



Appeal Decision

Site visit made on 1 November 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/M9496/W/22/3302880

Greens House Cottage, Out Lane, Hathersage S32 1BQ

- 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 the Monks Family against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0721/0738, dated 2 July 2021, was refused by notice dated 23 February 2022.
 - The development proposed is the conversion of an existing ancillary building into an ancillary dwelling with a rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing ancillary building into an ancillary dwelling with a rear extension at Greens House Cottage, Out Lane, Hathersage S32 1BQ in accordance with the terms of the application, Ref NP/DDD/0721/0738, dated 2 July 2021, subject to the conditions identified in the attached Schedule.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the appeal building and the Peak District National Park; and
 - whether or not the proposal can reasonably be considered to be ancillary accommodation to Greens House Cottage.

Reasons

Character and appearance

3. Greens House Cottage, the main dwelling, is a substantial two storey house in the open countryside. A long driveway leads from Coggers Lane serving a small number of dwellings including the main dwelling.
4. The appeal building is a modest two-storey, pitched roofed detached building constructed in stone walling with a slate roof. The existing windows and rooflights give the building a domestic appearance despite the large timber panelled door. It forms part of a group including the main dwelling and other outbuildings.
5. The design of the proposed extension, its limited size, lower ridge height and its position to the rear of the building, would ensure that it would respect the dominance of the original building and be subordinate to it in terms of its

height, size and massing. The character of the original building and its setting would be respected and retained. Moreover, given its position to the rear of the building and set in from the side elevations it would not be prominent in any public views including from the public right of way that passes it.

6. Although different in appearance to the gardens immediately adjacent to the main dwelling, the land adjoining the appeal building is lawned and distinctly different in appearance to the agricultural land beyond. The appeal building and the associated land lies near the existing dwelling. Consequently, as it is not proposed to fence off the appeal building and any land, any use in connection with occupation of the appeal building would not materially change its appearance. Moreover, controls can be imposed through conditions to prevent the formation of a separate, enclosed garden thereby ensuring that its relationship to the main dwelling would not change in this regard. Therefore, even if I were to agree that the buildings fall outside of the domestic curtilage of the existing dwelling, I am satisfied that it would appear as an ancillary domestic building.
7. Paragraph 176 of the National Planning Policy Framework requires me to give great weight to conserving and enhancing landscape and scenic beauty in National Parks, and that developments within National Parks are sensitively designed in order to avoid or minimise adverse impacts. For the reasons set out above, I do not consider that the proposed development would result in any adverse impacts on the special qualities of the National Park.
8. Accordingly, I conclude that the proposed development would not harm the character and appearance of either the appeal building or the Peak District National Park. I therefore find no conflict with Peak District National Park Local Development Framework Core Strategy Development Plan Document 2011 (CS) Policies GSP2 and GSP3, and Policy DMC3 of Development Management Policies Part 2 of the Local Plan for the Peak District National Park 2019 (DMP). Such policies, amongst other things, seek to ensure that developments are of an appropriate scale and form and do not detract from the character and appearance of the original building. It would also accord with the design guidance set out in the Detailed Design Guide Supplementary Planning Document on Alterations and Extensions, and the National Planning Policy Framework (the Framework).

Whether or not ancillary accommodation

9. The Council state that the amount of floor space that would be provided significantly exceeds the upper floor space limit for a 5-person affordable home within the National Park. This is not disputed by the appellant, and I have no evidence before me to conclude otherwise. However, whilst the enlarged appeal building would contain the necessary facilities for comfortable and fully independent habitation for several occupants, it would be significantly smaller in scale than that provided within the main dwelling and would therefore remain ancillary to it.
10. I do not consider that the footpath and driveway sever the appeal building from the main building. It is not uncommon in the countryside for public rights of way to run along private driveways and through private property.

11. The proximity of the appeal building to the main dwelling would be such that there would be no deterrent to walking between the two. The appeal building would continue to share the same driveway with the main dwelling.
12. An additional parking space would be provided for the appeal building. Nonetheless, the existing parking spaces would be retained in the same position directly adjoining the appeal building, near to the main entrance. As such, activity associated with the main dwelling would take place close to it.
13. The details of how the dwelling would be occupied for purposes ancillary to the main dwelling is limited. However, the information provided is that it will be occupied by the appellants, with their daughter and family living in the main dwelling. This will enable mutual support between the occupants of the main dwelling and the appeal building.
14. Finally, whilst the appeal building would have separate foul drainage plant and heating system it would share an electricity and water supply with the main dwelling.
15. Based on these factors I am satisfied that the appeal building is capable of occupation for ancillary purposes to the main dwelling even if the Council are correct and its lawful use is a tractor store and workshop.
16. I am not persuaded that the granting of planning permission would result in the formation of a separate planning unit. A condition to restrict occupancy to an ancillary role relative to the occupancy of the main dwelling would secure such a relationship and align with the description of the development so as to avoid the creation of an additional dwelling in an open countryside location and ensure that it is occupied for ancillary purposes.
17. I therefore conclude that the proposal would be ancillary accommodation to Greens House Cottage that accords with DMP Policy DMH5, and guidance within the Residential Annexes Supplementary Planning Document 2021 and the Framework which seek to ensure such accommodation is appropriate and does not harm the scenic beauty and landscapes of the National Park.
18. As I have concluded that the appeal building would be ancillary accommodation, with a suitably worded condition restricting occupancy, I have not considered further the matter of the building as a separate and independently occupied dwelling. As such, I do not find the provisions of CS Policies DS1 and HC1 and DMP Policy DMC10 to be of relevance to the proposal before me.

Conditions

19. The Council has suggested a number of conditions which I have considered against the Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity and consistency.
20. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
21. I note that the Council have suggested a legal agreement to limit the occupation of the building to ancillary use. In the absence of such a legal

document I am satisfied that a condition would serve this purpose. As such a condition would restrict occupation for purposes ancillary to the dwellinghouse known as Greens House Cottage I am not persuaded that it is necessary to also specify it cannot be used as holiday accommodation.

22. The Planning Practice Guidance indicates that permitted development rights should only be removed in exceptional circumstances. In this case, however, the Framework states that great weight must be given to conserving and enhancing the landscape and natural beauty in National Parks. As such, a condition removing certain permitted development rights is necessary in the interests of the character and appearance of the area as well as ensuring that the appeal building remains in the same curtilage as the main dwelling.
23. Also, in the interests of the character and appearance of the building and to ensure the proper completion of the development, a condition is required to secure approval of details of the window frames, doors and rooflights.
24. In the interests of biodiversity and protect species a condition is necessary to secure the recommendations of the submitted Bat Survey Report.
25. In addition, a condition is attached to secure approval of a scheme of energy provision in line with national policy objectives to increase the use of renewable and low carbon energy. However, it is not necessary for this to be a pre-commencement condition, and I have amended its wording accordingly.

Conclusion

26. For the reasons given above I conclude that the proposal accords with the development plan when taken as a whole and there are no material considerations which indicate that the decision should be taken otherwise than in accordance with it. Consequently, the appeal is allowed.

Elaine Moulton

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: 475-GHC PA-PL-001, 475-GHC-PA-PL-006, 475-GHC-PA-PL-007, 475-GHC-PA-PL-008, and 475-GHC-PA-PL-009.
- 3) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the dwellinghouse known as Greens House Cottage and shall not be occupied as an independent dwellinghouse. It shall be maintained within the same planning unit as the dwellinghouse known as Greens House Cottage.
- 4) 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 alteration to the external

appearance of the ancillary dwelling hereby permitted shall be carried out and no extensions, porches, ancillary buildings, fences, gates or walls shall be erected on the site without an application for planning permission having first been submitted to and approved in writing by the Authority.

- 5) Prior to the commencement of any above ground construction works a detailed scheme to build in resilience to, and mitigate the causes of, climate change taking account of the energy hierarchy by:-
- i) Reducing the need for energy;
 - ii) Using energy more efficiently;
 - iii) Supplying energy efficiently; and
 - iv) Using low carbon and renewable energy

in the proposed development, shall be submitted to the Authority for approval in writing. Once approved the development shall be completed in accordance with the agreed details with written confirmation of compliance being submitted to the Authority within 3 months of the development being brought into use.

- 6) The development shall be carried out in full accordance with the recommendations set out in sections 4.3 to 4.6.2 of the Bat Survey Report dated August 2019 ref 118-91-01 version 1 produced by Quants Environmental.
- 7) No window frames, doors or roof lights shall be installed other than in full accordance with details which have first been submitted to and approved in writing by the Authority.