



Appeal Decision

Site visit made on 22 March 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2021

Appeal Ref: APP/M9496/W/20/3260769

Barn opposite Lead Ore House, Winster, Matlock, DE4 2DR

- 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 Wild against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0120/0101, dated 30 January 2020, was refused by notice dated 23 June 2020.
 - The development proposed is the change of use from agricultural building to holiday cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from agricultural building to holiday cottage at the barn opposite Lead Ore House, Winster, Matlock, DE4 2DR in accordance with the terms of the application, Ref NP/DDD/0120/0101, dated 30 January 2020, subject to the conditions set out in Annex A.

Application for costs

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

Procedural Matter

3. As an agricultural barn the building currently does not have a formal address, and its address is described in various ways in the documentation submitted with the appeal. In the banner heading above, I have used the address given on the appeal form as this appeared to be the most accurate.

Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the host building and the surrounding landscape.

Reasons

5. The appeal building is a traditional field barn set within a small paddock. It has a simple rectangular form with few openings. Whilst the walls are constructed from traditional local materials the roof has a mix of materials. As highlighted in the Peak District National Park Historic Farmstead Character Statement, such field barns are a characteristic feature of the area. However, many are falling into disrepair. Although set back from the road, the barn is clearly visible from it and from the public footpath that runs to the north.

6. The Council have identified the building as a non-designated heritage asset. A heritage statement was submitted with the application. This indicates that the significance of the barn comes from the design and fabric of the building and its agricultural character which between them give it both architectural and historic interest. It also highlights that as a former agricultural building, the surrounding pastoral landscape with relicts from its mining history, adds to the significance of the building. From what I have seen and read I would agree with these conclusions.
7. It is proposed to convert the building into a 1 bedroom holiday cottage. Policy RT2 of the *Core Strategy Development Plan Document (adopted October 2011)* (CS) supports the conversion of traditional buildings of historic or vernacular merit to serviced or self-catering holiday accommodation as long as it does not have an unacceptable landscape impact.
8. Other than two small conservation rooflights on the less visible rear roof plane, the conversion would only utilise the existing openings in the building. The proposal would also re-slate the roof using natural blue slates and add cast iron rainwater goods to the building. Some repointing of the walls would also be needed.
9. Whilst the repointing to the walls and the replacement of the roof with traditional materials would be beneficial to the character of the building, the roof lights and addition of a flue would be domestic in character and the proposal would result in the loss of the limited internal features that are associated with its former agricultural use.
10. The dry stone walls that currently surround the paddock in which the barn is located would be retained as would the timber field gate. A small parking area would be provided adjacent to the gate with a path provided from this to the barn door. In addition, a small lawned area would be created to the rear with the rest of the site becoming a wildflower meadow. Whilst the alterations to the area surrounding the barn would be kept to a minimum, and conditions can be used to control other matters such as lighting, domestic paraphernalia and future alterations and extensions to the building, the proposal would inevitably result in this area being more domestic in character. However, as holiday accommodation the level of domestication would be far less than would result from a dwelling.
11. Paragraph 197 of the *National Planning Policy Framework* requires that when determining applications that affect the significance of a non-designated heritage asset a balanced judgement is required, having regard to the scale of any harm, and the significance to the asset.
12. As a relatively well preserved simple field barn that makes a positive contribution to local distinctiveness, the retention and preservation of this building is important. Whilst the proposal would result in some domestication to the building and the surrounding area, the external changes in particular, would be kept to a minimum and overall I consider the agricultural character of the building would still be retained. Therefore, the harm caused to the significance of the building and its setting, and on the wider agricultural landscape would be limited.
13. As these field barns by enlarge no longer have any agricultural use, finding new uses for them is key to ensuring their preservation. Even within the immediate

vicinity, it is clear that many are becoming derelict and so their contribution to the landscape character of the area is being lost. Given the scale of loss of these distinctive features that is outlined in the Council's evidence, the fact that the proposal would provide a new use for the barn, and so would secure its long-term future and its positive contribution to the landscape character of the area, is a matter to which I give considerable weight.

14. Overall, I consider that the benefits that would result from the proposal would significantly outweigh the harm it would cause to the significance of the heritage asset.
15. Consequently, I consider that the proposal would not unacceptably harm the character and appearance of the host building or the landscape character of the area. Accordingly, there would be no conflict with Policies GSP1, GSP2, GSP3, L1 or L3 of the CS or Policies DMC3 and DMC10 of the *Development Management Policies (adopted May 2019)* which require that proposals secure the purposes of the National Park, conserve and where possible enhance all valued characteristics of sites, buildings and the landscape, and that any conversion of heritage assets do not compromise the assets character or setting or have any adverse impact on the landscape.

Other Matters

16. The Parish Council and local residents have suggested that the field and building have links with rope making in the area. However, the heritage statement shows that the archaeological and historical evidence does not support this, and that the origins of the building are agricultural. In the absence of any substantive evidence to the contrary, I see no reason to doubt this conclusion.
17. I note the concerns about the increased use of the access over the common land between the site and the road. Nonetheless, I am satisfied that a sympathetic solution could be found to this and that this can be dealt with by way of a condition.
18. Third parties have suggested that barn conversions are only allowed if a strong local need is proven and also that there is already an excess of holiday accommodation in the area. However, as outlined above CS Policy RT2, which relates to the provision of visitor accommodation indicates that the change of use of traditional buildings to such uses is permitted except where it would have unacceptable landscape impacts.
19. It is suggested that the proposal would set an unacceptable precedent for further barn conversions in the area. However, given I have concluded the proposal would be acceptable and accords with policy, I see no reason why it would lead to unacceptable conversions of other barns. Moreover, any future applications would have to be considered on their own merits having regard to relevant planning policy and guidance at the time.

Conclusion and Conditions

20. For the reasons set out above, I conclude the appeal should be allowed.
21. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. The *Planning Practice Guidance* indicates that permitted development rights should

- only be removed in exceptional circumstances, but in this case, as the Framework states that great weight must be given to conserving and enhancing the landscape and natural beauty in National Parks, a condition removing certain permitted development rights is necessary in the interests of the character and appearance of the host building and the area.
22. Also in the interest of the character and appearance of the area conditions are required to: ensure the conversion takes place within the shell of the existing building; to control the type and colour of the rainwater goods and the colour of the flue; ensure the landscaping of the site and internalisation of pipework; and to prevent domestic paraphernalia being stored on the site. For the same reason and also to protect dark skies a condition to require the submission of a lighting scheme is necessary.
23. A condition ensuring the building is used only as holiday accommodation is necessary in view of the justification for the conversion of this traditional building in the open countryside. A condition requiring a scheme of investigation is necessary to ensure the recording of the historic building. As this recording needs to be done before work on converting the building is started it needs to be a pre-commencement condition. For nature conservation reasons a condition to ensure that mitigation measures for protected species are carried out as part of the development is necessary.
24. Although not suggested by the National Park Authority: in the interests of highway safety and the character and appearance of the area a condition is required to control the details and provision of the parking area and access; and to ensure the adequate drainage of the site a condition is necessary to ensure approval of foul and surface water drainage details. As the provision of drainage would form part of the conversion works this needs to be a pre-commencement condition.
25. Where necessary and in the interests of precision and enforceability I have altered the wording of the suggested conditions. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 017-18_002 Rev A; Site Plan Drawing No 017-18_001 Rev B; Existing and Proposed Plans Drawing No 017-18 A01 Rev C; and Existing and Proposed Elevations Drawing No 017-18 A02 Rev B.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations to the external appearance of the premises hereby permitted shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, solar panels, gates fences, walls or other means of boundary enclosure shall be erected on the site.
- 4) The conversion shall be carried out entirely within the shell of the building. No part shall be rebuilt without the prior written consent of the National Park Authority.
- 5) All rainwater goods to be used on the building shall be either timber or cast metal, painted black. The gutters shall be fitted directly to the stonework with brackets and without the use of fascia boards.
- 6) The log burner flue shown on approved plan Drawing No 017-18 A02 Rev B shall be coloured or painted dark grey or black and shall be permanently so maintained.
- 7) All pipework, other than rainwater goods, shall be completely internal within the building.
- 8) No caravans or other domestic paraphernalia shall be stored on site.
- 9) The converted building hereby permitted shall be used solely for short-let holiday residential use. The holiday accommodation 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.
- 10) a) No development shall take place until a Written Scheme of Investigation for a programme of Level 2/3 building recording has been submitted to, and approved in writing by, the National Park Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the National Park Authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place until the pre-start elements of the scheme have been completed in accordance with the archaeological Written Scheme of Investigation approved under part (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmes set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 11) No development shall take place until a scheme for the disposal of foul and surface water has been submitted to, and approved in writing by, the National Park Authority. Development shall be carried out in accordance with the approved scheme.
- 12) Prior to the first occupation of the use hereby permitted, a scheme for grey water recycling shall be submitted to, and approved in writing by, the National Park Authority. Once approved the scheme shall be carried out in full accordance with the approved details and specifications before the first occupation of the use hereby permitted and retained as such thereafter.
- 13) Prior to the first occupation of the use hereby permitted a lighting scheme shall be submitted to, and approved in writing by, the National Park Authority. Once approved the scheme shall be carried out in full accordance with the approved details before the first occupation of the use hereby permitted and retained as such thereafter.
- 14) Prior to the first occupation of the use hereby permitted the recommendations in Section 6.3 '*Further Survey, Recommendations and Enhancements*' of the submitted Bat and Barn Owl Survey Report (June 2019) shall be provided and retained as such thereafter.
- 15) Prior to the first occupation of the use hereby permitted a detailed landscaping scheme which includes a scheme of tree and shrub planting, shall be submitted to, and approved in writing by, the National Park Authority. Once approved the scheme shall be carried out in the first full planting season following completion or the first occupation of the use hereby permitted, whichever is the sooner. Any tree or plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 16) Prior to the first occupation of the use hereby permitted details of the proposed parking area within, and the access to, the site shall be submitted to, and approved in writing by, the National Park Authority. The parking area and access shall be provided in accordance with the approved details before the first occupation of the use hereby permitted and shall be permanently retained as such thereafter.

