



Appeal Decision

Site visit made on 14 July 2020

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 5th August 2020

Appeal Ref: APP/M9496/W/19/3243568

Shire Horse Barn, Macclesfield Forest, Macclesfield, Cheshire, SK11 0NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Dominic Farley against the decision of the Peak District National Park Authority.
 - The application Ref. NP/CEC/0919/0985, dated 2 September 2019, was refused by notice dated 4 November 2019.
 - The application sought planning permission for change of use of the barn to open market residential (Class C3), single storey extension, external alterations, installation of treatment plant, works of hard and soft landscaping and other works incidental to the proposals without complying with a condition attached to planning permission Ref NP/CEC/0718/0600, dated 20 August 2018.
 - The condition in dispute is no. 2 which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plan nos. 101 E, 103 E and 105 F subject to the following conditions or modifications.
 - The reasons given for the condition are: For clarity and the avoidance of doubt.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of the barn to open market residential (Class C3), single storey extension, external alterations, installation of treatment plant, works of hard and soft landscaping and other works incidental to the proposals at Shire Horse Barn, Macclesfield Forest, Macclesfield, Cheshire, SK11 0NE in accordance with the application NP/CEC/0919/0985, dated 2 September 2019, without compliance with condition no. 2 previously imposed on planning permission NP/CEC/0718/0600, dated 20 August 2018 and subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans: 112 rev E; 111 rev E; and, 105 rev F.
 - 2) The conversion hereby approved shall be carried out entirely within the shell of the existing building. No part of the building shall be rebuilt without the prior written consent of the National Park Authority.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the dwelling shall be carried out and no extensions,

porches, ancillary buildings, satellite antenna, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.

- 4) The domestic curtilage associated with the dwelling hereby approved shall be limited in perpetuity to the area hatched green on plan no. 105 rev F attached to planning permission Ref. NP/CEC/0718/0600.
- 5) All new stonework shall be in natural, reclaimed gritstone faced, coursed and pointed to match the existing stonework.
- 6) The window and door frames shall be constructed in timber and shall be Farrow and Ball range ref. Pigeon Grey or similar unless otherwise agreed in writing by the National Park Authority.
- 7) All window and door frames shall be recessed a minimum of 100 mm (approximately 4 inches) from the external face of the wall.
- 8) The rainwater goods shall be either timber or cast metal and painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
- 9) All pipework, other than rainwater goods, shall be completely internal within the building.
- 10) The recommendations in sections 4.2 and 4.3 of the submitted bat survey report by Nlg Ecology Ltd shall be fully adhered to.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the appeal property and its setting.

Reasons

3. The appeal building, which is a former barn, is part of the cluster of buildings at Top Close Farm, which also include a farmhouse and a range of other associated buildings.
4. There is some evidence that the appeal building, which has stone walls with a stone slate roof, was built before 1873. The Authority regards it as a valued vernacular building and a non-designated heritage asset. These are not matters disputed by the appellant and I have no reason to disagree. Works have commenced to implement planning permission Ref. NP/CEC/0718/0600, which was granted in 2018 for the change of use of the appeal building from a barn to residential. The approved works include the addition of a single-storey monopitch roofed annexe to the southeastern side of the building, the main structure of which is now in place.
5. Condition no. 2, attached to planning permission Ref. NP/CEC/0718/0600, seeks to ensure that the works are carried out in complete accordance with the approved plans, subject to some other conditions. The appellant seeks the variation of condition no. 2, in order to allow a new first floor window to be inserted into the southeastern sidewall of the building and the re-location of an existing glazed former ventilation slot.

6. The site is situated in the Peak District National Park. The *National Planning Policy Framework* (the Framework) indicates 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 landscape and scenic beauty. Furthermore, it confirms that the conservation of cultural heritage is important in National Parks and should be given great weight. Between them Policies GSP3 and L3 of the Authority's *Core Strategy Development Plan Document, 2011* (CS) seek to ensure that proposals conserve valued characteristics and the significance of historic assets. These aims are supported by Policies DMC3 and DMH8 of the Authority's *Development Management Policies, 2019* (DMP). In keeping with the Framework, DMP Policy DMC5 indicates that development of a non-designated heritage asset will not be permitted if it would result in any harm to the significance, character and appearance of the heritage asset, unless the development is considered acceptable following a balanced judgement that takes into account the significance of the heritage asset.
7. The northwestern sidewall and southwestern gable of the appeal building contain windows at ground level and one or more windows above at first floor level, and the northeastern gable also contains a window at first floor level. The previously approved southeastern elevation of the building includes 3 door openings at ground floor level, 2 of which are half glazed, and at first floor level there are a number of glazed former ventilation slots. In my judgement, insofar as the long southeastern elevation can be said to have a plain solid appearance at first floor level, as argued by the Authority, those aspects of its appearance would not be eroded to any material extent by the addition of a single first floor window, of modest proportions, as proposed. Nor would it result in a more domesticated appearance than exists at present. In my view, the building would continue to have the appearance of a converted barn rather than a new house, consistent with the aims of the Authority's *Design Guide* and its *Alterations & Extensions Detailed Design Guide Supplementary Planning Document*. Furthermore, given the relatively isolated location of the property and the group of trees a short distance to the southeast, the number of public vantage points from which this elevation of the appeal property is likely to be visible, if it is at all, would be small and the views limited.
8. I conclude that the proposal would not harm the significance of the non-designated heritage asset or the character and appearance of the appeal property or its setting. In this respect it would accord with the aims of CS Policies GSP3 and L3, DMP Policies DMC3, DMC5 and DMH8 as well as the Framework, and it would not conflict with the statutory purposes of National Parks, set out in *The National Parks and Access to the Countryside Act 1949 (as amended)*.

Other matters

9. The appellant has indicated that the proposed window is needed to provide additional natural light to the first floor, open plan living accommodation. I saw that the level of natural lighting in the southeastern section of this living area is relatively poor and consider that the proposal would give rise to a significant improvement, which would be likely to greatly improve the living conditions of future residents. This weighs in favour of the proposal.

Conclusions

10. I conclude on balance that the proposal would amount to sustainable development, in keeping with the aims of CS Policy GSP1 and the terms of the Framework. Furthermore, insofar as condition no. 2 would serve to prohibit the proposed works, it is not reasonable and necessary. I intend to allow the appeal in order to grant a new planning permission without the disputed condition but substituting another. The new condition would require the works to be carried out in complete accordance with an updated set of plans, which include the proposed window, the relocated glazed former ventilation slot and other amendments of the original plans which have already been approved by the Authority (Refs. NP/NMA/0719/0785 and NP/NMA/1218/1177).
11. For the reasons given above, I conclude the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting another and retaining the relevant non-disputed conditions from the previous permission that are/maybe still subsisting and capable of taking effect¹.

I Jenkins

INSPECTOR

¹ A commencement condition is not necessary, as the original development has been started.