



Appeal Decision

Site visit made on 22 October 2024

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/M9496/W/24/3338478

Norfolk House, Manchester Road, Crosspool, Sheffield S6 6GH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mark Durling against the decision of Peak District National Park Authority.
 - The application Ref is NP/S/1123/1421.
 - The application sought planning permission for conversion of hotel to two dwellings and construction of 2 double garages without complying with a condition attached to undated planning permission Ref NP/S/0708/0571.
 - The condition in dispute is No 24 which states that: *Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the dwellings shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.*
 - The reason given for the condition is: *The National Park Authority wishes to retain control over such development in order to ensure that the visual amenities of the site and the valued characteristics of the area are protected.*
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of hotel to two dwellings and construction of 2 double garages at Norfolk House, Manchester Road, Crosspool, Sheffield S6 6GH in accordance with application Ref NP/S/1123/1421, without compliance with condition 24 previously imposed on planning permission Ref NP/S/0708/0571 and subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. Planning permission was originally granted for the conversion of a former hotel/public house to two dwellings and construction of 2 double garages on the site (Ref NP/S/0708/0571). It was subject to several conditions, including condition 24, which removes permitted development rights for alterations to the external appearance of the dwellings, extensions, porches, ancillary buildings, satellite antenna, gates, fences, walls or other means of boundary enclosure. The Council considers this condition to be necessary to protect the character and appearance of the host property and the area.
3. I have been provided with a copy of this permission, but it is undated. However, from other evidence before me, the permission appears to date from 2009 and has been implemented. One of the two dwellings created relates to

the appellant's property, Norfolk House. On the basis of the information submitted by the appellant, he is only seeking to remove the condition in relation to his own property, not the whole development. I have, therefore, considered the appeal before me as an application to remove condition 24 attached to planning permission NP/S/0708/0571, specifically for Norfolk House. The appellant asserts that the removal of permitted development rights set out within condition 24 are not reasonable or necessary.

Main Issue

4. Taking the above into account, the main issue is whether the condition is reasonable or necessary having regard to the character and appearance of the host building and area.

Reasons

5. As set out above, the appeal property is one of two properties created through the conversion of a former hotel/public house known as The New Norfolk Arms into two dwellings.
6. The appeal site is located within the Peak District National Park. Paragraph 182 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest level of protection in relation to these issues. The Framework goes on to state that the scale and extent of development within [all these] designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
7. The Council contend that, at the time the conversion works were granted permission, the building was considered to be of historic and vernacular merit. Its conversion was acceptable because the scheme at that time ensured the overall architectural interest of the building was retained. Thus, permitted development rights were removed to ensure that the Council could retain control over inappropriate alterations and extensions to the building so as to protect its historic and architectural features, which are a valued characteristic of the National Park.
8. The appeal building is a substantial stone built property that is set back from Manchester Road behind a low stone wall and hedge. Due to the surrounding topography, the property sits above the level of the road and overlooks a reservoir on the opposite side of the road. The site includes a large detached single storey garage at the rear, a small, paved area of garden and a larger garden beyond the access driveway. It is surrounded to the north and west by dense woodland and the neighbouring Norfolk Barn is attached to the east.
9. Although the building incorporates architectural features and materials common to the area, including stone walls and chimney and a slate roof, there is little evidence to support the Council's claim that the building is of historic or architectural significance. It seems, from the Council's officer report, that this was the only reason the building was granted permission to be converted from a hotel/public house to dwellings. However, aside from the materials used in the building's construction, no other historic or architectural features have been identified. Indeed, the Council acknowledge some features on the

building do not reflect the local building tradition, such as the hipped roof and projecting bay windows. The building is not listed or in a conservation area, nor do the Council suggest that the building is a non-designated heritage asset.

10. I recognise that the external appearance of the building reflects similar traditional building form and materials found elsewhere in the local area and it has an imposing presence when viewed from Manchester Road, although this is in part due to its elevated position. Nonetheless, from the evidence before me and observations at my site visit, having regard to guidance in the Planning Practice Guidance (PPG)¹ in relation to the identification of non-designated heritage assets, I also cannot find sufficient sound evidence upon which to conclude the building is a non-designated heritage asset. Regardless, this does not mean that the character and appearance of the building or development within its grounds should not be protected. Its traditional appearance and prominent location along Manchester Road, in the National Park, mean that the building and its setting are particularly sensitive to change.
11. The removal of permitted development rights does not seek to prevent development. It gives the Council control over the development of the site. The appellant could apply to the Council for approval for any alterations, additions, or extensions they wish to carry out.
12. The PPG² states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The PPG does not expressly prevent the removal of permitted development rights but requires such conditions to be precisely defined, by reference to the relevant provisions in the General Permitted Development Order (the GPDO), so that it is clear exactly which rights have been limited or withdrawn. The PPG goes on to advise that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
13. The Framework sets out the tests for planning conditions and, at paragraph 54 states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so.
14. Condition 24 of NP/S/0708/0571 refers to the GPDO which was in force at the time. Albeit not specifically referring to the parts of the GPDO it is clear that extensions, additions, boundary structures and changes to the external appearance of the building are not permitted. However, it was imposed prior to the publication of the Framework and PPG. In determining this appeal I have considered whether the condition accords with the guidance now in place.
15. Development within a National Park is referred to in the GPDO as Article 2(3) and Article 2(4) land. As such, permitted development rights are already so restricted that only porches, rear extensions or outbuildings of limited scale would be permitted without requiring planning permission. Even though the garden to the side of Norfolk House is considerable, permitted development

¹ Planning Practice Guidance ID: 18a-040-20190723

² Planning Practice Guidance ID: 21a-017-20190723

rights under Class E would restrict the construction of any outbuilding between the side wall of the property and the boundary of the plot. In any event, the plot is surrounded by woodland and due to the topography of the site, the rear elevation of the property is largely screened by vegetation and the incline of the garden such that any extension would not be greatly visible.

16. Given that the building already existed and that there are existing boundary walls and fencing surrounding the site I see no reason why it is necessary to remove permitted development rights in respect of means of enclosure. I have nothing to persuade me that permitted development would have any impact upon the boundary treatment of the site. Furthermore, due to the property's size and set-back from the road, I see no reason why a satellite antenna would be harmful.
17. Both parties refer to solar panels in the context of condition 24 as an external alteration to the appearance of the building. I note that the wording of condition 24 does not specifically refer to solar panels or any other domestic renewable energy infrastructure. Although permitted development rights for certain renewable energy infrastructure now fall within Schedule 2, Part 14 of the GPDO, these could affect the external appearance of the building and on that basis would be included within the restriction of condition 24. Indeed, the evidence suggests that the Council recently granted planning permission for the installation of solar panels on the front facing roof slope of the property³.
18. The Council contend that this is the very reason condition 24 is necessary so that such development can be carefully assessed having regard to the building's traditional form and location in the National Park. Notwithstanding that the Council granted permission for the solar panels, the property is not a designated or non-designated heritage asset and given that land within the National Park is not an area subject to controls over most renewable energy development in Part 14 in the same way that land within a conservation area or WHS⁴ is, I find the restriction in terms of external appearance within condition 24 in this regard to be overly onerous.
19. Other alterations to the appeal property, such as the design and materials of doors and windows, could affect its external appearance. However, as set out above, there would be no exceptional justification to prevent such alterations.
20. Overall, from the evidence provided, in this case, I find the limited extension or alteration of the property allowed by permitted development rights would not have a harmful effect on the composition of the building or its valued features within the landscape of the National Park beyond what is envisaged by the GPDO. The Council has not presented any exceptional circumstances as to why the existing restrictions within National Parks are insufficient in this particular case. I therefore find no compelling justification for removing the permitted development rights as set out in condition 24.
21. I conclude that the condition is not reasonable or necessary in the interest of the character and appearance of the building or the area and therefore does not meet the relevant tests set out in the Framework. I find no conflict with Policies DMC3 or DMH7 of the Peak District National Park Development Management Policies, Part 2 of the Local Plan, 2019. Collectively, amongst

³ LPA Ref: NP/S/0423/0421

⁴ World Heritage Site

other things, these policies seek to ensure that development is of a high standard of design that does not detract from the character or appearance of the original building and respect, protects, and where possible, enhances the natural beauty, quality and visual amenity of the landscape.

22. Policy DS1 of the Peak District National Park Local Development Framework Core Strategy, 2011 has been referred to in the Council's decision notice. As this policy is concerned with the spatial location of development, I do not consider it determinative in my consideration of the main issues in this appeal.

Conditions

23. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
24. Condition 1, relating to implementation, is no longer required as the building has already been converted and is occupied as a dwelling. Conditions 31 and 32 relating to the provision of a footway and wheel washing facilities during construction are not required as the development has been constructed and a footway provided.
25. Condition 2, which specifies plans, is still required in the interests of certainty. I have no information before me about the status of the other conditions imposed on the original planning permission and whether or not they have been discharged. Moreover, some conditions require certain elements of the development to be retained. Therefore, I have reimposed all the conditions that I consider may still be relevant with minor re-wording to accord with the PPG (renumbered as appropriate). In the event that some conditions have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed and a new planning permission granted, subject to the conditions set out.

A Veivers

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended 1/1250 scale site location plan no 62907/07 Rev A received at the Authority's Offices on 23 March 2009, amended Floor Plan no. 62907/03 Rev D and Site Plan no. 62907/06 Rev A, received at the Authority's Offices on 11 December 2008 and amended Elevational Plan no. 62907/04 Rev E, received at the Authority's Offices on 22 December 2008, subject to the following conditions or modifications.
- 2) All stonework, including any lintels, sills, quoins, surrounds, copings and kneelers shall be natural gritstone to match the existing.
- 3) All roofs shall be clad with natural blue slate.
- 4) All new stonework shall be in coursed natural gritstone to match the existing stonework in terms of stone colour, size, texture, coursing and pointing.
- 5) All window and door frames shall be recessed a minimum of 100 mm (approximately 4 inches) from the external face of the wall.
- 6) All window openings shall be provided with either full natural gritstone surrounds or natural gritstone lintels and sills, where shown on the approved elevational plans.
- 7) All door openings shall be provided with natural gritstone lintels.
- 8) The window openings to the main roadside elevation and the ground and first floor window openings beneath the gabled elevation on the North Elevation shall be provided with vertical sliding sash windows, constructed in timber. The windows shall have a white finish in a white opaque stain and shall be permanently so maintained.
- 9) All the remaining windows, apart from those referred to in condition no. 8 above, shall be side hung casements and shall be constructed in timber.
- 10) The glazing bars shall not exceed 18mm in thickness.
- 11) The new doors shall be vertically boarded timber with no external framing or glazing, where shown on the approved plans.
- 12) The garage doors shall be recessed a minimum of 150mm (approximately 6 inches) from the external face of the wall.
- 13) The garage door openings shall be provided with natural gritstone lintels.
- 14) The garage doors shall be either vertically boarded timber or vertically ribbed metal and shall be either dark stained or dark painted and permanently so maintained.
- 15) The rainwater goods shall be either cast metal, painted black or extruded aluminium powder coated black. The gutters shall be fixed directly to the

stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.

- 16) The dimensions of the rooflights shall be as shown on the approved elevational plans and they shall be fitted flush with the roofslope.
- 17) All pipework, other than rainwater goods, shall be completely internal within the building, or in accordance with a scheme which has first been submitted to and agreed in writing by the National Park Authority.
- 18) The residential curtilages of the dwellings hereby approved shall be restricted to the area edged red on the approved 1/1250 scale site location plan no. 62907/07 rev. A.
- 19) Within 2 months of the date of this permission, a detailed scheme for landscaping (including tree and shrub planting seeding or turfing, earth mounding, walling, fencing or ground surfacing as necessary) shall be submitted to and approved in writing by the National Park Authority. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the National Park Authority within the first planting seasons following completion or occupation of the development. Any walling or surfacing shown on the approved plan shall be completed before the building is first occupied. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme that shall first be submitted to and agreed in writing by the National Park Authority before any trees are removed.
- 20) No trees on the site shall be wilfully damaged or destroyed or felled, topped, lopped or uprooted without the prior written consent of the National Park Authority, other than those which are specifically shown on the approved plan for removal. Any trees proposed for removal shall be replaced as part of a replanting scheme to be submitted to and agreed in writing by the National Park Authority. Such a replanting scheme shall be submitted at the same time as any felling proposals.
- 21) Details of the surfacing treatment for the parking/manoeuvring area and footpaths shall be submitted to and agreed in writing by the National Park Authority. The surfacing works shall then be completed prior to the occupation of the dwellings hereby approved.
- 22) The precautionary measures contained in Section 5, paragraphs 5.1 - 5.3 of the Bat Survey completed on 19 June 2008 prepared by Derek A Whitcher Ltd and received at the National Park Authority's offices on 6 August 2007 shall be undertaken.
- 23) The approved car parking accommodation, on-site vehicle turning space, access points and drive shall have been provided as indicated on the approved plans, surfaced, sealed and drained to the satisfaction of the National Park Authority, and thereafter retained/maintained for the sole purpose intended.
- 24) The development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the

means of access such that there is no obstruction to visibility greater than 600mm above the level of the adjoining footway and such splays shall thereafter be retained.

- 25) The development shall not be used unless the sight lines as indicated on the approved plans have been provided. When such sight lines have been provided thereafter the sight lines shall be retained and no obstruction to the sight lines shall be allowed within the sight lines above a height of 1 metre.
- 26) The gradient of the shared pedestrian/vehicle access shall not exceed 1:12.
- 27) The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to footway, and the means of vehicular access shall be restricted solely to those points indicated on the approved plans.
- 28) There shall be no gates or barriers erected at the means of access to the site.
- 29) Within 3 months of the date of this permission, details of a scheme of appropriate Energy Conservation measures shall be submitted to and approved in writing by the National Park Authority. The agreed Energy Conservation facilities shall then be installed in accordance with a timetable that has been submitted to and agreed in writing by the National Park Authority.

END