



Appeal Decision

Site visit made on 20 May 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/M9496/W/21/3288046

Stanley Barn, Chunal, GLOSSOP, SK13 6JY

- 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 and Mrs R M Worthington against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/0620/0571, dated 22 June 2020, was refused by notice dated 18 August 2021.
 - The development proposed is use of property as an independent dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A change to the description of development was agreed between the two parties prior to the application being determined. Bearing in mind the approved planning status of Stanley Barn, the revised wording more accurately reflects the proposal than the description provided in the original application form. I have therefore used the amended wording in the banner heading above.

Background

3. The appeal property is a traditional stone barn associated with Stanley Farm. The site forms part of a small cluster of built development in the settlement of Chunal, within the Peak District National Park (PDNP).
4. Planning permission was granted in 2004 to convert Stanley Barn to two holiday lets, which would occupy the upper and lower parts of the T-shaped building. Subsequent planning permissions were granted in 2007 and 2016 (refs NP/HPK/0306/0190 and NP/HPK/0816/0771), which varied the original 2004 consent. The effect of the 2007 and 2016 permissions was to allow the either the lower or upper unit to be occupied as residential accommodation. Conditions and a legal agreement, attached to the 2007 consent, restrict residential use to that which is ancillary to Stanley Farm, with occupation solely by relatives or dependants of the owners of the main dwellinghouse. The legal agreement also specifies that Stanley Barn and the main dwelling must remain in common ownership, and be treated as a single unit for planning purposes.
5. The Barn was converted in 2004, but was not used for holiday accommodation. Instead, the appellant and their family moved into the property in December 2007. Although closely related to the occupiers of the main farmhouse, the

appellants say that their family have lived there separately and independently since 2007.

6. The appeal proposal seeks to alter the formal planning status of the site. The planning unit would be subdivided so that Stanley Barn would be treated as a separate, open market dwelling, with no restrictions on occupancy.

Main Issue

7. The main issue is whether the proposed use of Stanley Barn as an independent dwelling is justified, having regard to policies to restrict housing in the PDNP.

Reasons

8. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and that the scale and extent of development within these areas should be limited.
9. Within the PDNP, there is a significant need for housing to meet identified local needs, but limited opportunities to build new houses. In order to safeguard the protected landscapes within the Park whilst meeting the need for affordable housing, Policy HC1 of the PDNP Core Strategy 2011 restricts new open market housing to limited, exceptional circumstances. As it responds to the specific local circumstances within the PDNP, this approach is consistent with Framework paragraph 78.
10. The proposed use of Stanley Barn as an independent, open market dwelling would not address eligible local needs, nor would it provide for key rural workers. As such, it would not comply with parts A or B of Policy HC1.
11. Part C of Policy HC1 allows for new housing where it is required to achieve the conservation and/or enhancement of valued vernacular buildings. Stanley Barn is identified by the Authority as a nineteenth century outfarm, but it has already been converted to what appears to be a high standard. The proposed unrestricted residential use is not needed to achieve the conservation or enhancement of the building, so does not comply with this part of the Policy.
12. For similar reasons, Policy DMC10 of the Development Management Policies Document 2019 (DMP), which is concerned with conversion of heritage assets, does not provide a reason for the proposal to be allowed.
13. Policy DMH10 of the DMP is concerned with the subdivision of dwellings to create multiple dwelling units, and supports the approach of limiting new housing development set out in Core Strategy Policy HC1.
14. The appellant has asserted that this policy is not relevant because it primarily applies to the subdivision of buildings, which is not being promoted here. However, the wording of the policy and explanatory text refer to dwellings. The various consents relating to Stanley Barn are consistent in their treatment of the Barn and Farmhouse as a single planning unit, comprising of a main dwelling with ancillary residential accommodation, occupation of which is restricted to close family members. The proposal would not involve subdivision of a building, but would result in the division of a single planning unit to create two separate dwellings. Policy DMH10 is, therefore, a relevant consideration.

15. Part iv) of Policy DMH10 allows for the creation of new dwelling units where the proposed subdivision would not undermine the use of any outbuilding as an ancillary dwelling, where that outbuilding is already subject to a condition or legal agreement restricting its use. In this case, use of the Barn is restricted by both conditions and a legal agreement, and the proposed independent residential use would prevent the ancillary use of Stanley Barn. As such, the proposal would not comply with Policy DMH10.
16. Given the conflict with Policies HC1 and DMH10, it is necessary to consider whether there are any other considerations which would justify setting aside the objection on policy grounds.
17. Stanley Barn has already been converted from its former agricultural use, and the proposed independent use would not affect the landscape character of the area. There is sufficient separation between the Barn and farmhouse so as to avoid harm to living conditions, and as there would be no intensification of use, the proposal would not result in additional traffic movements. The Barn has its own postal address, with separate access, parking and amenity areas. Utilities are separate, so the building can function independently from the farmhouse.
18. In respect of these matters, no harm would be caused by the proposed use, but these factors are neutral in the planning balance. The proposal would result in a new open market house which would be of benefit to the appellant, but would make no provision towards meeting identified needs for affordable housing or accommodation for rural workers. As a result, it would fail to comply with the approach to new housing in the area, set out in Policy HC1.
19. The Barn was converted in 2004, but was not used for holiday accommodation, and the appellant and their family moved into the property in December 2007. I note the appellants' comments that they have lived in the Barn since 2007 as their family home, separately and independently from the main farmhouse, and that despite the close family ties, the relationship cannot be described as ancillary. However, this alone is not sufficient to overcome the objections to the principle of the scheme. Family needs and dynamics change over time, and the situation could alter in the future. The proposal would enable the Barn to be sold on the open market, which would prevent any future supportive relationship between the occupiers of Stanley Barn and the main farmhouse. It would also preclude a potential revenue stream from use of the Barn for holiday accommodation, which could help support the farm. No clear justification has been provided as to why these considerations should be set aside.
20. The various planning permissions relating to Stanley Barn have each been guided by the approach to restricting new rural housing set out in Policy HC1. Conditions and a legal agreement have imposed limitations on the residential use of the property, to that which is ancillary to the main farmhouse. Throughout, the aim has been to prevent the creation of a new open market dwelling.
21. The appellant's case centres around the assertion that the Barn is already being used as a separate dwelling, and that as this use is not causing harm, it should now be allowed to continue without restriction. But such use of the Barn does not alter the original policy objection to the scheme, which still exists, despite the lack of harm to factors such as landscape character, living conditions and biodiversity.

22. I note that an application for a Certificate of Lawful Use (CLU) was refused in 2019, and it is not the place of this appeal to revisit the reasons for that decision. As the independent use of the Barn has not been established through a CLU, the reasons for the existing restrictions still apply.
23. I conclude that the proposed use of Stanley Barn as an independent dwelling has not been justified. The proposal conflicts with Core Strategy Policy HC1 and DMP Policy DMH10, which together seek to restrict new open market housing in the national park.

Conclusion

24. The proposal does not comply with the development plan and there are no other considerations which outweigh this finding. The appeal is therefore dismissed.

R Morgan

INSPECTOR