space only. I have had regard to these amended plans in the determination of this appeal.

Main Issues

5. The main issues are therefore the effect of the proposed development upon (i) living conditions of neighbouring occupants in respect of privacy, noise and disturbance and (ii) highway safety.
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Reasons

Living conditions

6. The appeal site comprises of an outbuilding, rear garden and forecourt area which previously formed the domestic curtilage to No 1 The Cross. Development in the area is tight-knit and Lincoln Cottage and Greystones Cottage which front Station Road, directly adjoins and backs on to the appeal site and have no rear private garden space. The Old Post Office also shares its side boundary with the appeal site.
7. There can be no doubt that the creation of holiday accommodation in this location would give rise to increased movements through the use of the passageway between Lincoln Cottage and Greystones to access the development and the garden area to the rear. Such an increase would also be experienced to a degree by occupants at The Old Post Office which also has windows facing onto the front forecourt area.
8. However, by its very nature, a holiday let is less likely to be occupied on a permanent basis. The accommodation created would also only be a small 1-bed unit and I therefore find that the comings and goings of occupants would be minimised.
9. There is dispute between parties in respect of the severance of the outbuilding from No 1 The Cross and it is alleged that the outbuildings and garden area is currently in use as ancillary space for No 1, also a holiday let. However, I am mindful that a previous Inspector¹ accepted that such a severance occurred and I understand that any such use is informal, by negotiation only and is temporary.
10. In any case, any use of this area, historically, temporarily or otherwise, would generate a level of movements which would be experienced by neighbouring occupants, given the configuration of the plots in the area. In light of this, and based on the above, overall I consider that an increase in movements would not cause material harm to neighbouring residents in respect of noise and disturbance.
11. A number of rear windows of habitable rooms look out onto the appeal site. However, due to the use of obscure glazing and the restriction of the proposed accommodation to ground floor level, I am satisfied that there would be no overlooking between the appeal property and Greystones, and the appeal property and The Old Post Office. While the use of obscure glass within habitable rooms is not normally acceptable, I find that this would be commensurate with nature of the occupancy of the building as a holiday let and its short-term use would not be harmful to future occupants.
12. On this matter I therefore conclude that the proposal would not result harm to living conditions of neighbouring residents through any loss of privacy, or an increase in noise and disturbance. There would be no conflict with Policy GSP 3 of the Peak District National Park Core Strategy 2011 (CS) which requires particular attention to be paid to impacts upon living conditions of communities, or Saved Policy LC4 of the Peak District Local Plan 2003 (LP) in respect of amenity and privacy of adjacent properties. The proposals are also in accordance with one of the core planning principles of the National Planning

¹ & ² APP/M9496/W/15/3049298

Policy Framework (the Framework) in securing a good standard of amenity for all existing and future occupants of land and buildings.

Highway Safety

13. At my site visit I witnessed a number of cars parked around the triangular green adjacent to the site. I also observed cars parked across pavements and I understand that on street parking and congestion is significant around school drop-off and pick-up times. Any increase in on-street parking would therefore be detrimental to highway safety of all users.
14. There is an existing paved forecourt area which is depicted on the proposed drawing as having space for two cars to serve the proposed holiday let. From the evidence before me it is clear that the forecourt area is not currently used to serve as off-street parking for No 1 The Cross, in spite of the dispute in respect of severance.
15. I therefore agree with the findings of the previous Inspector² and I find that the provision of car parking space for the sole use of the proposed holiday let would not lead to additional on-street car parking to the detriment of highway safety.
16. Furthermore, the use of the forecourt for parking reflects the historic parking arrangements for the adjacent cottage, and there is nothing before me to suggest that such an arrangement has led to any accidents. Incidents cited by third party representations do not appear to relate to the historic use of the forecourt for parking and while I accept that there are wider parking concerns in the area, I have found that the proposal before me would not increase any on-street parking.
17. I am also mindful that there is no objection by the Highways Authority in this respect. This issue clearly involves matters of judgement and I have no reason to question their conclusions and there is no evidence to support the allegations in respect of a lack a site visit.
18. I therefore conclude that the proposals would not give rise to any adverse effect on highway safety. There would be no conflict with Policy GSP 3 of the CS which requires particular attention to be paid to impacts upon living conditions of communities. Conformity with saved LP Policy LT18 and the Framework which seeks to achieve safe and suitable access for all as a prerequisite for development is also achieved.

Other Matters

19. I acknowledge the strength of feeling of local residents and I note the proceedings and comments made by the Planning Committee who identified harm against Officer Recommendation. Nonetheless in determining the appeal on the basis of its own planning merits, I am satisfied that the development would not give rise to any adverse effects on living conditions and highway safety.
20. It is accepted that not all buildings within a Conservation Area contribute to significance, however it is clear from the Council's statement that there is no conflict in respect of LP Policy RT2. In respect of the statutory duty³ the Council do not consider that the development would cause harm to the

³ As set out in Section 72 (2) of the Planning (Listed Building and Conservation Areas) Act 1990

significance of the Great Longstone Conservation Area. In respect of both points, I see no reason to disagree with their evaluation.

21. Concern has also been raised in respect of loss of light to Greystones. However the proposal is for the conversion of the existing outbuilding which involves no extension and only limited alterations. I therefore do not consider that the development would give rise to any impacts in respect of outlook and light. There is also no evidence that personal safety and security would be compromised by the development.
22. Matters in respect of the future management of the holiday let have little relevance to my judgement which is based upon the planning merits of the proposal.
23. I appreciate that the Inspector for the appeal in 2009⁴ arrived at a different conclusion in respect of living conditions and highway safety. However, I consider that the particulars of this case are materially different. This was also a finding of the Inspector for the subsequent appeal in 2015⁵. In assessing the current proposals based upon the evidence before me, I am satisfied that there would be no harm to living conditions and highway safety from the current proposals.

Conditions

24. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans (including the amended plans) are necessary for certainty.
25. Given the modest scale of the appeal building and plot, I consider it is necessary to restrict permitted development rights in respect of alterations to the external appearance of the building and extensions, porches, ancillary buildings, satellite antenna, gates fences, walls or other means of boundary enclosure. I have amended the suggested wording to make it clear the precise schedule and part of the Order which applies and I have removed reference requiring prior written permission of the Council as it is unnecessary given that the condition in itself would require the submission of a planning application.
26. A condition limiting the use to holiday let accommodation and controlling the periods over which it is let is necessary to ensure that the building is not used as a permanent dwelling in the interests of living conditions of future occupants and neighbouring residents.
27. Conditions relating to materials and external detailing are necessary in order to preserve the character and appearance of the conservation area and National Park. Finally, a condition relating to the provision of parking space prior to occupancy is necessary in respect of highway safety.

Conclusion

28. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should succeed.

C Searson
INSPECTOR

⁴ APP/M9496/A/09/2096409

⁵ APP/M9496/W/15/3049298

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, drawing numbers IDS/CL/14/61: Sheet 12B, IDS/CL/14/61: Sheet 14A & IDS/CL/14/61: Sheet 13A.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no development falling within Classes A, B, C, D, E, G and H of Part 1 of Schedule 2 to that Order shall be carried out.
- 4) This permission relates solely to the use of the building hereby approved for short-let holiday residential use. The property shall not be occupied as a permanent dwelling and shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request.
- 5) All new stonework shall be natural limestone, faced, laid and pointed to match the existing stonework.
- 6) All pipework, other than rainwater goods, shall be completely internal within the building.
- 7) The proposed holiday accommodation shall not be brought into use, until space has been provided within the application site in accordance with the amended drawings IDS/CL/14/61: Sheet 12B for the parking of vehicles for the occupants, visitors, service and delivery vehicles.