

PLANNING COMMITTEE – 9 February 2021

REFERENCE NUMBER: 20 / 00979 Application Expiry Date: 18 December 2020
Application Type: Full Planning Permission

Proposal Description: Change of use of stable block/tractor store and construction of glazed link with associated alterations to form one dwelling and double garage

At: The Barn Matlock Road Spitewinter Ashover Chesterfield S45 0LL

For: Mr D Dugdale c/o Miss Charlotte Stainton

Third Party Reps: 1 **Parish:** Ashover Parish
Ward Name: Ashover Ward

Author of Report: Aspbury Planning **Date of Report:** 22 January 2021

MAIN RECOMMENDATION: Refuse



Location Plan

1 : 1250

1.0 Reason for Report

- 1.1 Councillor Armitage has requested that the application is determined by the Planning Committee to give Members an opportunity to consider the proposal. The reason for the call in is provided below:

“This is a redundant building which could be converted into a much needed house as the one at Marsh Green and the one in Mill Town both of which officers were against, there have been no objections what would officers do let it fall down?”

2.0 Proposal and Background

Site Description

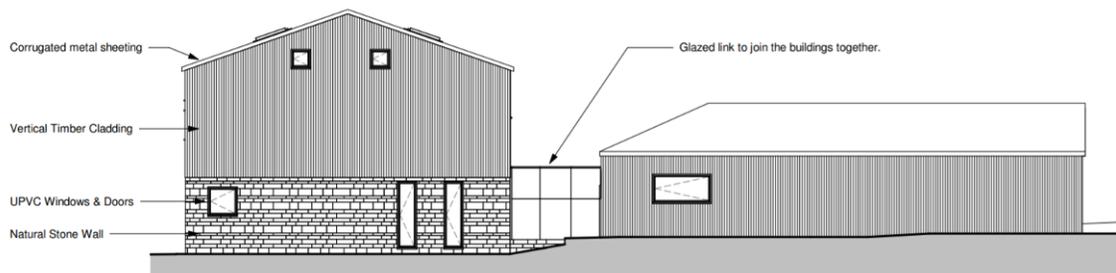
- 2.1 The application site lies outside of any defined Settlement Development Limits and is within an area of countryside. The site is accessed via a gravel track which runs from the A632 (Matlock Road) to the east.
- 2.2 The site comprises of a rectangular plot which currently houses an L-shaped former stable block and workshop and an adjacent tractor store. To the west lies the property of Myrtle Grove and beyond that The Peak Edge Hotel.
- 2.3 The tractor store, which is seen as a typical modern agricultural building of steel portal from construction, with a ridge height of approx. 7.3m, was granted permission for construction in July 2016. The shed provided storage for equipment relating to the farming of arable land around the Peak Edge Hotel as a market garden and for use in the hotel kitchen. The site is no longer in the ownership of the hotel and no longer in-use as a tractor store.
- 2.4 A footpath runs along the access lane from the east and across the entrance of the site and then along the east and southern boundaries of the site on its way to the Peak Edge Hotel.
- 2.5 To the north and south of the site the land is given over to paddocks which is separated from the subject site by post and rail fencing. To the western boundary with Myrtle Grove the boundary treatment is made of a stretch of 6ft timber fencing and then a stone wall.
- 2.6 Due to the size of the tractor store and exacerbated by the topography, which drops down from the B5057 (Darley Road) to the north, the site and buildings are highly visible within the surrounding countryside and when travelling along both the B5057 to the north and the A632 (Matlock Road) to the east.



View from B5057 (Darley Road)

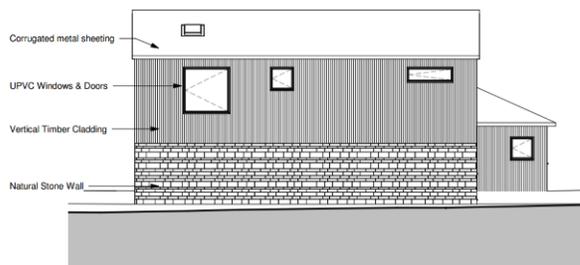
Proposals

- 2.7 Full planning permission is sought for the conversion of the L-Shaped stable and workshop and the adjacent tractor store.
- 2.8 The two buildings are proposed to be joined by way of a glazed single-storey link corridor to provide one dwelling with and integral double garage. Accommodation would comprise of a kitchen diner, utility room all within the existing stable/workshop and lounge/living space, study and five bedrooms within the tractor store.
- 2.9 Externally, new openings and glazed sections are proposed to all elevations but most markedly to the south and west facing with the tractor store would incorporating double height glazing running through the centre of the front gabled elevation from floor to ridge height. Similar is proposed of the gabled front elevation of the stable/workshop with the entire frontage proposed of glazing as well as the return west facing side elevation.

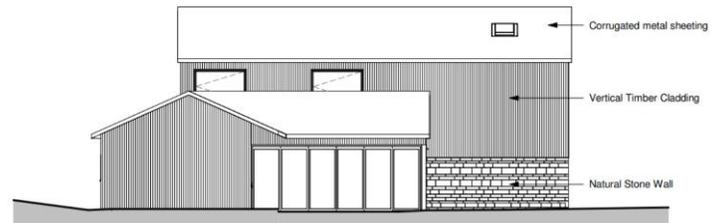




South
1 : 100



East
1 : 100



West
1 : 100

2.10 In terms of materials it is proposed to replace the blockwork of the tractor store with natural stone wall and the green corrugated sheeting to the remainder of the tractor store and stable to vertical timber cladding. The roof would be finished with corrugated metal sheeting.

3.0 Relevant Planning History

3.1 Relevant planning history of the site comprises of the following applications;

- 05/00127/FL | Construction of new stores and garaging with stables (to replace nissen hut) | Status: Refused
- 05/00887/FL | Demolition of nissen hut and construction of new stabling, agricultural stores and workshop (revised scheme of NED/05/127/FL) | Status: Conditionally Approved
- 16/00476/FL | Construction of Tractor store | Status: Conditionally Approved
- 19/00058/FL | Retention of existing stable block with agricultural store and workshop (revised scheme of NED/05/00887/FL) (Affecting a public right of way) | Status: Conditionally Approved

4.0 Consultation Responses

4.1 The **Ward Member** and **Parish Council** were consulted on the application:

- The Ward Member Cllr Armitage has commented in support of the application and that the application should be dealt with by committee on the grounds that, *this is a redundant building which could be converted into a much needed house as the one at Marsh Green and the one in Mill Town both of which officers were against, there have been no objections...what would officers do let it fall down?*
- The Ashover Parish Council commented that whilst the proposal appears to be supported under Ashover Parish Neighbourhood Plan Policy AP2 c), it questions design compliance under Policy AP11 b).

4.2 **Derbyshire County Council Highways Officers** were consulted on the application and subject to upgrade works to the access and submission of suitable plans of visibility splays, from a highway safety perspective no objections were raised subject to conditions.

4.3 **Derbyshire Wildlife Trust** were consulted and had no objection to the proposals, subject to conditions.

4.4 **The Water Authority (Yorkshire Water)** were consulted on the application - no comments were received.

4.5 **NEDDC Environmental Health Officers** were consulted and did not object to the proposals in principle, however given the previous agricultural uses of the land, and the quarrying activities within influencing distance to the north of the proposed development, there is a potential risk from ground gas and contamination and as such recommended suitable conditions.

4.6 **NEDDC Structural Engineers** were consulted on the application - no comments were received.

5.0 Representations

5.1 The application was published by way of neighbour letter and the display of a site notice – no neighbour letters of objection were received.

6.0 Relevant Policy and Strategic Context

6.1 The North East Derbyshire Local Plan (adopted November 2005) and the Ashover Neighbourhood Plan forms the Development Plan for the area.

6.2 North East Derbyshire District Local Plan

The Local Plan policies most relevant to the application proposals are set out below;

- GS1 Sustainable Development
- GS6 Development in the Countryside
- GS7 Change of Use and Conversions
- BE1 General Design Principles
- BE11 Development within and adjoining the Conservation Area
- NE1 Landscape Character
- T2 Highway Impact of New Development
- T9 Car Parking Provision

6.3 The Ashover Neighbourhood Plan

The subject site sits just inside the area covered by the Ashover Neighbourhood Plan 2016-2033 with the following policies of relevance to this application:

- AP2 Development outside Settlement Development Limits
- AP11 Design
- AP13 Landscape Character
- AP19 Dark Skies
- AP20 Traffic
- AP21 Footpaths, Cycleways and Bridleways

6.4 The emerging Local Plan (PDLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected the Plan will achieve adoption in spring 2021. The PDLP is therefore at an advanced stage and, in accordance with the advice set out in paragraph 48 of the National Planning Policy Framework, significant weight should be attached to the Plan in decision making.

The relevant policies are considered to be:

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS9 Development in the Countryside
- SDC1 Re-use of Building in the Green Belt and Countryside
- SDC3 Landscape Character
- SDC12 High quality Design and Place-Making
- ID3 Sustainable Travel

6.5 National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

7.0 Planning Issues

7.1 The key policy considerations are the suitability of the building for conversion, safeguarding the character of the area and highway safety.

Principles of Development and Policy Considerations:

- 7.2 The application site lies within the open countryside. Saved Local Plan Policy GS1 and PDLP policy SS1 seek to ensure that the District's natural assets and countryside are protected and enhanced.
- 7.3 Policy GS6 & NE1 of the adopted Local Plan (2005), PDLP policies SS9 and SDC3 seeks to ensure that proposals outside of defined settlements are in keeping with their countryside location and do not represent a prominent intrusion, whilst saved policy BE1 and PDLP policy SDC12 seek to ensure that the design, scale and massing of development is in keeping with the surrounding character.
- 7.4 Of particular note to this application, Local Plan Policy GS7 advises that planning permission for changes of use will be permitted provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses. Planning permission for the conversion or change of use of an existing building will be granted provided that:
- a) the building is of a permanent and substantial construction;
 - b) where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension;
 - c) the form, scale, massing, materials, general design and appearance of the development respects the character and appearance of the original building, the site and its surroundings with particular regard to local distinctiveness in design; and
 - d) the proposed use of the curtilage of the building does not have an adverse effect upon the character of the area or neighbouring land uses.

PDLP policy SDC1 is similar to this policy and similarly seeks to ensure that the re-use of buildings is appropriate and undertaken in a sensitive manner.

- 7.5 Policy AP2 of the Ashover Neighbourhood Plan (ANP) states that development outside Settlement Development Limits will be supported for the re-use of redundant or underused buildings. The ANP also identifies the importance of the landscape character of the area with development being required to demonstrate that it respects the distinctive landscape character of the area.
- 7.6 The above policies are considered to be generally reflective of the policies contained within the NPPF and due weight can be given to them.

Suitability of the building for conversion

- 7.7 The proposal is seeking to re-use the recently erected L-shaped stable/workshop and adjacent tractor store by their conversion into a single residential dwelling.
- 7.8 The scope and extent of the submitted Structural Report (SR) is limited but it does set out that with regards to the stables/workshop that further work may be required to satisfy the requirements for foundation depth and that vertical support to roof/walls and wind posts may be required to provide lateral stabilisation to the external wall panels. The tractor store is considered within the SR as structurally capable of conversion. However, within the SR, no mention is made regarding the large installation of proposed glazing along the south-west facing front elevation and the resultant affect on structural stability of the building.
- 7.9 Policy GS7 of the adopted Local Plan (2005) stipulates that planning permission for the conversion or change of use of an existing building will only be granted provided that, amongst other points, the building is of a permanent and substantial construction and where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension. Policy SDC1 mirrors this but adds that proposals will normally only be acceptable where the conversion does not include major alterations, adaptations or re-construction.
- 7.10 The buildings as existing are of a basic agricultural/equine nature. The proposed scheme seeks to introduce a significant amount of glazing, particularly to the front facing, most prominent elevations, as well as re-clad the entire building in vertical timber cladding and replace the blockwork walls to the tractor store with a new natural stone finish.
- 7.11 To be acceptable, buildings must be capable of conversion without the need for major rebuilding/alteration or adaptation. In this case the very simple current nature of the buildings requires that all the works stipulated within the structural report are needed to allow the building to be converted to a dwelling. The actual extent of adaptation remains uncertain but it is considered that the level of structural works (as set out in the structural report) required added to the cosmetic changes intended, set alongside all the new openings proposed, would result in the amount of the existing building to be retained being minimal. Development Plan policies seek to protect the original character of buildings and the proposed design would alter the simple agricultural character that currently exists.

- 7.12 In light of the above and taking into account the required structural work stipulated with the submitted SR, it is not considered that the building is cable of conversion without the need for substantial works and alteration and as such it fails to comply with Policy GS7 of the adopted Local Plan (2005) and Policy SDC1 of the PDLP.

Impact upon the Character of the Area

- 7.13 Policy GS6 & NE1 of the adopted Local Plan (2005), PDLP policies SS9 and SDC3 and ANP Policies AP2, AP11 and AP13 seeks to ensure that proposals outside of defined settlements are in keeping with their countryside location, do not represent a prominent intrusion and reinforce local distinctiveness. Policy GS7 stipulates that with regards to the conversion of buildings the proposed use of the curtilage of the building should not have an adverse effect upon the character of the area or neighbouring land uses.
- 7.14 The existing buildings, as discussed previously, are of a basic agricultural nature, commensurate with their use and the locality. Their agricultural appearance is considered low key and is considered an accepted use in the countryside. Their curtilage similarly is low key in terms of impact.
- 7.15 The immediately surrounding area is defined and characterised by a rolling landscape with open and wooded areas. The subject site sits within a depression in the topography and is highly visible, especially from the north along the B5057 Darley Road (see images above), which looks directly down into the site and also from the A632 which runs north to south from the east. A Public Right of Way (Footpath No. 127) also runs along the proposed access, directly towards the site and then skirting the southern perimeter. The buildings, rather than being adjacent to the highway network, a more traditional position for residential premises, are sited within a context of an open landscape.
- 7.16 The alterations proposed to the building would lead to a structure much altered from its current form with many large and visible residential features, including large picture windows. It would be imposing in the landscape and likely to introduce significant levels of lighting where there are currently none in contravention of Ashover Neighbourhood Plan policy AP19.
- 7.17 In addition, the introduction of a residential use occupying a large garden area is considered likely to have a detrimental impact upon the character of the countryside incorporating domestic style landscaping, and the associated domestic paraphernalia that would accompany the residential use, such as, washing lines, sheds, play equipment and further lighting etc.

- 7.18 Overall it is considered that the proposals would have a detrimental impact on the character and appearance of the area and be a prominent intrusion into the countryside. The proposal is therefore considered contrary to North East Derbyshire Local Plan 2005 policies GS6, GS7 and NE1; PDLP SS9, SDC1 and SDC3 and Ashover Neighbourhood Plan policies AP2, AP11, AP13 and AP19.

Impact on Neighbouring Properties

- 7.19 The proposed conversion is within an area of largely open countryside with only Myrtle Grove to the north-west in close enough to be impacted.
- 7.20 In light of the separate access to the east, separation distance between Myrtle Grove and the subject site and the existing boundary treatments, it is not considered that there would be any detrimental impact on neighbouring amenity.

Highways

- 7.21 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.22 The Highways Authority have indicated that they are satisfied that an adequate number of parking spaces and a manoeuvring area have been provided within the site. The Authority has also confirmed they are satisfied that public transport accessibility to the proposed site is adequate as there are northbound and southbound bus stops on Matlock Road, which are within maximum walking distance of 400m.
- 7.23 It is noted that the Highways Authority do have concerns regarding the pedestrian accessibility to the site as there are no formal footway links to the bus stops and pedestrian need to walk on the verge.
- 7.24 However, the Highway Authority has raised no objection to the proposals subject to a number of conditions relating to improvement and resurfacing of the vehicular access route between Matlock Road, access gradient limits, visibility splays, bin store provision adjacent to Matlock Road, provision of at least 2 parking spaces and manoeuvring area and insurance that the public right of way passes over the site is kept unobstructed. In the interests of highway safety it is considered that these conditions can be attached to any permission along with the suggested informative notes. Officers concur with this assessment.

Contamination

- 7.25 The Environmental Health Officer has outlined that they do not object to the proposals in principle, however given the previous agricultural uses of the land, and the quarrying activities within influencing distance to the north of the proposed development, there is a potential risk from ground gas and contamination. As such they have requested pre commencement conditions relating to the provision of a Phase I contaminated land assessment (desk-study), detailed remediation of any findings of any potential contamination and the carrying out of resultant works.

Ecology

- 7.26 The Derbyshire Wildlife Trust has commented that sufficient survey works have been carried out which followed good practice guidance and they have no objections to the proposals and advise that a condition is attached to ensure the biodiversity enhancements detailed in Section 4.2 of the Preliminary Ecological Appraisal (ML-Ecology, 2019) shall be implemented in full and a short statement of compliance submitted to the council once in-situ.

Other Material Considerations

- 7.27 Councillor Armitage has advanced an argument that as apposed to letting the building fall into disrepair this is a redundant building which could be converted into a much-needed home as at Marsh Green and Mill Town.
- 7.28 Whilst consistency is important, each application is to be adjudged on its own merits as circumstances change between cases and applications. In the case of this agricultural building and the works identified, although proposing no extensions, the buildings are only recently constructed and the proposed works would result in little of the existing building being retained and the introduction of a strident, imposing residential property into the rural landscape.

8.0 Summary and Conclusion

- 8.1 The proposal is seeking to convert an existing L-shaped stables/workshop and an adjacent steel portal framed tractor store to create a five bedroom dwelling with integral double garage.
- 8.2 The conversion of existing rural buildings in the Countryside is supported by North East Derbyshire Local Plan Policies GS6 and GS7 and within the emerging Local Plan Policies SS9 and SDC, providing they would not

require major reconstruction or alterations and that there would not be a prominent intrusion into the countryside.

- 8.3 In this case significant alterations are proposed altering its simple current form and resulting in an imposing prosperity within the landscape.
- 8.4 It is also considered that that the proposals would have a detrimental impact on the character and appearance of the area, the existing buildings being of a low key nature and alongside with the volume of amendments proposed to the building and the potential resultant residential paraphernalia, it is considered, the application would result in a prominent intrusion into the countryside.
- 8.5 Taking into account all material considerations and comments received, the proposal is not considered to be policy compliant. There are no factors considered to outweigh that harm and accordingly, the application is recommended for refusal.

9.0 Recommendation

9.1 Refuse planning permission for the following reasons:

1. The application buildings are low key agricultural buildings located within the countryside. Development Plan policies seek to ensure that proposals outside of defined settlements are in keeping with their countryside location and do not represent a prominent intrusion. Planning permission for changes of use of buildings will be permitted provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses, the building is of a permanent and substantial construction and where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension. Furthermore, the proposed use of the curtilage of the building should not have an adverse effect upon the character of the area or neighbouring land uses.

It is clear from the submitted structural report and the scale of the proposed alterations to the buildings that extensive work is needed to make the buildings habitable in the form proposed and that the resultant dwelling, by reason of those alterations, would represent an imposing, prominent dwelling in the landscape and fail to protect and enhance the natural environment.

To grant permission would therefore be contrary to Local Plan Policies GS1, GS6, GS7 and BE1 of the North East Derbyshire Local Plan, Ashover Neighbourhood Plan policies AP2, AP11, AP13 and AP19, Publication Draft Local Plan Policies SS1, SS9, SDC1 and SDC3; and the National Planning Policy Framework when taken as a whole.

2. The change of use proposed to both the buildings and the adjoining land would have detrimental impact upon the countryside resulting from the introduction of such a large scale domestic use and area and the resultant domestic scale and style of landscaping and the associated domestic paraphernalia.

To grant permission would therefore be contrary to North East Derbyshire Local Plan 2005 policies GS1, GS6, GS7 and NE1; Ashover Neighbourhood Plan policies AP2, AP11, AP13 and AP19; Publication Draft Local Plan 2014-2034 policies SS1, SS9, SDC1 and SDC3; and the NPPF.