



Appeal Decision

Site visit made on 30 July 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/M9496/W/23/3332843

White Shaw Farm, New Zealand, Heaton, Staffordshire, Rushton Spencer SK11 0SR

- 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 and Mrs S Naylor against the decision of Peak District National Park Authority.
 - The application Ref is NP/SM/0623/0673.
 - The development proposed is the conversion and alteration of former kennels and cattery to form two 3-bedroom holiday lets with amenity space, access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and alteration of former kennels and cattery to form two 3-bedroom holiday lets with amenity space, access and parking at White Shaw Farm, New Zealand, Heaton Staffordshire, Rushton Spencer SK11 0SR, in accordance with the terms of the application, Ref NP/SM/0623/0673, subject to the conditions in the attached schedule.

Preliminary Matter

2. For the avoidance of doubt, the site address above is taken from the planning application form.

Main Issues

3. The main issues are a) whether the principle of conversion to holiday lets is acceptable, and b) the effect of the proposal on the character and appearance of the area.

Reasons

Principle of conversion

4. White Shaw Farm is located in the countryside close to the boundary of the Peak District National Park. The site comprises a grade II listed farmhouse and a number of outbuildings. This appeal concerns two former agricultural buildings located to the east of the main farmhouse.
5. Policy RT2 of the Peak District National Park Local Development Framework: Core Strategy Development Plan Document (October 2011) (the CS) states that the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact on open countryside. The Council considers that the appeal buildings are modern in construction, not traditional, and of no historic or vernacular merit.

6. My attention has been drawn to the supporting text to Policy DMC3 of the Development Management Policies: Part 2 of the Local Plan for the Peak District National Park (May 2019) (the DMP) which defines a traditional building as a property built prior to 1919 with solid walls constructed of moisture-permeable materials. Whilst this supporting text may provide a useful starting point, it is not policy and moreover, buildings built after 1919 could be over 100 years old and/or constructed of solid, moisture-permeable walls. I would struggle with describing such buildings as modern or not traditional.
7. I have not been provided with evidence which confirms the age of the appeal buildings however it seems they have been on the site for a significant period of time. I observed that they are of simple and functional form and appearance and are predominantly finished in stone and timber to the elevations and metal sheeting to the roofs. The materials are reflective of those to the farmhouse and buildings in the area thus they harmonise with the farmstead setting and identity and the wider landscape. They are clearly not modern or recent buildings and have some vernacular merit.
8. Regardless of the above considerations, the Council has nevertheless not identified any harm with the conversion of the appeal buildings in respect of Policy RT2, including the landscape impact on open countryside. I shall address matters of character and appearance further in my reasoning below.
9. Whilst the supporting text to Policy RT2 of the CS notes there is concern about oversupply of self-catering accommodation, particularly in some parts of the National Park, there is no conclusive evidence before me to confirm such an oversupply in this instance. The Council does note that allowing the conversion of buildings like this to holiday accommodation would undermine the strategy of converting heritage assets to holiday accommodation whereby it would secure conservation and enhancement of historic buildings. Again, there is nothing before me to conclude that such conversions have prevented the conservation and enhancement of heritage assets.
10. Furthermore, as the appeal development is for the conversion of existing buildings, I do not agree with the Council that the proposal would be new build holiday accommodation as restricted by Policy RT2.
11. Policy DMC10 of the DMP is also relied upon in the Council's first reason for refusal. This concerns the conversion of heritage assets, which the appeal buildings are not, thus this policy is not directly relevant. I do however note that the policy states that buildings which are not deemed to be a heritage asset will not be permitted for conversion to higher intensity uses. The appeal buildings were previously in use as a cattery and kennels. It has not been demonstrated to me that the proposed holiday accommodation would be a higher intensity use.
12. I acknowledge the supporting text to Policy DMC10 of the DMP which notes that the conversion of buildings of those that do not possess the same qualities as heritage assets will rarely be worthy of conversion and not normally permitted. As above, this does not form policy. Furthermore, the requirement that traditional buildings permitted for conversion must be designated or non-designated heritage assets is not explicit in Policy RT2 of the CS.
13. Taking all the above into consideration, I conclude that no conflict arises between the appeal proposal and Policies RT2 of the CS or DMC10 of the DMP.

Character and appearance

14. The main farmhouse and adjoining building are identified on the listing description as a byre and barn. The significance of this heritage asset appears to be derived from its traditional materials, appearance and arrangement.
15. The appeal buildings are within the setting of the listed building and are clearly read within the collective of buildings within the farmstead. Whilst they are in a somewhat dilapidated condition, they do not harm the setting of the listed building but rather they make a neutral contribution.
16. The appeal proposal seeks to retain existing stonework and introduce new stone to match where necessary. Windows would be timber framed and the roof would be profiled metal sheeting. The palette of materials would be reflective of the existing group of buildings and there would be no introduction of starkly modern features. The appeal buildings would also retain their simple form and massing. Overall, the proposed development is sympathetic and complementary to the existing buildings and the rural surrounds.
17. The Council notes that the distance of separation between the proposal and the listed building would mitigate any harm to its setting. I agree that the spacing between the buildings, their orientation and the works proposed would ensure no harm arises to the significance of the heritage asset.
18. The Council's officer report suggests that details of landscaping could be conditioned. Submitted plans indicate grassed areas, stock and wire fencing and areas of paving. I consider that no further landscaping would be necessary. I shall however attach a condition restricting the introduction of fascia boards and external pipework in the interests of the appearance of the buildings and the rural character of the site and wider area.
19. Accordingly, the proposed development would not harm the character and appearance of the area and would preserve the setting of the heritage asset. It therefore accords with policies DMC3, DMC5, DMC7 and DMC10 of the DMP which together aim for a high standard of design that does not adversely affect the character and significance of a heritage asset and its setting as well as the wider area and landscape.

Conditions

20. The Council provided a list of conditions it considered should be attached in the event that the appeal is allowed and the appellant was afforded an opportunity to comment on this submission. For clarity and precision, and to ensure compliance with the Planning Practice Guidance (the PPG), I have undertaken some minor editing and rationalisation.
21. Further to conditions referred to in my reasoning above, I have also imposed the standard time limit and plans list conditions, which includes materials, in the interest of certainty. A condition requiring the rainwater goods to be painted black is not necessary as this is indicated on the approved plans.
22. A condition restricting the use of the buildings to holiday lets is necessary as the development relates to holiday accommodation rather than a main place of residence.

23. I have imposed a condition which removes permitted development rights to carry out various extensions and alterations to the appeal buildings. In doing so I have been mindful of the advice in the PPG concerning the circumstances in which such conditions should be used. The condition defines precisely which rights are being restricted and it is both reasonable and necessary in this instance in the interests of safeguarding the rural character and appearance of the area, given the scale, form and positioning of the appeal buildings. Given the minor nature of microwave antenna and the inherent restrictions in the relevant part of the Order, I consider it unnecessary to remove this right.
24. I note the details of the driveway and parking area shown on the approved plans however in the interests of highway safety a condition which requires the access point to be surfaced in a bound material is necessary.
25. In the interests of protected species, conditions are attached which will encourage bird nesting, bat roosting and restrict lighting.

Conclusion

26. The proposal accords with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

H Ellison
INSPECTOR

Schedule of 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 drawing nos: 00-SLP/SBP, 06, 07, 08 and 09.
3. The development shall not be brought into use until either a roof space has been made available to bats which is lined internally with bitumen lining (such as 1F traditional hessian-backed bitumen felt which complies with BS8747:2007 and BS 5250:2011), or two Greenwoods Ecohabitat Two Crevice Bat Boxes (or equivalent) and a Greenwoods Ecohabitat Small Hollow Bat Box (or equivalent) have been installed on a south facing façade of the buildings and positioned at a height of at least 4 metres. The roof space or bat boxes as installed shall be retained as such thereafter.
4. Details of proposed nest sites for swallows shall be submitted to and approved in writing by the local planning authority and installed in accordance with the approved details prior to the development being brought into use. The nest sites shall be retained thereafter.
5. No development shall take place during the bird nesting season, unless a bird nest check has been undertaken for the respective nesting season and the detail has been submitted to and approved in writing by the local planning authority prior to the commencement of works.

6. Notwithstanding the detail on the approved plans, the development shall not be brought into use until the access drive has been surfaced and thereafter maintained in a bound material for a minimum distance of 5 metres back from the carriageway edge.
7. The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
8. 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 development permitted by virtue of Classes A, AA, B, C, D, E, F and G of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.
9. All gutters shall be fitted directly to the stonework with brackets and without the use of fascia boards.
10. There shall be no pipework, (including soil vent pipes) other than rainwater goods, to the outside of the building.
11. No external lighting shall exceed 3 lux in the vicinity of roost access points and shall be installed which would directly shine on or adjacent to new roosting sites.

End of schedule