



Appeal Decision

Site visit made on 13 January 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 21 January 2025

Appeal Ref: APP/M9496/C/24/3346264

Land to the west of Manor House, Little Hucklow, Buxton SK17 8RT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by The Blind Bull against an enforcement notice issued by Peak District National Park Authority.
 - The notice was issued on 2 May 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of building or other operations comprising the installation of three air source heat pumps (in the approximate location as shown with green triangles on the attached plan), post and rail fencing (shown coloured purple on the attached plan) and timber fencing (shown in bold black on the attached plan) ("the Unauthorised Development").
 - The requirements of the notice are to remove the three air source heat pumps and timber fencing and the post and rail fencing comprising the Unauthorised Development and all materials used in their construction, from the Land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by the deletion of the words "(in the approximate location as shown with green triangles on the attached plan)" in paragraph 3 of the Notice.
2. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the installation of three air source heat pumps, post and rail fencing and timber fencing at Land as shown on the plan attached to the notice and subject to the following condition:
 - 1) The air source heat pumps hereby permitted shall be removed from the Land within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this decision a scheme for the painting of the air source heat pumps in a dark recessive colour shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

The Enforcement Notice

3. The breach of planning control includes the installation of three air source heat pumps (ASHP), the approximate location of which are identified by green triangles on the plan attached to the Notice. I observed on my site visit that the ASHP nearest to The Manor House has been re-sited and is now positioned to the south of the other two ASHP and closer to the track. The relocation of the ASHP is referenced in the appellant's initial grounds of appeal and thus the National Park Authority (NPA) have had an opportunity to make representations on it and have not therefore been prejudiced. My decision therefore takes account of the re-positioned ASHP. In the interests of clarity, I shall correct the notice to remove reference to the location of the ASHP shown as green triangles.

Appeal on ground (a), deemed planning application

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the area, taking into account the desirability of preserving the setting of The Manor House and the contribution that setting makes to its significance; preserving or enhancing the character or appearance of Little Hucklow Conservation Area; and conserving and enhancing natural, landscape and scenic beauty of the Peak District National Park.

Reasons

5. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act) requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The glossary to the National Planning Policy Framework (NPPF) states that the setting of a heritage asset comprises the surroundings in which it is experienced. Historic England's *The Setting of Heritage Assets* (GPA 3) sets out a stepped approach to considering the settings of designated heritage assets and the impact of development on them. It also makes clear that whilst visual considerations play an important part in how a setting is experienced, other factors also have relevance, such as noise or aesthetic associations.

7. The Manor House is a detached mid 17 century residential property and Grade II* listed. From the evidence before me, including the list description and observations on my site visit, I consider the significance of The Manor House as a heritage asset is mainly due to its historic interest, including its age and historic use. It also has architectural interest derived from, amongst other details, its plan form, projecting turret on southern elevation containing stone newel staircase, stone moulded mullion windows with some original diamond leaded lights, and internal exposed ceiling beams on stone corbels.
8. The Manor House is also situated within Little Hucklow Conservation Area (CA). Little Hucklow is a linear farming settlement, and the character of the CA is derived from the mixture of residential and agricultural uses. The residential uses are tightly contained by buildings positioned close to the main street, with the farms interspersed and open farmland surrounding the settlement. In addition, there are important areas of open grassland within the village centre which contribute to the character of the CA.
9. The ASHP have been installed within the rear garden of The Manor House. The Manor House is experienced from the road which runs through the centre of the village, and it is from there that the best views of the property and its architectural details can be appreciated. The rear of the House is also visible in part from the neighbouring track and public right of way (PROW) to the south. However, views of the property and its garden are generally restricted by the properties that surround it, including, neighbouring residential properties along the road, the Blind Bull Public House (PH) and the adjacent barn conversion in use as holiday accommodation. Thus, whilst the rear garden forms part of the setting of The Manor House, the contribution that the garden makes to the special interest/significance of the heritage asset is limited.

Air Source Heat Pumps

10. The ASHP have been sited adjacent to a stone boundary wall within the rear garden of The Manor House. Whilst they have a modern and industrial appearance, which is slightly incongruous given their location within a residential garden, their position adjacent to the boundary wall does not impede views of The Manor House. Furthermore, the ASHP are not visible from the main road, where the special interest of The Manor House is primarily experienced. Views of the ASHP from the PROW are confined to the property's rear entrance, and the neighbouring concrete blockwork wall and converted barn, limits their visibility to wider public views.
11. I have had regard to the NPA Supplementary Planning Document, Climate Change and Sustainable Building (SPD), which recognises that ASHP might not be appropriate on front elevations or on listed buildings, and that careful siting is required to avoid noise impact to neighbours. The ASHP that have been installed are not on the front elevation of The Manor House and nor are they fixed to the listed building. The NPA raise concerns about possible noise/nuisance from the ASHP to neighbouring residents. However, the ASHP have been in situ for nine months, and the NPA have not provided any evidence that when operating, they result in any harm to the living conditions of neighbouring residents. Moreover, the occupiers of those properties closest to the ASHP state that they have not suffered from any form of disturbance or noise pollution as a result of the installations. I therefore give this consideration limited weight and find no conflict with the SPD.

12. For the reasons given above, in my judgement the installation of the ASHP has resulted in a negligible harmful impact on the setting and significance/special interest of The Manor House. Painting of the ASHP in a dark, neutral colour, as suggested by the NPA, would also improve their appearance. Having regard to their position within the rear garden of the Manor House and limited visibility from public vantage points, if painted they would not have a harmful effect on the character or appearance of the CA, nor on the natural, landscape and scenic beauty of the Peak District National Park.
13. I conclude that the negligible harm I have identified above caused to the heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In those circumstances, paragraph 215 of the NPPF says that this harm should be weighed against the public benefits of the development including, where appropriate, securing its optimum viable use. Even though I have found that the harm to the designated heritage asset is less than substantial, it is not to be treated as a less than substantial objection.
14. The ASHP provide sustainable, energy efficient heating to both The Manor House and PH. There is no gas in the village and the ASHP are a sustainable alternative to the previous oil-fired boiler, which included an external oil tank which has now been removed. There are clearly public benefits in moving away from the use of carbon fuels, and subject to consideration of their impact on designated heritage assets, the installation of heat pumps is supported by paragraph 167 of the NPPF. From the evidence before me, the renovation of the PH has had a positive impact on the character and appearance of the CA and is a community asset. The ASHP have, in part, facilitated that use, and as set out in the appellant's initial grounds of appeal, there are considerable public benefits to the community and local economy derived from its new use.
15. Considering the negligible harm I have identified to the heritage asset, the public benefits set out above would outweigh the considerable importance and great weight to be given to that harm to the heritage asset. As such, the installation of the ASHP would comply with paragraph 215 of the NPPF and there would be no conflict with the design and heritage aims of Policies DMC3, DMC5, DMC7 and DMC8 of the Peak District National Park Development Management Policies, adopted 2019 (DMP). I also find no conflict with Policies GSP1, GSP2 or GPS3 of the Peak District National Park Local Development Framework: Core Strategy (CS) which seek to ensure that new development respects the National Park's landscape and its natural and heritage assets. Nor do I find conflict with paragraph 189 of the NPPF which seeks to ensure that great weight is given to conserving and enhancing landscape and scenic beauty in National Parks.

Fences

16. A 1.2m high timber post and rail fence has been erected between the rear garden of The Manor House and the outside drinking/eating area associated with the adjacent PH. The fence is constructed in natural materials, is low in height, and predominantly open in appearance. The NPA state that this fence requires planning permission but do not provide any reasons as to why such consent should not be forthcoming, nor allege any harm.
17. I observed on my site visit that the fence by reason of its height, design, position and materials of construction is inconspicuous when viewed from both the road and

PROW. Its design and appearance are not out of character with the residential and agricultural uses which characterise Little Hucklow CA, and it conserves the character and appearance of the CA. In addition, by reason of its siting and design the fencing does not have an adverse impact on the way The Manor House is appreciated, nor on the significance/special interest of this designated heritage asset.

18. A 1.8m timber vertically boarded fence has been erected within the rear garden of The Manor House to facilitate an area of private amenity space for the holiday accommodation which has been created within the neighbouring converted barn. The fence also prevents direct overlooking between windows in the holiday accommodation and The Manor House. Although the design of the fence is more solid in appearance than the post and rail fence, and is greater in height, its overall design and appearance does not appear incongruous or out of character with its residential and agricultural surroundings. There is thus no harm to the character or appearance of the CA nor the landscape, natural or scenic beauty of the National Park.
19. However, from the evidence before me, including Ordnance Survey Maps and Title Plans, historically the rear garden of The Manor House has been open between the House and the neighbouring barn. The position of the new fence segregates the original garden into two and as such has a minor adverse effect on the setting of the Manor House, albeit the impact of the fence on the significance/special interest of the heritage asset is minimal.
20. The harm I have identified to the heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial and should be weighed against the public benefits of the development including, where appropriate, securing its optimum viable use. Even though I have found that the harm to the designated heritage asset is less than substantial, it is not to be treated as a less than substantial objection.
21. The fence provides privacy for occupants of the holiday accommodation and The Manor House. There are heritage benefits in securing a new use for the barn, and public benefits in providing a tourist use which supports the local economy. The fence facilitates the holiday use and protects the living conditions of neighbouring occupiers. It is not physically attached to the listed building, it is easily removeable and the impact on the significance of The Manor House is minimal.
22. Considering the minimal harm I have identified to the heritage asset, the public benefits set out above would outweigh the considerable importance and great weight to be given to that harm to the heritage asset. As such, the erection of the fence would comply with paragraph 215 of the NPPF and there would be no conflict with the design and heritage aims of Policies DMC3, DMC5, DMC7 and DMC8 of the DMP. I also find no conflict with Policies GSP1, GSP2 or GPS3 of CS which seek to ensure that new development respects the National Park's landscape and its natural and heritage assets. Nor do I find conflict with paragraph 189 of the NPPF which seeks to ensure that great weight is given to conserving and enhancing landscape and scenic beauty in National Parks.

Conditions

23. The Council has suggested conditions which I have considered against advice in the NPPF and Planning Practice Guide.

24. A condition to require the painting of the ASHP is necessary to safeguard the character and appearance of the area. The condition is drafted in this form because, unlike an application for planning permission yet to commence, in the case of a retrospective grant of permission, it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of an outstanding matter. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable.
25. A condition to require the ASHP to be removed once they are no longer required for their intended purpose would not be enforceable.

Conclusion

26. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice, as corrected. The enforcement notice will be corrected and quashed.

Elizabeth Pleasant

INSPECTOR