

## PLANNING COMMITTEE – 9 February 2021

**REFERENCE NUMBER:** 20/00931/FLH    Application Expiry Date: 17 December 2021  
**Application Type:** Full Planning Permission

**Proposal Description:** Proposed two storey rear extension (revised scheme of 19/00270/FLH) (Listed Building) (Conservation Area) (Amended Plans)

**At:** Downlands Farm, Sloade Lane Ridgeway

**For:** Mr Allan Finley  
**Third Party Reps:** 0    **Parish:** Eckington

**REFERENCE NUMBER:** 20 / 00932/LB    Application Expiry Date: 17 December 2021  
**Application Type:** Listed Building Consent

**Proposal Description:** Listed Building Consent application for a proposed two storey rear extension (Revised scheme of 19/00271/LB) (Conservation Area) (Amended Plans)

**At:** Downlands Farm, Sloade Lane Ridgeway

**For:** Mr Allan Finley  
**Third Party Reps:** 0    **Parish:** Eckington  
**Ward Name:** Ridgeway and Marsh Lane Ward

**Author of Report:** Aspbury Planning

**Date of Report:** 22/01/2021

**MAIN RECOMMENDATION: REFUSE**



## **1.0 Reason for Report**

- 1.1 The application has been called in to the committee by the Ward Member, Councillor Renwick. Councillor Ridgeway supports the application.

## **2.0 Proposal and Background**

- 2.1 Downlands Farm is located on the northern side of Sloade Lane which is west of the main settlement of Ridgeway in open countryside. The stone farmhouse is Grade II listed and dates from the 17th century. Attached to the west are a range of former agricultural buildings that have been partly converted to residential and part used as stores and garaging. To the north of the farmhouse and attached buildings is a detached garage block with attic storage above which replaced a stable/store building constructed from brick with an asbestos, under applications 18/00597/FLH and 18/00619/LB.
- 2.2 Construction works are taking place on site with the building of a new retaining wall to the rear of the dwelling as shown on planning permission 19/01154/FL.
- 2.3 The two applications are for full planning permission and for listed building consent for a two-storey extension to the rear. It would consist of two gables with pitched roofs projecting from the rear of the converted barn attached to the Grade II listed farmhouse. The extension will infill the L-Shape created by the existing projecting gable of the listed farmhouse.
- 2.4 The applications are resubmissions of 19/00270/FL & 19/00271/LB that were withdrawn following heritage concerns.
- 2.5 Following the withdrawal of the applications, further applications were submitted under 19/01154/FL & 19/01155/LB which proposed a single storey lean-to rear extension. This application were granted permission/consent as an acceptable form of extension for this listed farmhouse and barn because it had a scale that was sympathetic to the host building and the original historic linear plan form of the barn would be retained. Lean-to extensions are a common form of extensions found on agricultural buildings.
- 2.6 This current proposal is on the same footprint of the approved lean-to extension but is two storey and the roof consists of two projecting gables.

**Figure 1 – Pitchers taken at the site visit on the 19 November 2020**



### **3.0 Relevant Planning History**

- 3.1 The site has an extensive planning history. The most relevant to the considerations of these proposal are:
- 3.2 19/00270/FLH | Proposed two storey rear extension (Listed Building/Conservation Area): Application Withdrawn due to heritage concerns.
- 3.3 19/00271/LB | Listed Building Consent application for proposed two storey rear extension (Conservation Area): Application Withdrawn due to heritage concerns.

- 3.4 19/01154/FLH | Proposed single storey rear extension (Listed Building/Conservation Area/Revised Scheme of 19/00270/FLH): Conditionally Approved.
- 3.5 19/01155/LB | Listed building consent for proposed single storey rear extension (Listed Building/Conservation Area/Revised Scheme of 19/00271/LB): Approved.
- 3.6 20/00265/LB | Application for Listed Building consent to vary Condition 3 (Materials) pursuant of 19/01155/LB (Listed Building/Conservation Area): Conditionally Approved
- 3.7 20/00266/FLH | Application pursuant of 19/01154/FLH to vary Condition 3 (Materials) (Listed Building/Conservation Area): Conditionally Approved

#### **4.0 Consultation Responses**

- 4.1 Derbyshire Highways Authority: No comments received. The proposal do not alter the current access and parking arrangements.
- 4.2 Eckington Parish Council: No comments received.

#### **5.0 Representations**

- 5.1 Ward Member: Councillor Renwick supports the application and considers that the proposal is acceptable.
- 5.2 A Site Notices were posted on 19 November 2020 and a press noticed published on the 19 November. No third-party representations have been received.

#### **6.0 Relevant Policy and Strategic Context**

- 6.1 The Development Plan comprises the North East Derbyshire Local Plan. There is no Neighbourhood Plan for the area.
- 6.2 In respect of the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:

- GS1 Sustainable Development
- GS2 Development in the Green Belt
- GS6 New Development in the Countryside
- NE2 Special Landscape Areas
- BE1 General Design Principles
- BE7 Alterations and works to listed Buildings
- BE11 Development in the Conservation Area
- H5 Domestic Extensions

6.3 Other relevant policy documents include the Successful Places Design Guide.

6.4 The emerging North East Derbyshire Publication Draft Local Plan 2014-2034 (DLP) 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. At the time of writing the Plan is due to complete the consultation on the Main Modifications on 31<sup>st</sup> January. It is expected the Plan will achieve adoption in early summer 2021. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.5 In respect of the Draft Local Plan the most relevant policies to this application are considered to be as follows:

- SS1 Sustainable Development
- SS2 Spatial Strategy
- SS9 Development in the Countryside
- SS10 Development in the Countryside and Green Belt
- LC5 Residential Extensions
- SDC3 Landscape Character
- SDC5 Development with Conservation Areas
- SDC6 Development Affecting Listed Buildings

The site is within the Green Belt, Special Landscape Area and the Moss Valley Conservation Area.

6.6 The revised National Planning Policy Framework was published in February 2019 and sets out the Government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with Chapters 13 (protecting Green Belt land) and 16 (conserving and enhancing the historic environment) considered to be particularly pertinent.

- 6.7 The statutory requirement of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities have special regard to the desirability of preserving listed buildings including their setting.
- 6.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("P(LBCA)A 1990") requires that special attention to the desirability of preserving or enhancing the character or appearance of that area.

## **7.0 Planning Issues**

- 7.1 The planning issues relevant to the proposal are whether the proposal accords with the policies of the Development Plan, i.e. is it acceptable in principle, its impact on the openness of the Green Belt, does it preserve and enhance designated heritage assets, its potential impact on the amenity of existing residential property occupiers, highway safety.

Each matter is considered in detail below.

### Principle of Development and Application of Policy

- 7.2 The proposal lies within the Green Belt where policies restrict development unless development falls into an exempt category or very special circumstances arise. The site, subject to the application relates to an existing domestic dwelling.
- 7.3 The application sites lies within the open countryside and is associated with the domestic use of the site. Saved Local Plan Policy GS1 and DLP policies SS1 and SS2 seeks to ensure that all development proposals have regard to the need to maintain or improve the quality of life of communities, maintain economic growth, preserve or enhance the environment of North East Derbyshire and contribute towards achieving a sustainable pattern of development. It favors development within settlement limits unless there are other policies in the Plan that supports the proposal.
- 7.4 Policy GS6 & NE2 of the adopted Local Plan (2005), DLP policies SS9 and SDC3 seeks to ensure that proposals outside of defined settlements are in keeping with the countryside location and does not represent a prominent intrusion, whilst saved policy BE1 and H5, DLP Policy L5 seeks to ensure that the design, scale and massing of development is in keeping with the character of the building.

- 7.5 Local Plan (2005) Policy GS2 and DLP (2014-2034) policy SS10 are particularly relevant to this proposal as they seek to prevent harmful development within the Green Belt unless very special circumstances exist. There are some exceptions to the policy such as small-scale extension which does not have a materially greater impact the openness of the Green Belt.
- 7.6 Policy BE7 of the NED LP 2005 and Policy SDC6 of the PDLP 2014 – 2034 requires that development proposals for the extension, alteration or partial demolition of a Listed Building will only be granted where the proposal respects, preserves or enhances the special architectural or historic interest of the building. Proposals should use materials, layout, architectural features, scale and design that respond to and do not detract from the listed building.
- 7.7 The above policies are reflective of the policies in the NPPF and due weight can be given to them and the development plan as a whole. (Paragraph 213). In particular NPPF Chapter 13 'Protecting the Green Belt' states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Chapter 16, Conserving and Enhancing the Historic Environment, places significant weight on protecting designated heritage assets.

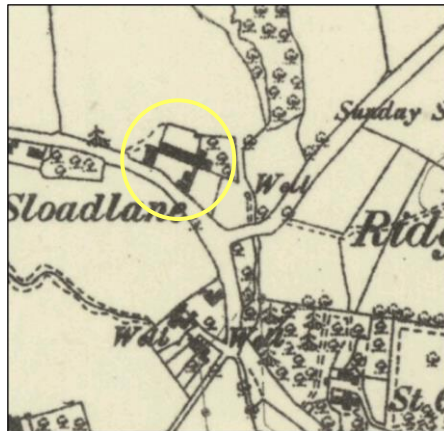
#### Impact upon the Green Belt and Special Landscape Area

- 7.8 The NPPF (Paragraph 145) and Local Plan Policy GS2 states that the construction of new buildings is inappropriate in the Green Belt except in special circumstances. Exceptions including, extension or alteration of a building providing there would be no impact upon openness.
- 7.9 The revised proposal seeks a two-storey rear extension in place of the approved single storey extension. Due to the scale of the dwelling a two-storey extension is inappropriate development. With the extension being against two, 2-storey original elements of the house and other nearby buildings the negative impact upon the openness of the Green Belt is small, but nevertheless present.
- 7.10 Policies NE2 and GS6 of the Local Plan and Policy SS9 of the Draft Local Plan seek to ensure development proposal would not impact upon the Special Landscape Character. Given the site has limited visibility from the wider countryside it the proposal would not have a greater impact upon the landscape character.



### Impact on Designated Heritage Assets

- 7.11 The main issue when considering a proposal affecting a listed building is the impact it will have on the special architectural and historic interest of the building and its setting. The significance of heritage assets is defined in the NPPF as, “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.
- 7.12 The significance of the Downlands Farmhouse relates to the age of the building, the rural setting, the quality of the traditional materials and their use, the architectural details and the historic plan form of the farmhouse and attached barn. The historic and social role of the farmhouse and farm group, in association with the small former agricultural settlement of Ridgeway also contributes towards significance.
- 7.13 The historic plan below shows Downlands Farm in 1875. Barns attached to farmhouses are generally rectangular in plan form which is shown clearly on the plan below:



- 7.14 The statutory requirement of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses. The statute is a material consideration of significant weight for determination of proposals that involve the conversion, alteration and extension of heritage assets.
- 7.15 Policy BE7 of the NED LP 2005 and Policy SDC6 of the PDLP 2014 – 2034 requires that development proposals for the extension, alteration or partial demolition of a Listed Building will only be granted where the proposal respects, preserves or enhances the special architectural or historic interest of the building. Proposals should use materials, layout,



architectural features, scale and design that respond to and do not detract from the listed building.

- 7.16 The proposed two storey extension will attach to the former barn at Downlands Farm, which although has been substantially rebuilt and partly converted to residential use, still retains its simple, linear historic plan form and contributes to the significance of the farm group. The removal of stonework to create access into the new extension will not involve any loss of original historic fabric because of the partial reconstruction of the barn.
- 7.17 However, the proposed height and design of two storey extension detracts from the simple linear plan form of the original attached barn. The proposed double pitched projecting gables are not a typical form of extension found on agricultural buildings and the large horizontal expanse of glazing at ground floor, introduces an alien fenestration at odds with the fenestration of the listed farm house.
- 7.18 Paragraphs 184 and 202 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 7.19 The application is for a two-storey extension on the footprint of the approved but yet to be built single storey extension. The proposal is similar in size to the earlier application withdrawn due to concerns over heritage harm. This resulted in a revised proposal for a single storey extension being submitted and approved.
- 7.20 The application has been submitted with a Heritage Statement. This takes the view that the two-storey extension represents a change that will result in minimal loss of historic fabric; a negligible change to the character and appearance of the listed building; that its character, architectural interest and historic interest would be preserved; that the significance of the building and its setting would be preserved, and that in NPPF terms there would be an effect of negligible significance equivalent to less than substantial harm.
- 7.21 The historic plan form of the listed farmhouse and attached barn contributes towards the significance of the building. The proposed extension is of a height, area and design that seriously detracts from this plan form. The proposed double pitched projecting gables are not a characteristic form of extension found on agricultural buildings and the large horizontal expanse of glazing at ground floor, introduces an alien type of fenestration at odds with the fenestration of the listed farmhouse. The extension does not respect the scale, elevations or historic plan form

of the original building. Furthermore, the design and detailing detracts from the historic architectural detailing of the original buildings.

- 7.22 For all the above reasons, it the proposal results in harm to the significance of the listed building. That harm is “less than substantial”, where it should be understood that “substantial harm” would be experienced in the demolition or complete removal of the special architectural and historic interest of a Listed Building. This proposal does not cause substantial harm, but the harm that it does cause is less than substantial. The NPPF in paragraph 196 states that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*. In the assessment of less than substantial harm a view must be taken, to consider if the harm is outweighed by the public benefits. In this case there are no public benefits. The listed building is not at risk of being lost. There are no community facilities being proposed. The benefits are personal to the applicant. There are no public benefits to outweigh the harm caused to the significance of the listed building as a designated heritage asset.
- 7.23 The proposal therefore does not conform to the saved policies H5 and BE7 of the 2005 Local Plan or policies LC5 and SD6 of the 2014-2032 emerging Local Plan.

#### Impact on the Moss Valley Conservation Area

- 7.24 Policy BE11 of the NED LP 2005 and Policy SDC5 of the PDLP 2014 – 2034 requires that that development within conservation areas should preserve or enhance its character. The proposed extension to the rear of the existing dwelling is not of a scale that will preserve the character and appearance of the Moss Valley Conservation Area as it has a greater impact upon the listed building than the approved single storey extension.
- 7.25 Policy H5 of the NED 2005 and policy LC5 of the PDLP 2014 – 2034 states that domestic extensions should be in keeping with the host building in terms of materials and scale and should avoid loss of amenity to neighbouring properties. New development should meet the highest standards of urban and architectural design and make a positive contribution to the quality of the local environment. Whilst the proposal is contained within the domestic use of the site the scale represents harm to the listed building which in turn has a greater impact upon the conservation area and fails to comply with LP policies BE11 and DLP SDC5.

## Impact upon Neighbouring Properties

- 7.26 The application site is located wholly within the open countryside and there are no nearby neighbours that could be affected by the proposal.

## Highway Safety

- 7.27 There are no changes proposed to the access or parking arrangements. There is ample parking available within the site.

## 8.0 Summary and Conclusion

- 8.1 The proposal does not represent appropriate development as it causes harm to a listed building and does not preserve or enhance designated heritage assets. Whilst the harm identified is considered to be 'less than substantial', the NPPF test **states that**, it can only be approved if there are public benefits that **outweigh the harm**. It is not considered that there are any **public benefits that would warrant** an approval.
- 8.2 In light of the comments above it is considered that the proposed extension does not conform with H5 and BE7 of the NED Local Plan (2005) and the policies LC5 and SDC6 of the PDLP 2014-2034, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national policy relating to the historic environment (chapter 16) of the NPPF (February 2019) and refusal of both the Full Planning and Listed Building Consent is recommended.

## 9.0 Recommendation

- 9.1 **REFUSE** Full Planning Permission subject to the following reason:

The proposed extension would be at odds with the agricultural character and plan form of the host building, where the design, siting, mass and form of the proposal cause harm to the architectural character of the listed farmhouse and attached barn. The proposal does not preserve the architectural character of the listed building and therefore fails to comply with the North East Derbyshire Local Plan (2005) policies GS1, BE7, BE11 and Publication Draft Local Plan 2014 – 2034 policies SS1, SDC5 and SDC6 and the NPPF chapter 16.

- 9.2 **REFUSE** Listed Building Consent for the following reason:

The statute requires under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that local planning authorities should

have special regard to the desirability of preserving listed buildings including their setting.

Policy BE7 of the 2005 NED local plan and Policy SDC6 of the PDLP 2014-2034 requires that alterations to listed buildings will only be granted where proposals respects and preserves listed buildings. Proposals will be supported where the scale and design of the development does not detract from the listed building or its setting.

The proposed extension would be at odds with the simple linear agricultural character and plan form of the host building, where the design, siting, mass and form of the proposal causes harm to the architectural character of the listed farmhouse and attached barn. The proposal does not preserve the architectural character of the listed building and therefore fails to comply with the North East Derbyshire Local Plan (2005) policies BE7 and Publication Draft Local Plan 2014 – 2034 policy SDC6 and the framework when taken as a whole.