
Appeal Decision

Site visit made on 17 December 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2020

Appeal Ref: APP/M9496/W/19/3238013

Land Formally Bleaklow Farm, Bramley Lane, Hassop, DE45 1NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P Hunt, C/o Coverland UK Ltd, against the Peak District National Park Authority.
 - The application Ref NP/DDD/0519/0462, is dated 26 April 2019.
 - The development proposed is change of use of agricultural barn to 3 No letting rooms.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of agricultural barn to 3 No letting rooms, at Land Formally Bleaklow Farm, Bramley Lane, Hassop, DE45 1NS, in accordance with the terms of the application Ref NP/DDD/0519/0462, dated 26 April 2019, subject to the attached Schedule of Conditions.

Background and Procedural Matters

2. Application Ref NP/DDD/1116/1095 gave planning permission for “demolition of farmhouse and erection of replacement dwellinghouse; demolition and rebuilding of stables to form additional living accommodation; erection of stable buildings and garaging.”
3. Application Ref NP/DDD/1117/1128 subsequently gave permission to vary condition 2, which specified the approved plans, on approved application Ref NP/DDD/1116/1095. During my site visit I observed that permission Ref NP/DDD/1117/1128 has been substantially implemented. I have dealt with the appeal on this basis.
4. The barn the subject of this appeal is located within the site of approved application Ref NP/DDD/1117/1128. Under this permission the building is to remain in agricultural use. I note the Council considers the site to no longer be a working farm, and I have no reason to doubt this. The proposal identifies the barn as a separate planning unit utilising a shared access to the wider site.
5. Appeal APP/M9496/W/19/3238015 has been submitted simultaneously with this one. Although the 2 appeals fall within the site to which approved application Ref NP/DDD/1117/1128 relates, the 2 appeals relate to 2 distinct buildings within the site and the proposals have been submitted with different

site boundaries. I have dealt with each of the appeals on their respective merits, though I have had regard to the cumulative effect of both in each case.

6. I note that I have been made aware that the appellant has, subsequent to the submission of the appeal being dealt with here and appeal APP/M9496/W/19/3238015, submitted a further application, Ref NP/DDD/1119/1179, which seeks to retain an area that has been used for parking during the construction phase, for parking to be associated with the development of the wider site. As the details of the application did not form part of the current proposal, I consider relevant parties would be prejudiced if such information was considered as part of the current appeal. I have therefore made my decision based on the proposal as submitted to the Authority.

Application for costs

7. An application for costs was made by Mr P Hunt, C/o Coverland UK Ltd, against the Peak District National Park Authority. This application is the subject of a separate Decision.

Main Issues

8. The main issues are:
 - whether or not the proposal raises any highway safety concerns, and
 - the effect of the proposal on the living conditions of the existing occupants of residential properties within the surrounding area, with particular regard to noise and disturbance.

Reasons

9. As noted, the barn the subject of this appeal is located within the site of approved application Ref NP/DDD/1117/1128. The site comprises what was an isolated farmstead, now comprising a dwellinghouse, stables, associated outbuildings and barns set within a small hollow in a hilltop position. The site has a remote and tranquil setting of striking topography which commands distant views to the south. Except for the quarry to the north, the setting is that of an upland agricultural landscape comprising fields of varying sizes enclosed by stone walls.
10. The proposal would have 3 letting rooms, each with an en-suite, and a shared hall and kitchenette. There would be few external physical alterations, and those that are proposed, such as changing a door opening to a window opening and replacing existing windows and a door, are in keeping with the existing traditional appearance of the building. The access would be shared with the wider site, which is taken from a track that continues in a north-easterly direction from the road that passes through the hamlet of Rowland. This track joins another track which runs in an east-west direction, passing close to the northern boundary of the site. It is noted that there is a second access point/track into the site from the track located to the north. The tracks leading to/passing the site could be used by vehicle users, walkers, cyclists and riders.
11. I appreciate the Authority's desire to understand the nature and extent of uses within the wider site in order to consider the overall likely impacts of the proposals. However, I consider that the appellant has clarified the use of the garage and a barn (via the submission of an amended plan) and confirmed that

his intention is to use the renovated dwelling as permitted within the scope of approved application Ref NP/DDD/1117/1128, ie C3 use class. Also, via the 2 applications, he has made it clear that they seek to a) change the use of one of the barns to 3 No letting rooms, and b) change the use of the approved stables and tack room to ancillary accommodation associated with the dwellinghouse, both utilising the approved access south-east of the site. Other than what has been approved and what was applied for, in order to determine the proposals, the Authority was not required to consider whether or not the appellant wishes to use the site, or parts of it, for different uses in the future. Should there be any applications pertaining to the site in the future then each would have to be dealt with on its merits at such point in time

12. I also appreciate the Authority's desire to prevent any breach of planning control. However, none of the aspects referred to by the Authority as potentially breaching approval Ref NP/DDD/1117/1128, such as stone surfacing of a track, extension of the curtilage (including an additional parking area), alteration of ground levels and the presence of a spiral staircase in the two-storey barn within the site, form part of either of the current proposals. Therefore, there was, and is no need to consider them as part of the proposals. Rather, if the Authority considers that a breach has occurred, it has the necessary powers to act to address such matters.

Highway safety

13. As noted above, both appeal proposals propose to use the access located south-east of the site. The proposals would result in the cessation of vehicle movements that could currently be generated from the use of the appeal buildings for agriculture and stabling, eg agricultural vehicles and horse boxes. I note that the Highway Authority did not object to either of the proposals, having concluded vehicle volumes on the surrounding highway network are low, and taking account of the corresponding vehicle speeds. The Highway Authority also advised that traffic increase, "if any", would likely be minimal.
14. I conclude that the nature and extent of the proposed uses, both individually and/or cumulatively with development already approved within the site, would not result in an increase in traffic of an extent that would be raise any highway safety concerns or be detrimental to the enjoyment of any users of the surrounding highway network.
15. In light of the above, I consider that the proposal would accord with Policy GPS3 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011) (CSDPD), and policies DMC3 and DMT5 of the Peak District National Park Development Management Policies: Part 2 of the Local Plan for the Peak District National Park (May 2019) (LP Part 2). Collectively, these policies require, among other things, development to pay attention to any impact on access and traffic levels and to ensure that proposals do not have a detrimental effect on the enjoyment of walkers and riders using footpaths, bridleways and byways.

Living conditions

16. I have concluded above that the proposals would not result in an increase in traffic of an extent that would be raise any highway safety concerns. Also as noted, as traffic increase, if any, would be minimal, I also therefore consider that there would not be a noticeable change in the number of vehicles passing

any of the residential properties in the surrounding area, particularly those located in the hamlet of Rowland. As such, I conclude that the proposals, both individually and/or cumulatively, would not result in additional noise and disturbance from vehicle movements that would be harmful to the living conditions of occupiers of existing residential properties within the surrounding area.

17. In light of the above, I consider that the proposal would accord with Policy GPS3 of the CSDPD, and Policy DMC3 of the LP Part 2. Collectively, and among other things, these policies require development to pay particular attention to any impact on the living conditions of occupiers of existing properties.

National Parks

18. The site is situated in the Peak District National Park (PDNP). The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. I consider that the proposals, individually and/or cumulatively, would not be harmful to the landscape or scenic beauty of the PDNP.
19. In light of the above, I conclude that the proposal would accord with policies GPS1, GPS2 and GPS3 of the CSDPD, and Policy DMC3 of the LP Part 2. Collectively, and among other things, these policies seek to secure the National Park's purposes and duty and achieve sustainable development. Development must respect, conserve or, where possible, enhance all valued characteristics of the site and its buildings.

Other Matters

20. The key concern raised by residents of properties within the locality is what the appellant may ultimately be seeking to use the site for. However, to reiterate and expand on my reasoning above, my decision is based, as it must be, on the merits of the proposal before me. It cannot be based on speculation regarding future uses of the site. I consider that sufficient information regarding the proposal has been provided to enable me to reach my decision and that the cumulative impact of both proposals along with the approved uses of the site can be readily understood from the information provided. Planning legislation allows for the appellant to sub-divide the site into separate planning units and to submit applications retrospectively. Concerns regarding possible breaches of planning control can be addressed via the Authority exercising its enforcement powers. No other matters have been raised which warrant planning permission being withheld in respect of this appeal.

Conditions

21. I have attached conditions specifying the plans, for the avoidance of doubt. To protect the character and appearance of the building and the area, I have attached conditions requiring the conversion to be undertaken within the shell of the existing structure, for external window frames and doors to be timber and for services to be provided underground. I note the Authority suggested a condition that referred to the parking areas shown on the submitted plans. However, as the plans do not show any specified parking areas, I have attached a condition requiring details of 3 No parking spaces and manoeuvring

to be submitted to, and approved by, the Authority, in order to protect the character and appearance of the area and in the interest of highway safety.

22. I have attached a condition requiring the accommodation to remain as holiday accommodation to enable the Authority to retain control of the nature and extent of use, to protect the character and appearance of the area and the living conditions of existing occupants of surrounding properties. I have not included within this condition the suggestion by the Authority for the holiday letting accommodation to be ancillary to Bleaklow Farm, as I do not consider this is necessary to make the development acceptable in planning terms. Regardless of who owns the property, the nature and extent of use of the development and its effects would be the same.
23. I note that the appellant has suggested directing future users of the proposed letting rooms to use Moor Road and the access located north of the site, in order to bypass Rowland. This is something the appellant could do should they wish. However, I have not attached a condition requiring this as it is not necessary to make the development acceptable in planning terms.

Conclusion

24. In light of the above, I conclude that the appeal is allowed.

J Williamson
INSPECTOR

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 be carried out in accordance with the following approved plans: P-S001, P-P103, P-P104; and P-S003 and P-P102 rev H.
3. The approved conversion shall be carried out within the shell of the existing structure without rebuilding.
4. Any associated services that are provided on land under the control of the applicant shall be provided underground, and the ground restored to its original condition thereafter.
5. All external window frames and doors shall be of timber construction.
6. The approved holiday letting rooms shall remain as holiday accommodation. The building shall not be occupied by any person for more than 28 days in a calendar year. The owner shall keep a record of visitors, which shall be made available to the Local Planning Authority on request.
7. Prior to the holiday accommodation hereby approved being first occupied, details of parking and manoeuvring within the site, for a minimum of 3 No cars, shall be submitted to and approved in writing by the National Park Authority. The approved details shall be fully implemented and available for use prior to the holiday accommodation being first used and shall be retained thereafter without impediment to their designated uses.

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