



Appeal Decisions

Site visit made on 23 January 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal A Ref: APP/M9496/W/23/3324250

Wrights Farm, Clayholes Road, Kettleshulme SK23 7EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Heyes against the decision of Peak District National Park Authority.
 - The application Ref is NP/CEC/0522/0645.
 - The development proposed was originally described as *'renovation of the farmhouse glass linking to change of use of the outbuildings and replacement of the Nissan hut to ensure protection of the heritage and the farm's long term viability. Rebuilding of the stables in keeping materials at a standard size to better support the viability of the land'*.
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Appeal B Ref: APP/M9496/Y/23/3324249

Wrights Farm, Clayholes Road, Kettleshulme SK23 7EH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Mark Heyes against the decision of Peak District National Park Authority.
 - The application Ref is NP/CEC/1221/1304.
 - The works proposed was originally described as *'planning submission for renovation of the farmhouse linking to change of use of the outbuildings and replacement of the Nissan hut to ensure protection of the heritage and farm's long term viability. Rebuilding of the stables in keeping materials at a standard size to better support the viability of the land'*.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Applications for costs

3. An application for costs was made by Mr Mark Heyes against Peak District National Park. This application is the subject of a separate decision.

Preliminary Matters

4. The description of development and works in the banner heading above are taken from the application forms. However, in Part E of the appeal forms it is stated that the description of development has not changed but, nevertheless a different wording has been entered.
5. Notwithstanding this, it is clear from the plans and accompanying details that the development comprises of the *"Change of use of outbuildings to dwelling*

and formation of residential curtilage and use of existing farmhouse. Replacement of porch with glazed link from the farmhouse to the outbuildings, extension and alteration of the outbuildings including replacement of the Nissen hut to form a family home. Replacement of the stables” and the works comprise “renovation of the farmhouse glass linking to change of use of the outbuildings and replacement of the Nissen hut to ensure protection of the heritage and the farms long term viability. Rebuilding of the stables in keeping materials at a standard size to better support the viability of the land”. The Council set out that the revised descriptions were agreed with the appellant, therefore I have dealt with the proposals on this basis.

6. Wright’s farmhouse is noted as the principal building and is in use as a residential dwelling. The listed building lies adjacent to several other outbuildings. As the farmhouse forms a grade II listed building, the associated outbuildings are curtilage listed. Historic England Guidance advises that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building. These are the physical layout of the listed building and structures, ownership both historically and at the date of listing and the use or function of the relevant building both historically and at the date of listing.
7. The Council considers the outbuildings are also curtilage listed and it is not disputed that the Nissen Hut does not form one of those curtilage listed buildings. However, the appellant disputes that the works to the curtilage listed buildings do not adversely affect the special interest of the principal building and the Council have considered the works being too restrictive on the driveway.
8. Given the above, and as there is no substantiated evidence to the contrary, I conclude that the appeal outbuildings other than the Nissen Hut are curtilage listed. In terms of the driveway, the Council have clarified that any upgrading of materials would not require consent. The matter of widening the access could be dealt with by a suitably worded condition. I have therefore dealt with the appeals on this basis.
9. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning. As the appeal relates to a listed building consent, I have had special regard to section 16(2) of the Act.
10. The appeal site has notable planning history, and my attention has been drawn to unauthorised works which have continued over several years at the appeal site. Therefore, the proposal subject of these appeals also relates to regularisation of these works. Matters relating to the sale of the adjacent property and any recent purchase by the appellant are outside of my remit in these appeals and that property is not within the red line of the appeal site.
11. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.

Main Issues

12. The main issues are (i) whether the proposal would result in an ancillary dwelling for residential accommodation; (ii) whether it preserves a Grade II listed building, Wright's Farmhouse, and any of the features of special architectural or historic interest that it possesses; and (iii) whether there is harm to the character and appearance of the wider area, with particular regard to the Peak District National Park.

Reasons

Special interest and significance

13. The appeal property is a grade II listed farmhouse which was listed in 1983 (Ref: 1138934). The listing identifies the farmhouse from the 17th century with 19th century alterations. Constructed of washed, coursed squared buff sandstone rubble and a stone slate roof, stone ridge and 3 stone chimneys.
14. The appeal site is located within open countryside southeast of Kettleshulme Village within the Peak District National Park. It comprises of a t-shaped one bedroomed farmhouse and a range of dilapidated outbuildings including a shippon, store, Nissen hut and stables with an irregular courtyard. The site is prominent due to the rising landscape and unmade steep driveway off Clayholes Lane, and public views further afforded by the public right of way footpaths that run through the farmyard and those immediately to the south of the holding.
15. The farmhouse appears to have had undergone changes and alterations including its enlargement in the 18th, 19th and 20th centuries and reductions in several acres of the farmstead and holding through historic ownership changes. Most notably is the sale of the property in 2002 as included in the accompanying Heritage Statement¹ which identifies the listed building as having the potential for refurbishment and retains a number of traditional features including exposed beamed ceilings and a stone wheel and winding gear built into the wall between the kitchen and living room. The outbuildings are constructed of stone with stone flag floors, timber framed storage and former poultry buildings and the Nissen hut constructed of brick. The appellant purchased the property in 2020 and states there had been some significant modifications during the past 18 years from the previous occupier.
16. As I saw the existing external render appears to have been removed recently and the former dairy attached to the north gable of the house has no roof. The lean-to-porch which was originally in situ has been removed leaving a revealed external view of the original front door with stone surrounds, and a window with stone mullion. Several replacement windows are in situ at both ground floor and first floor. Other openings have been blocked up and there has been some demolition of buildings. Internally, the farmhouse retains some of the historic features including fireplaces, cupboards, the butter churning wheel and a cellar with stone steps and a vaulted ceiling. It is clear there has been some historic fabric lost with renovations and the lack of habitation, repair and contributions made from the property being open to the elements.
17. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the historic and

¹ Document TJC20201.17, dated November 2021

architectural interest. Its historic interests are primarily in respect of its age and illustration of early 17th century farmstead, vernacular architecture, retained outbuildings and several internal fixtures and fittings associated with its agricultural use of livestock and function as a dairy farm.

Ancillary dwelling / residential accommodation

18. The Council have assessed the proposal on the basis that it would result in the formation of an additional dwelling with the conversion of the outbuildings and the linked glazed unit. The appellant contends that the proposals would not involve the change of use to create a separate dwelling and in their statement of case set out the existing outbuildings including the shippon, store and small stable would be converted into living accommodation to be used in association with the farmhouse. However, they also assert that it has the potential to be used as an annex or ancillary dwelling.
19. The Design and Access Statement which accompanied the applications sets out that the design will enable the farm to be used as a complete property with two separate entrances to keep the farmhouse separate and enables ancillary / rental accommodation for either the house / outbuildings or both. It goes on to say it is intended that the farm and proposed dwelling remain under a single planning concern and the simple frameless glass link structure will make it straightforward to separate the two houses in the future should it be wished to be used as two separate houses. In addition, the design principles and concepts use specifically identifies the change of use as a conversion to create an ancillary dwelling with the one-bedroom farmhouse.
20. Policy DMH5 of the Peak District National Park Development Management Policies, Part 2 of the Local Plan 2019, (LP), (A) permits the conversion of outbuildings which are close to a dwelling provided that it would not result in an over intensive use of the property, an inadequate standard of accommodation or amenity or create a planning need for an over intensive development at a later date. It requires the new accommodation to remain within the curtilage and accessed via the same access, sharing services, utilities and remain under the control of the occupier of the main dwelling.
21. The policy goes on to say amongst other matters that (B) where no buildings are suitable for conversion, a new build ancillary dwelling will be permitted within existing building groups, is subsidiary in physical size to the main house and of appropriate design and materials and is located in a way that any heritage significance of the existing building group is conserved or enhanced by the new buildings. At (C), it requires proposals under (A) or (B) where it is not possible to secure its ancillary status in perpetuity by condition, the ancillary accommodation will be tied to the main dwelling by way of a s106 agreement.
22. The existing farmhouse would be significantly altered by the introduction of the glazed link and conversion of the outbuildings and replacement of the Nissen hut. The conversion of the outbuildings would result in a significant increase in residential accommodation including that floor space would be increased including self-contained accommodation across the buildings. It cannot be considered that the glass corridor would result in a subservient addition as it would tie the listed farmhouse to a significant alteration and result in extended residential accommodation. This would be independent to the farmhouse and would dominate the hierarchy 'rank' of the original farmhouse which is the principal building. It is also unclear as to why the appellant suggests the link

corridor would be an unknown factor in the proposal and that the corridor would not be a permanent fixture or that it could be reversible if required.

23. Taking account of all the evidence presented, I agree that the description of development is not clear. Furthermore, I consider that the appellant's evidence is somewhat ambiguous as to what the intentions are on the future use of the farmhouse and outbuildings combining with the linked corridor. The appellant has indicated they are willing to enter into a s106 agreement but in the absence of such agreement I am unable to conclude that a planning obligation seeking to secure any ancillary status and tie into the farmhouse would meet or comply with the relevant tests or indeed what the appellant is seeking to achieve by any legal agreement.
24. I acknowledge that the Council have suggested an appropriate mechanism to control the use of the property as a single dwelling, and that the link could potentially result in two dwellings if the link was not constructed. I agree that without the glazed link being constructed that two dwellings would be formed resulting in the farmhouse losing its identity and historic function. Moreover, I do not consider from the information before me including the ambiguity of the future use that a suitably worded condition would meet the tests of the Framework to secure this.
25. On this basis, I consider that insufficient evidence has been provided to demonstrate in this case the proposal would not otherwise result in an additional ancillary dwelling. Therefore, I must find that the proposal would be contrary to Policy DMH5 of the LP, as I have already set out above. In addition, it would also be at odds with the Residential Annexes Supplementary Planning Document (SPD), 2021 that seeks to provide guidance on residential annexes and supports Policy DMH5 of the LP.

The appeals proposal and its effects

26. The proposed works involve the remodelling of the layout of the farmhouse. It is appreciated at present this has only one bedroom. However, the proposal including the plans lack finer detail over the remodelling and reinstatement of features including fireplaces, chimney, the cupboards and the butter churning wheel. The plans indicate that works would be constructed to suit. In terms of the outbuildings, again the plans are somewhat unclear and the supporting information² does not cover the extent of rebuilding of the dilapidated walls that may be required as it clearly states that the condition of rear walls could not be fully ascertained. The plans suggest that purlins will be replaced where necessary and the information lacks clarity of this matter and the full extent of rebuilding.
27. Although additional information was provided on the glazed link with structural calculations the design details are limited including the absence of detailed section plans. There is no specific information relating to the fixings or how it will impact on the existing stonework in terms of any bonding. As such the detail of the design lacks clarity over the frameless glazing and floor slabs. I also note that there is a degree of uncertainty with the site plans including encroachment outside the curtilage and the appellant stating they will retain the external walls to the farmhouse, yard walls and outbuildings without plaster

² Thomasons report on structural condition, dated August 2022

or covering including paint, sealant etc with an acknowledgement that lime mortar repointing would be required.

28. In terms of replacement windows, I have had regard to the appellant's assertions and additional plans being provided. However, these again lack detail and several plans are somewhat illegible in part or duplicated. I also note that proposed windows in the west elevation are of a different style and of non-traditional design being not reflective of the earlier frames. There is a lack of detail pertaining to rainwater goods and materials including being shown on plans. There is no substantive information regarding heating proposals or the location of a ground source heat pump and how this would impact on the wider site and buildings.
29. There seems to be much emphasis placed on visual photographs, artists impressions, written assertions, pre-application advice and emails of how the proposals would appear. However, these do not demonstrate that the proposals would not impact on or how they would preserve the significance of the building and pre-application advice cannot pre-empt the democratic decision-making process or a particular outcome. Thus, they hold little merit in assessing the totality of the proposed scheme of works and development.
30. There is no doubt that the proposals due to their scale, massing and design would introduce residential accommodation of a significant nature that would undermine the listed farmhouse. The nature of the link including the extended accommodation due to the scale would be imposing across the site. Indeed, the topography and rights of way would clearly not result in hidden views of the site due to the imposing resultant mass and height of the conversion of outbuildings.
31. Regarding the stables, as I saw there is an existing mono-pitch stone outbuilding which is likely to have been used in the past to house animals at some point in time. The outbuilding being built sometime between 1948 and 1968 from the OS Maps. At present this outbuilding is of a shallow mono-pitch roof and is relatively discreet due to the hilly nature of Clayholes Road but can be seen from the surrounding viewpoints. The proposed stable block would be constructed of stone with a corrugated metal sheet dual pitch roof. Nonetheless, from the information before me it is not clear the justification of why a stable block is necessary or required and the supporting appraisal from 'Rostons' has no reference to horses or that the stables would contribute to the viability of the farmstead.
32. It is imperative that proposals are accompanied by justification, drawings and specifications of sufficient detail to illustrate and/or describe the proposed works in order to avoid any uncertainty over the extent of what is proposed. Irrespective of my views of the merits of the case, the lack of plans and detailed specifications with contrary evidence by the appellant on several elements of the proposal do not assist. Neither is it the role to advance a scheme of works at appeal. As such, I find that it is not possible to confidently determine whether the works would meet the requirements of the Acts statutory duties; and comply with the relevant section of the Framework and the relevant policies of the LP and the Peak District National Park Local Development Framework, Core Strategy Development Plan Document, 2011 (CS).

33. In coming to my decision, I have considered whether conditions controlling the detail of the proposed works and development could adequately mitigate these issues and concerns which have been raised were the appeal to be allowed. Given the prominence of the building and the site within the Peak District National Park and the contribution to the heritage value, I consider that it would be unacceptable to leave such matters to be dealt with by conditions, as I cannot be sure that they would be effective and capable of implementation.
34. I note the appellant's desire to carry out the proposed works, which they contend will bring the appeal site back into habitable accommodation and secure its future use as well as generate improvements to the site and listed building as a whole. There is the potential for an acceptable scheme to be devised which would secure the appropriate use of the farmhouse and convert the outbuildings sympathetically and to a subservient degree recognising the hierarchy of the site.
35. However, I would disagree with the appellant's contention that there is no significant difference to the farmhouse that should warrant a refusal. The proposed development and works would not be subservient to the historical significance of the farmhouse. Moreover, there is no evidence before me to suggest that a large proportion of the internal space would be unusable or that these spaces could not be utilised in a manner that would enhance and/or conserve the designated heritage asset.
36. Therefore, in giving great weight to the conservation of the designated heritage asset, I conclude that it has not been satisfactorily demonstrated that the proposed works and development would preserve the grade II listed building, curtilage buildings or any features of special architectural or historic interest which they possess; or that there would be no harm to the character and appearance of the Peak District National Park.
37. Thus, I cannot be certain that the proposed works would meet the requirements of sections 16(2) of the Act; comply with the provisions within the Framework which seek to conserve and enhance the historic environment; or accord with Policies GSP1, GSP2, GSP3, L1, L3 of the CS and LP Policies DMC3, DMC5, DMC7, DMC10. Together and amongst other matters they seek sustainable development in the National Park including respect, conserve and enhance all valued characteristics of the site and buildings; enhance valued landscape character; and requires development to conserve and where appropriate enhance or reveal the significance of heritage assets. They require conversions to accommodate the new use without change to the character and would not compromise the historic interest; and development affecting a listed building and/or its setting should clearly demonstrate their significance and development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interests of the listed building and its setting and any curtilage listed features.
38. Neither can I be certain it would not be at odds with the guidance contained within the Design Guide SPD, 2007 or the Conversion of Historic Buildings SPD, 2022 that aim to illustrate the principles in the development plan, sustainable and good design principles and ensure that conversions of designated heritage assets and new use respects the original character, appearance and setting of the buildings.

Other Matters

39. The appellant refers to the lack of co-operation and engagement from the Council including design responses to drawings. However, it appears these are essentially procedural matters beyond my remit insofar as it relates to consideration of the planning merits of the appeal and it appears that the proposals were dealt with having due regard to the requirements of the Act, and insofar to the relevant development plan policies.
40. The absence of representations or those that have been received in support of the works and development weigh neither for nor against the proposals. Matters relating to highway safety of the access, rights of way, parking, archaeology and ecology could be dealt with by suitably worded conditions. However, given that I am dismissing the appeal for other reasons it is not necessary for me to consider these matters in detail.
41. My attention has been drawn to other schemes that have been approved with glazed links and several appeal decisions. However, I do not have the full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposals, including the link, outbuildings, scale, massing and works to the listed building. Nonetheless, I have dealt with the appeal on its individuality and on the evidence before me. Moreover, it appears to me that several of the schemes including the appeal decisions are outside of the Peak District National Park.

Conclusion

42. For the reasons given above and having regard to all other matters raised I conclude that the appeals should fail.

KA Taylor

INSPECTOR