

# Ault Hucknall Parish

## SUMMARY

The application has been called into Planning Committee by Cllr Tom Kirkham to allow for “...greater scrutiny. The conversion of the barn into a holiday let has caused concern with surrounding residents over possible disturbances in relation to when it is let and types of visitors that it will target. The plans also raise questions regarding the disposal of asbestos and the planned use of the field for access and drainage on the site which is prone to flooding. Final access to the barn is via a shared driveway and questions around the provision of parking and possible blockages of the driveway by visitors to the area have been raised. A chance to discuss these concerns in an open meeting with the developer and planning committee will be of support to the residents. It will also be a good to look at how BDC manage holiday let planning and possible actions to help mitigate possible changes in behaviour around a property they may or may not cause.”

## SITE & SURROUNDINGS

The application site is within the village of Hardstoft, which is defined as a 'small settlement in the countryside'.

The outbuilding proposed for conversion is sited in the north-west corner of a complex of three barn conversions (Barn Cottages) which were approved for conversion in the 1990's with original farm house retained fronting Farm Lane. Whilst the outbuilding appears as a stand-alone structure when viewed from Farm Lane, the treatment of land to the front of the outbuilding, as identified on the Google Aerial image below, the existing access drive shared by this outbuilding and other properties within the complex, and the defined 'edges' to the boundaries around the site suggest that the outbuilding is part of the wider curtilage to this associated complex.



The outbuilding is constructed from random coursed Sandstone (gables and rear elevation) with a relatively modern corrugated sheet roof. There are 4 sets of double timber doors to the front elevation with a variety of timber / concrete and infill columns.

The building has a relatively run-down appearance due to its vacancy, but appears to be structurally sound.

The northern elevation of the building forms part of the rear boundary to the site.

There are no discernible openings other than on the front elevation, the rear wall of the building forms part of the northern boundary.





The application site lies within the Hardstoft Conservation Area and the farmhouse to the front of the site has been identified as an unlisted building of merit.

The site as existing is accessed from a shared private drive, leading from Farm Lane as identified on the image below. The drive is used to access four residential properties. Three of which are part of a barn conversion development, arranged in a 'U' shape, with the original detached farmhouse to the south. These properties have domesticated external amenity spaces to the rear overlooking fields, and the detached farmhouse has the domestic curtilage fronting Farm Lane.



On the opposite side of Farm Lane are a row of residential dwellings, varying in their age and form, sited within spacious gardens. Directly opposite the entrance to the site is a menage. Both sides of Farm Lane are bound with established hedgerows.

To the side and front of the building, the land surface comprises unmanaged grass. There is a mature alder to the side of the building. Land levels drop to a hard surfaced driveway, used for parking and access to the rear of Barn 1. This driveway where it curves around the rear of the garage block is not part of the application site and is not within the red line boundary. Directly opposite the building is the rear elevation of the garage block serving two of the barn conversions. There are no windows in the rear of the garage block. To the southeast of the building is the rear elevation and private amenity space serving Barn 1. There is an existing 1.2m high stone wall along this boundary.

Within the application site, to the front of the building and adjacent to the driveway is an area of immature trees and shrubs as identified on the image below. Trees within this area consist

of a Eucalyptus, Yew, Hawthorn, Lime and Rowan. There are other unidentified trees and shrubs in this group



To the west of the building is a paddock within the applicant's control, as identified below, used for grazing of horses and separated from the site by an established hedge and stone wall.



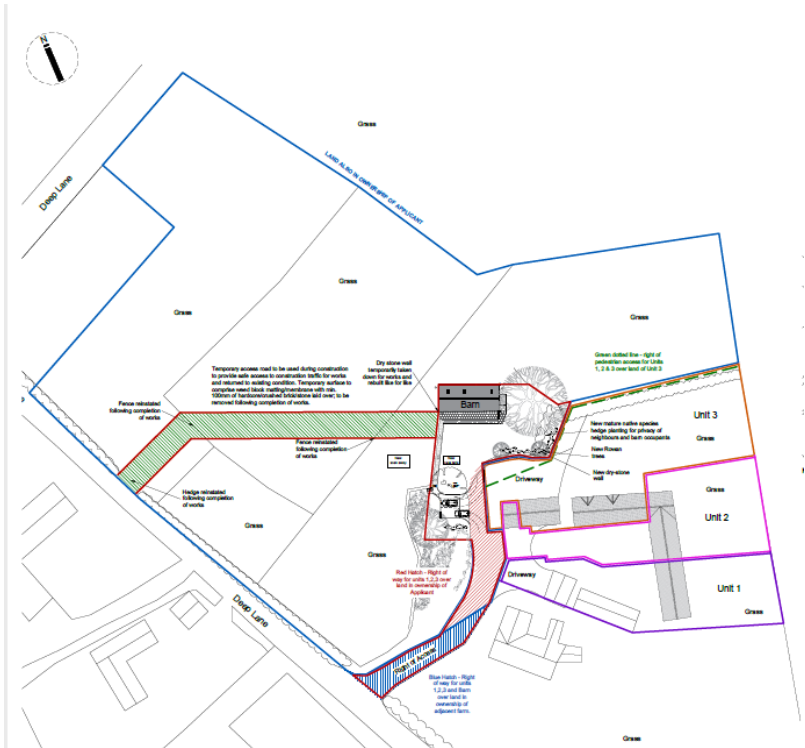
Part of this paddock is included within the application site boundary for a temporary construction road. There is an established hedge between the paddock and Farm Lane, and an existing gated access into the paddock which provides views towards the outbuilding.

## **PROPOSAL**

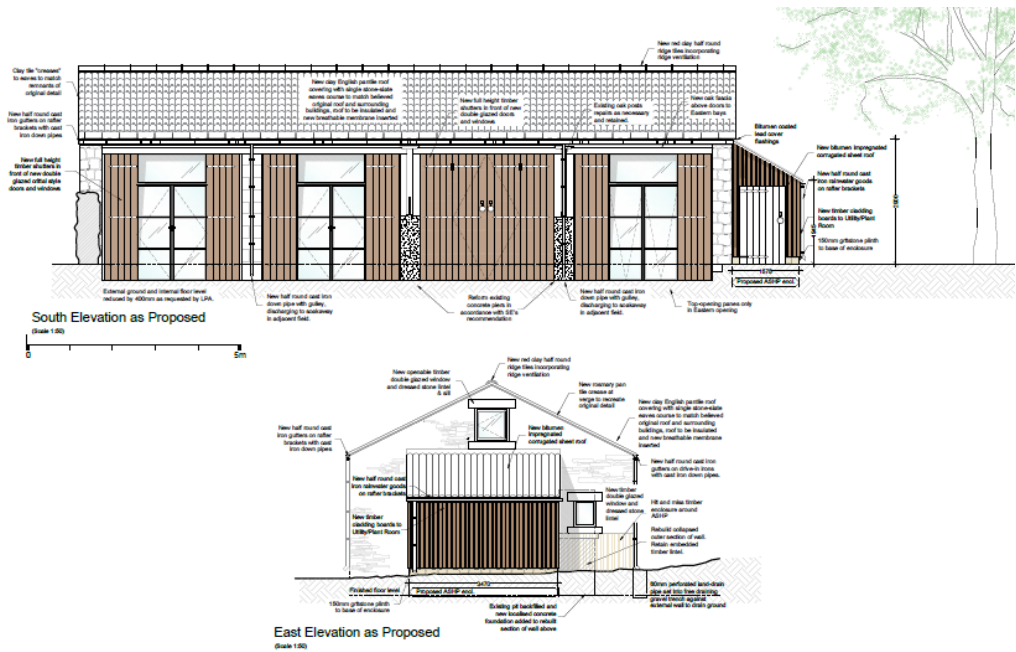
This application is seeking full planning permission to change the use and convert an existing redundant barn into a three bedroom dwelling to use as a holiday let. The proposal also includes a single storey, timber lean-to at the side, lowering of land levels to the front to create an outdoor amenity space, formation of two parking spaces, and construction of a stone wall, with on plot landscaping. A temporary access and road is proposed in the adjacent paddock for use by construction traffic.

The plan provided below is a revision to the original submission and the applicant's

representative has indicated that the land contained within the blue outline is in control of the applicant. The majority of the red outline is also in the applicant's control apart from the front part of the access drive which is in ownership of The Farm (hatched blue). The other shaded areas and outlines depict the division of dwellings in the complex and the areas of land where there are rights of access.

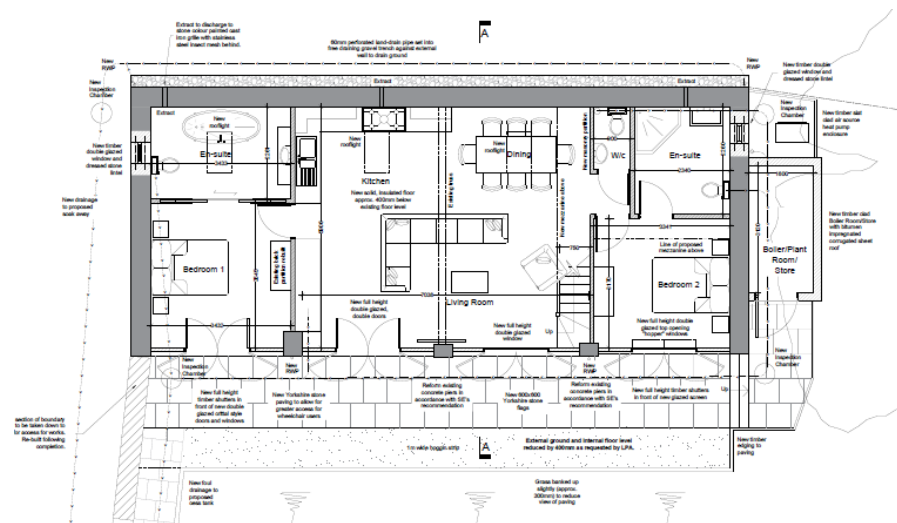


The proposed front elevation of the building will have full length glazed openings, with new timber doors pinned back, but fully closable. The roof will be covered with clay pantiles. New windows and doors are proposed to be Crittall Steel.

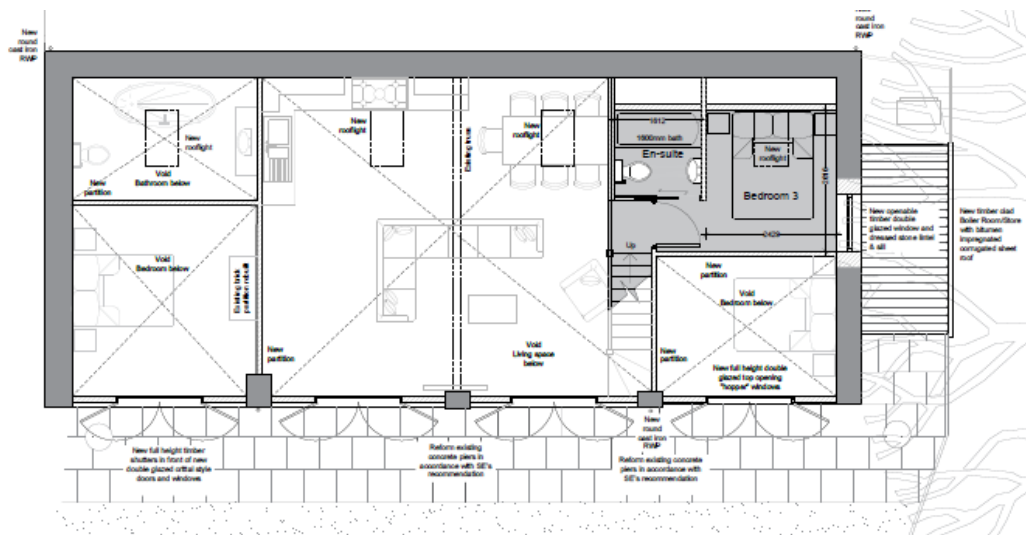




On the side (east elevation), a timber lean-to is proposed for the plant and boiler room. A ground floor window opening will be formed in the ground floor to serve an en-suite and a first floor window opening will be formed to serve the third bedroom in the mezzanine level. Both of these windows will have dressed stone cils and lintels.



The converted building will have an open plan living, dining and kitchen area, and two bedrooms on the ground floor, each with an en-suite. A mezzanine floor will provide a third bedroom with en-suite.



Externally, and in accordance with the amended plans, it is proposed to reduce ground levels in front of the building by 400mm to provide a level outdoor patio area. This will be paved with Yorkshire stone. This lowering of levels will also need to be continued internally to meet building regulation requirements, enabling the internal living space to be lowered by 400mm, as identified on the cross section below.



need to be amended to take account of the amended plans to propose a 400mm lowering of levels, and the implications this will have on the structure.

## **AMENDMENTS**

A series of amended plans have been received during processing of the application, following neighbour representations and initial concerns over design and layout, and the possible inclusion of land which was not considered to be within the applicant's control. The originally submitted plans also proposed a single storey extension onto the rear elevation, but this was rejected on design grounds, as it would present an encroachment of built form into the adjacent open countryside.

A stone wall has been included on the amended plans to provide a sense of separation between the front garden area of the converted dwelling and the neighbour's driveway. The full details of the wall (height etc.) have not been included so will be required by condition if members are minded to approve the application.

A full list of the amended plans and other documents requested through the application process are provided below:

- Site Block Ownership Plan & Site Location Plan as Proposed – L/01 Rev E; received
- Site block plan as proposed – L/02 Rev B; received 21<sup>st</sup> June 2022.
- Ground floor plan as proposed – P/01 Rev B; received 21<sup>st</sup> June 2022.
- Mezzanine floor and roof plan as proposed – P/02 Rev B; received 21<sup>st</sup> June 2022.
- South and east elevations as proposed – P/03 Rev B; received 21<sup>st</sup> June 2022.
- North and west elevations as proposed – P/04 Rev B; received 21<sup>st</sup> June 2022.
- Section A-A as proposed – P/05 Rev B; received 21<sup>st</sup> June 2022.
- Bat Activity Survey Report – ML Ecology (30<sup>th</sup> May 2022); received 21<sup>st</sup> June 2022.
- Coal Mining Risk Assessment – Geo-Investigate Limited; received 21<sup>st</sup> June 2022.
- Structural report – Nashmead Limited - 0122-07 (19<sup>th</sup> January 22); received 23<sup>rd</sup> March 2022.
- Preliminary Bat Survey – ML Ecology (10<sup>th</sup> January 22); received 23<sup>rd</sup> March 2022

## **EIA SCREENING OPINION**

This proposal does not fall within Schedule 1 or 2 of the Environmental Impact Regulations.

## **HISTORY**

06/00127/RETRO - Change of use for keeping of horses and siting of horse shelter. Refused.

## **CONSULTATIONS**

### BDC Conservation

- Some of the previous concerns have been overcome with the amendments.
- The structural report will need revising to take account of the lowering of internal floor levels.
- My previous comments on the design and materials of construction still stand and I



consider that these are acceptable. The plans are well detailed and annotated but if we are minded to approve the application we will need to condition details and materials.

- I have reservations about the impact of the proposed temporary access road on the landscape setting and it would certainly not be considered acceptable as an alternative access to the property.
- Subject to clarification on the structural queries raised above and the imposition of suitable conditions to control the detailing and ensure a high quality build, I am of the opinion that whilst the proposed conversion will have some impact on the character and appearance of the conservation area, overall the impact on the significance and character of the conservation as a whole will be neutral.
- Recommend removal of Permitted Development rights.

#### BDC Pollution

- No comments received to date. Will be reported as a late item.

#### DCC Highways

- No objections subject to conditions and advisory notes.
- The proposed dwelling will be served by an existing shared access/drive located on Farm Lane which is an unclassified road subject to a 30mph speed limit, however, due to the nature of the road i.e. cul-de-sac and limited width, passing vehicle volumes and speeds are low. Therefore, whilst the sites existing vehicular access off Farm Lane is not laid out in accordance with current design guidance, any minor increase in traffic generation the proposal may generate is unlikely to lead to any severe safety issues associated with the access.
- It is proposed that an additional existing agricultural access to the West of the site on Farm Lane will be utilised for the construction phase of the proposal, whilst emerging visibility from this access is substandard, subject to the access being used for construction purposes only there are no Highway objections.
- The Site Block Plan demonstrates off-street parking for 2no vehicles which is sufficient to serve the proposed development, along with turning space so that vehicles can both enter and emerge from the site in a forward gear. Whilst the dimensions of the proposed off-street parking area appear slightly below what is currently recommended there is available space within the site to achieve the recommended dimensions.

#### Derbyshire Wildlife Trust

- No objections subject to conditions – see biodiversity section.

#### The Coal Authority

- The Coal Authority previously originally objected to this application in a letter as no Coal Mining Risk Assessment was submitted.
- This application has now been accompanied by a Coal Mining Risk Assessment report (G22227) prepared by Geo-Investigate Ltd, dated June 2022.
- The report has been based upon a review of Coal Authority data and geological information, and concludes that unrecorded shallow coal mine workings in coal outcrops may be present beneath the site.
- The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe

and stable.

- Having reviewed the documents, we acknowledge the revised proposals to reduce the floor level, amendments to the utility room side extension and inclusion of a heat pump enclosure. We also note that the rear lean-to extension has been omitted from the submission. Nevertheless, on the basis of the information now submitted, and the professional opinions of the report authors set out therein, the report identifies a potential risk to the site from unrecorded shallow coal mine workings.
- The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.
- The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity and any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.
- It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA.
- We also note that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

#### The National Trust

- Detailed comments not yet received, will report as a late item.
- The site appears to be within the area of a larger covenant relating to several buildings.
- The proposals in planning application 22/00168/FUL are those discussed and supported in principle by the National Trust at a site visit in March 2022. (The owner is aware of the need for covenant consent and will be making an application post-planning.)
- The proposed use as a holiday let seems most appropriate.
- Object to permanent use of access track.

#### **PUBLICITY**

The application has been publicised by way of a site and press notice, and letters sent to 9 adjacent properties. At the time of writing the report, there have been 6 representations received. Any additional representations received prior to planning committee (3<sup>rd</sup> August) will be reported as late items.

#### Planning related

- Object to temporary access road, it alters the ascetics and landscape of the ancient hamlet, against The Hardstoft Village Conservation Area Appraisal. The conservation manager is concerned about the roads construction.

- The plans show a section of hedge to be reinstated for entry to the field from Farm Lane. In the conservation area mature hedges should not be removed so that the 'undulating agricultural landscape encircled by open fields enclosed by hedgerows and trees' is not compromised.
- The boundary line to the west of the proposed car parking bays shows a planned change from the current hedge boundary, encroaching into current field and destroying part of a mature hawthorn hedge
- A mature hedge runs in a straight line from the western wall of the building in a southerly direction. This should be preserved.
- There are no extensions/lean-to within the current footprint of the building and we feel this should be preserved.
- It is questionable whether there is sufficient room to 'create two parking and bin store to allow enough space for reversing without encroaching on the neighbouring properties. Difficulties emptying cess pit.
- The planting of a barrier/wall on the access road and reduction in width from an access road to a footpath would be unlawful.
- The position of the boundary line/proposed wall included in the application is incorrect according to our deeds. We legally have the right to drive a vehicle along the line incorrectly marked as a pathway.
- Object to the use of Steel Crittall style glazed windows in the door openings and metal conservation style roof lights.
- If it becomes a dwelling then the weekly noise and increased coming and going down a narrow lane would increase substantially, especially if there is a hot tub.
- It is totally erroneous to suggest that the barn is prominent when viewing from Deep Lane.
- During heavy rainfall surface water runoff from the field is a problem and causes localised flooding.
- Historical maps of 1938 and 1875 depict a natural pond adjacent to the courtyard surrounded by units 1, 2 and 3. This suggests that water has always drained into this area and that any increase in soil disturbance or hard standing will increase the volume of surface water runoff towards units 3, 2 and 1.
- The plans depict a land drain but with no reference as to the direction that it would run. This is a concern because of the excessive surface water runoff from the field
- The introduction of additional car parking spaces and the construction road would reduce the soft drainage areas.
- It cannot be certain that the bats are not resting or sheltering in the barn. The two surveys are not enough.
- In the application form it states that the Total proposed residential units is 2, whereas only one building is involved.
- The plan acknowledges the third bedroom is not suitable for use by adults, how can this possibly be included?
- The plans are impractical with insufficient parking available for the property.
- The risk from undocumented mining is significant.
- Farm Lane is a narrow lane, poorly lit, any additional vehicles small or a large (should a cess pit that is suggested need emptying) will cause additional noise, waste pollution and wear and tear.
- Proposed parking area is not sufficient and not enough turning space.

- Views from Hardwick Hall have not been properly taken.
- The "pitching hole style window" to the East gable end would be directly overlooking the private garden of number 3 Barn Cottages.
- The applicant has stated that the proposed site conversion forms part of an "important view" in the area. However, the proposed site is not listed in the Conservation Plan as an important building or view.
- Disregard to the retention of the undeveloped important open spaces in the Conservation Plan.
- The proposed development is for holiday let therefore encouraging multiple cars and different parties to a private driveway, increased wear and tear on drive.
- Inaccuracy over name of road, it is Farm Lane, not Deep Lane.
- The use of red clay pantile tiles would be a very significant change in appearance and make the roof significantly more obtrusive, grey slate would be better.
- There is insufficient information within the application to explain how the northern boundary of the barn would be demarcated.

#### Non-planning related

- Asbestos sheet roofing will need to be removed.
- Will affect rights of access - Access to the back of no 1 and no 2 Barn cottages is required at all times, including vehicular access should it be required. All visitors to the Holiday Let would need to be made aware of this.
- There is no viable method to empty the cess pit.
- Object to hot tub, would be detrimental to character of conservation area and would increase noise levels.

## **POLICY**

### Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable development
- SS3 – Spatial strategy and distribution of development
- SS9 – Development in the countryside
- WC10 – Tourism and the visitor economy
- SC2 – Sustainable design and construction
- SC3 – High quality development
- SC5 – Change of use and conversions in the countryside
- SC9 – Biodiversity
- SC10 – Trees and hedges
- SC11 – Environmental quality (Amenity)
- SC14 – Contaminated and unstable land
- SC16 - Development Within or Impacting upon Conservation Areas
- ITCR10 – Supporting sustainable transport
- ITCR11 – Parking provision



### National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraphs 126-132 and 134: Achieving well-designed places
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 194, 195 and 199-208: Conserving and enhancing the historic environment

### Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

## **ASSESSMENT**

### Key issues

It is considered that the key issues in the determination of this application are:

- Principle of the development
- Landscape and visual impact of the proposed development
- Residential amenity considerations
- Highways and parking
- Heritage considerations
- Biodiversity
- Trees
- Contamination and stability

### **Principle**

The application site is within the designated countryside as defined by policy SS9 of the adopted Local Plan. Where relevant to this proposal, the policy states that:

*Development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of the following categories:*

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location.*
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism.*

*e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction.*

*In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.*

With regards to point a), whilst the building would have originally been in agricultural use and was omitted from the proposals to convert the other barns in the 1990's, it does have the appearance of being included within the curtilage of the residential complex, as indicated on the MyMaps image below, and is not considered to be an 'isolated building in the countryside'.



The Local Planning Authority therefore consider the site to be previously developed land, as defined by policy SS9.

Hardstoft is a small settlement in the countryside as defined by policy SS3 of the Local Plan, and is considered to be an unsustainable location, with limited access to services and facilities. However this policy goes on to say that, *'the Local Plan will not support urban forms of development beyond infill development and conversion of agricultural buildings where appropriate'*.

The Local Planning Authority considers that the proposal is 'limited infill' as there would be no policy justification for any further developments to encroach outside of the existing curtilage, into open countryside, and the proposal does not set a precedent for similar proposals.

The application site is considered to be 'appropriate' as it is within a cluster of existing residential properties and requires only minimal alterations to elevations and external surface

areas to create a residential curtilage. Whilst the building is a standalone structure from other dwellings in the complex and appears relatively isolated when viewed from Farm Lane (as identified on the image below) it does not appear isolated from existing other built form when viewed within the barn conversion complex.



It is therefore considered that the application site is previously developed land, the development amounts to limited infill and the proposal is appropriate for the location, in compliance with policy SS9 a) of the adopted Local Plan.

With regards to point c) of SS9, whilst the proposal is not an 'employment' use, it will by reason of its tourism use generate an income. There will also be limited employment generated while the conversion is taking place. Accordingly, part c) of policy SS9 has been given some weight.

With regards to point e) of SS9, the building is redundant and has some prominence in the Conservation Area by reason of its perceived isolation when viewed along Farm Lane. Whilst it isn't as old as other buildings, it is a traditional stone building constructed approximately 70 years ago, and has only undergone minor alterations (corrugated roof) since construction. The Conservation officer states that the *'building has limited architectural or historic value, but the charm of this building lies in its simplicity and isolated position in the landscape'*. They go on to conclude that subject to the development being carried out as amended, with *'the imposition of suitable conditions to control the detailing and ensure a high quality build, overall the impact on the significance and character of the Conservation Area as a whole will be neutral'*.

The application has been accompanied by a Structural Report which identifies that only remedial measures will need to be undertaken, and the building is structurally sound and capable of conversion without significant reconstruction. The Local Planning Authority do appreciate however that the structural survey will need to be amended to account for the amended plans, and Members may resolve to give further consideration to this by deferring the decision, and whether the lowering of levels internally and externally can be constructed within the requirements of the policy.

The Local Planning Authority considers that if the barn is left to deteriorate further, by reason of its prominence along parts of Farm Lane, it will have a harmful impact on the appearance of the Conservation Area and will impede views towards the north and the wider setting of Hardwick Park. Whilst it is acknowledged that the building only has limited architectural and historic interest, on balance it is considered that a well-designed dwelling, with only limited alterations to its form and appearance is preferable to the potential decline of the building.

It is therefore considered by the Local Planning Authority that the proposed development complies with the requirements of policy SS9 e).

Policy SC5 of the adopted Local Plan relates specifically to changes of use and conversions in the countryside, stating that:

*Where planning permission is required, proposals for the conversion of an existing building or structure, or the change of use of land, to a new use, will be permitted provided they comply with all of the following criteria:*

- a) The building is worthy of retention, structurally sound and capable of conversion without substantial reconstruction*
- b) The conversion or change of use, is in keeping with the original character of the building or land and enhances the fabric and character of any adjacent buildings, or the landscape character type generally*
- c) The number of units and/or density of development is appropriate to the building's location*
- d) The building would have an existing curtilage or a curtilage can be created which does not adversely affect the landscape character type, the building itself or any adjacent structure*
- e) Utilities can be provided and the building has adequate access to a metalled road without creating traffic hazards and without involving road improvements incompatible with the character of the area*
- f) The development proposed does not add to flood risk concerns.*

Part a) of policy SC5 has been discussed above, and for those reasons it is preferable to retain and re-use the building rather than letting it fall into further disrepair. The Local Planning Authority is mindful that the structural report will require amending, although it is considered that the report identifies that 'substantial reconstruction' will not be required in order to bring the building into use as a dwelling.

With regards to part b) of SC5, the conversion can be carried out with only minimal alterations to the external appearance of the building or external areas, and the amended design sympathetically respects the simple form of the building by utilising existing openings and omitting the single storey extension on the rear. Once converted, the building will not appear significantly different from the existing, simple form of the building as existing.

With regards to part c) of SC5, small villages in the countryside do allow for appropriate infill developments or conversions of agricultural buildings, as already identified above.

With regards to part d) of SC5, the building has an existing curtilage, with land to the side and front, and only minimal alterations will be required in this area to form a residential curtilage. The use of this land as outdoor amenity space will not cause significant detriment to the



character of the landscape, and the formation of a residential curtilage will not cause harm to the building or surrounding buildings.

With regards to part e) of policy SC5, the proposal is within close proximity to other residential properties, and services and utilities can be provided, although there may be some drainage works required in other areas of the applicants land (outlined in blue on the amended site plan). The site will have a shared private drive with other residential properties in the complex, and direct access onto Farm Lane, which although is unclassified is a metalled road.

With regards to part f) of SC5, the site is not within a Flood Zone and whilst the Council acknowledge concerns raised by adjacent residents regarding surface water run-off, the drainage requirements of the site will be controlled under Building Regulations.

It is therefore considered that the proposal complies with the requirements of policy SC5 of the adopted Local Plan which relates to changes of use and conversions in the countryside.

In accordance with policies SS9 and SC5, it is considered that the principle of converting the building and land into a three bedroom holiday let (C3) is acceptable, subject to the full consideration of all other material planning considerations.

Policy WC10 of the adopted Local Plan relates specifically to Tourism and the Visitor Economy and where relevant, identifies that *support will be given to proposals which would provide facilities, opportunities or accommodation for visitors to the District, both in terms of business trips and tourism related visit.*

*The majority of new tourism facilities, not directly related to a specific tourist destination, will be directed towards the towns, emerging towns and large villages.*

*Tourism proposals will be promoted and supported where*

- a) They contribute to the achievement of regeneration aims and objectives*
- b) Development is at a scale which is in keeping with local character and which preserves or enhances the quality of the natural and built environment*
- c) Visitor attractions that could attract large numbers of people are accessible by a choice of means of transport, and offer good access by non-car modes*

Whilst the proposal is not specifically related to a particular tourist destination, its proximity to Hardwick Park, the Five Pits Trail, Bolsover Castle, and proximity to the Peak District National Park will assist with the Council's objectives of promoting tourism within the District. It is anticipated that there would be interest in the holiday let throughout the year.

As discussed above, the proposed development will utilise the existing simple form of the building, and siting within the plot, and proposed external alterations will be in keeping with local character. The Conservation officer has confirmed that the development will have a neutral impact on the built environment, which will seek to preserve the character of the conservation area.

In accordance with policies SS9 and SC5 which relate specifically to new dwellings in the countryside, and to policy WC10 which encourages appropriate tourism uses, it is considered

that the principle of converting the building and land into a three bedroom holiday let (C3) is acceptable, subject to the full consideration of all other material planning considerations.

### **Landscape and visual impact of the proposed development**

Policy SS1 of the adopted Local plan, where relevant to this proposal identifies that, *development proposals, are expected to protect and enhance the character, quality and settings of towns and villages and heritage assets through an appropriate mix of good quality, well-designed developments (h).*

Policy SC2 of the adopted Local Plan identifies that proposals will be permitted where it, *protects and enhances the character and quality of local landscapes and the wider countryside (h)... protects and enhances the distinctiveness, character, townscape and setting of settlements (i)... conserves and enhances heritage assets and their setting.*

Policy SC3 of the adopted Local Plan, where relevant to this proposals identifies that *development proposals will be permitted where they, create good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting (a)... respond positively to the context and contributes to local identity and heritage in terms of height, scale massing, density, layout and materials (b)... protect important local and longer distance views of important landmarks or landscapes, such as Bolsover Castle, Creswell Crags, and Hardwick Hall and Estate (c)... accord with and respond to the established character and local distinctiveness of the surrounding landscape (j).*

The proposed development is considered to comply with the local plan policies which seek to control new residential development in the countryside. The building can be converted with minimal alterations to the external appearance of the building, and when viewed from along Farm Lane will retain its former agricultural appearance through the utilisation of existing openings and incorporation of features such as the timber pinned back doors.

Whilst the building appears relatively isolated when viewed along Farm Lane, once inside the barn conversion complex, the site appears to form part of the established curtilage to this development. If the building is left vacant and allowed to deteriorate, it will cause detriment to the appearance and setting of the complex and will interrupt views from Farm Lane through the site, towards the Important Open Space which adjoins the north and eastern boundaries and on to Hardwick Park.

Whilst the development will require the removal of several trees within the site, to facilitate the parking area, this additional hard surface and loss of vegetation will not be visible from anywhere within the public domain, and so will cause no visual detriment.

The proposal, if approved will integrate into its setting and will have a neutral impact on the appearance of the Conservation Area. Through a sympathetic design and simple building form, which through the removal of Permitted Development Rights will be protected in perpetuity, the development will respond positively to its context and protect important views towards Hardwick Park.

It is therefore considered that subject to the full implementation of conditions to agree

materials, detailing and landscaping, the proposal will not cause such detriment to the visual amenity of the area, or surrounding landscape character, to warrant a reason of refusal, in compliance with policies SS1, SC2 and SC3 of the adopted Local Plan.

## **Residential Amenity**

Policy SC3 (n) of the adopted Local Plan identifies that development proposals should *ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.*

Policy SC11 goes on to state that *development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation.*

The proposed development is to convert a redundant outbuilding into a three bedroom dwelling (C3) to be used as holiday accommodation. This will intensify noise levels at the site over and above those currently experienced, given that the site is vacant.

Notwithstanding that, the site is within a village setting and is close to an existing complex of four dwellings, all of which have dedicated outdoor amenity space for their enjoyment and use. It is not considered that the use of the site will intensify domestic noise, activity and traffic to such a level to warrant a reason for refusal.

Consideration has been given to the use of the building as a 'holiday let' use and the potential frequent comings and goings of patrons, which may be marginally higher than if the property was to be occupied as a single dwelling house. However, consideration has been given to the fact that an existing dwelling in the area could be used as a holiday let without any material change of use occurring, and without any restrictions by the Local Planning Authority on noise, frequency of patrons etc, it is not considered that noise or outdoor activities arising from the use as a holiday let would be materially higher than a single dwellinghouse, to such an extent to warrant a reason for refusal on amenity grounds. Adverse noise and disturbance on nearby residents is controlled under Statutory Nuisance legislation, and therefore any complaints regarding noise will be dealt with under the same provisions as any other residential property.

In the interests of ensuring that a good standard of residential amenity is maintained, and to maintain a good relationship with adjacent residents, a scheme of noise management will be recommended as an advisory note, which should be aimed at patrons of the holiday let.

Environmental health has been consulted on the proposal but had not responded at the time of this report. Their comments and any recommendations or conditions will be reported as late items.

One of the neighbour representations received makes reference to a proposed side facing window to serve a bedroom on the mezzanine level, concerned that it overlooks the rear

garden of Barn Cottages 1. There is a distance of 12.5m from this window onto the boundary with Barn 1 which is in excess of the 10.5m minimum distance recommended in the Successful Places Supplementary Planning Document. As such, the outlook from this window meets the Council's adopted guidance and so it would be deemed as unreasonable to refuse the application on that basis.

The property with habitable windows closest to the proposed development is Barn 1, whereby they have rear facing windows towards the site, with an angled distance of approximately 25m to front facing, habitable windows in the proposed conversion. This is in excess of the recommended 21m in the Successful Places document and so separation distances between habitable windows is acceptable.

The Council acknowledge that the building is on elevated levels above the existing property to the south and so has a perceived dominance, so requested that the outdoor amenity space immediately in front of the building be constructed on lower levels to reduce any sense of overbearing from the building into the private amenity space of Barn 1. The amended plans propose reducing the land in front of the building by 400mm, and creating a paved patio area running along the front of the building, for a depth of 2.7m. It is anticipated that most outdoor activities at the building will be contained within the patio area as this is the only level part of the outdoor amenity space.

It is therefore considered that the proposal will have some impact on existing residents over and above that currently experienced, as the site is vacant. This application is to convert the building into a dwellinghouse, to be used as holiday accommodation. The application has been assessed in line with local plan policies that relate to the provision of new housing within the countryside and is considered to comply with these policies, and adopted guidance which relates to amenity standards. The building is within an existing complex of residential properties which all experience the daily comings and goings of other residents. It is not considered that approval of the development will exacerbate noise, disturbance or cause such detriment to the amenity of existing residents over and above the existing situation, sufficient to warrant a reason for refusal. The development provides a good standard of outdoor amenity space for occupiers and as such complies with policies SC3 and SC11 of the adopted Local Plan.

## **Highway considerations**

Policy ITCR10 of the adopted Local Plan relates to sustainable transport provision and requires that all *development proposals should provide convenient, safe and attractive access via footpaths, footways, bridleways, cycle paths and public realm areas.*

Policy ITCR11 relates to parking provision and requires that *planning permission will be granted where there is appropriate provision for vehicle and cycle parking. Parking provision should relate well to the proposed development, be well designed, taking account of the characteristics of the site and the locality; provide a safe and secure environment; minimise conflict with pedestrians and / or cyclists, and make provision for service and emergency access.*

Appendix 8.2 of the adopted Local Plan requires three bedroom dwellings to have a minimum of two parking spaces, with dimensions of 5m x 2.6m.



The proposal is provided with two parking spaces within a new hard surfaced area to the left of the driveway. The length indicated on the submitted plan is 4.8m, which is a shortfall of the recommended length. There is additional space at the rear of the two parking spaces without obstructing the driveway and there is also approximately 5.5m at the rear of the parking space for manoeuvring vehicles out of the space. Given that Barn 1 is the only property currently with vehicular access past the parking space, it is not considered that reversing out of the parking spot would likely cause any incidents.

The Highway Authority has been consulted and raised no objections, subject to conditions. They did identify that visibility from the temporary access road onto Farm Lane was restricted and so would not support a permanent access. A condition will be included for the temporary access road to be permanently closed following completion of the development.

It is therefore considered that the proposal will not intensify vehicular activity over Farm Lane by an unacceptable amount, and the site is provided with sufficient parking to serve the development. These comments are provided in the interests of highway safety, and in compliance with policies ITCR10 and ITCR11, and Appendix 8.2 of the adopted Local Plan.

### **Heritage considerations**

These comments have been provided in consultation with the Council's Conservation Officer.

The National Trust has been consulted on the proposal as they have a covenant on the land, and have no objections in principle. They have already discussed the proposal with the applicant and agree that the use of the building as a holiday let is appropriate. They are concerned that a permanent use of the dwelling could lead to further minor development not in keeping with the character of the building, however this has been overcome by a condition to remove permitted development rights.

They consider that the loss of hedgerow to facilitate the temporary access is regrettable but provided the hedge, stone wall and land is restored following development, they are satisfied.

The Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72 requires that *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.*

Policy SC16 (Development Within or Impacting upon Conservation Areas) of the adopted Local Plan states that:

*Development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character and appearance of the area and its setting.*

*Applications will be considered in relation to how well the design and location of the proposal has taken account of*

- a) The development characteristics and context of the conservation area, in terms of important buildings and important open spaces*
- b) Landscapes, walls, trees and views into or out of the area*
- c) The form, scale, size and massing of nearby buildings, together with materials of construction*

Policy SC21: Non-Designated Local Heritage Assets of the adopted Local Plan states that: *Development proposals which positively sustain or enhance the significance of any local heritage asset and its setting will be permitted. Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal.*

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Paragraphs 194 -208: Conserving and enhancing the historic environment
- Any harm to significance requires clear and convincing justification and must be weighed against the public benefits of a scheme (NPPF 200 and 202).

The Hardstoft Conservation Appraisal and Management Plan (October 2009) has been given consideration in the processing of the application.

The Historic Environment Supplementary Planning Document (2006 – pages 22-25) provides guidance on re-use of former agricultural buildings.

In heritage terms the main issue for consideration is the impact of the proposed development on the character and appearance of the Conservation Area and setting of the designated and non-designated assets in accordance with adopted policies contained in the Bolsover District Local Plan and the Framework, as outlined above.

The Hardstoft Conservation Area has a strong rural character which has been shaped by the local geology and topography, its agricultural origins dating back to the medieval period, and four hundred years of management as part of the Hardwick Estate. The local topography, the areas of undeveloped land in the conservation area, and the surrounding agricultural fields are all conducive to mid to long distance views of the conservation area and of the landscape in which Hardstoft sits.

The Conservation Area Appraisal and Management Plan (CAAMP) clearly defines the character of the area surrounding the proposal site (the site lies within sub area 2 known as The Famous Shoulder and Farm Lane). This sub-area comprises the cluster of buildings sandwiched between Chesterfield Road and Farm Lane, The Farm and its converted outbuildings, and extends to the south east across a large open space to The Fields on the southern boundary of the conservation area. The area is encircled by agricultural fields and undeveloped open spaces which form part of the area's rural setting and provides opportunities for views across them.

The fields to the north and west of the application site have been identified as an important open space and the long range view from the corner of Farm Lane has been identified as an important view.

Clearly the landscape setting, long range views and the interrelationship with the built environment is an important element in defining the significance of the conservation area.

The original farmhouse at the front of the complex, identified in the CAAMP as an unlisted

building of merit was built in 1709 and is one of the oldest buildings in Hardstoft. The farmhouse is a large stone building with slate roof and the range of barns that served the farm have now been converted to residential use in the 1990's.

The farm complex is surrounded by undeveloped land and agricultural fields and is set against the backdrop of the Hardwick Estate with the Old Hall, New Hall, and the stables clearly visible which serves as a reminder of the historical connection between the hamlet and the Hardwick Estate.

The outbuilding proposed for conversion is a simple utilitarian building of limited architectural and historic merit constructed circa 1949. There is no evidence to suggest that there is any historical association with the adjacent Farm and outbuildings. The outbuilding was not identified as an unlisted building of merit in the CAAMP. The charm of this building lies in its simplicity and isolated position in the landscape. It is imperative that any proposed scheme retains this character.

The barn has an intrinsic relationship with the surrounding landscape and its value lies in its simple design and isolated position without defined curtilage and boundaries.

Based on the amended plans received on the 24<sup>th</sup> June 2022 the following applies:

The rear extension has been removed and the rear of the building has been defined as the limit of the domestic curtilage. This addresses the original concerns. A knock on effect of removing the rear extension has been to increase the footprint of the lean-to building abutting the side gable. This alteration has had very little effect on the overall design and the materials of construction are considered to be acceptable in the context of this former agricultural building. It will also remove the need for additional storage / sheds within the curtilage. There are still concerns about the visual impact of the temporary access on the landscape setting and this would not be suitable for a permanent access. Relevant conditions will need to be imposed to ensure that full re-instatement of the land, hedgerows and disturbed wall will be required following completion of the works.

With regards to the excavations of the internal floor slab to lower ground levels by 400mm, the original structural engineers report from Nashmead Limited dated 19th January 2022 which concluded that the building was fundamentally structurally sound providing certain works were carried out was based on the original scheme which did not propose lowering of the floor slab.

The report did investigate the foundations and concluded that trial pit excavation reveals that the main walls are built up from concrete strip footings with an out stand of a nominal 50mm to 75mm (photo 16). However, the excavation does not reveal the depth at which the footing has been set. The slab is non-suspended solid concrete, and there is no evidence of reinforcement.

Given the proposed structural changes to lower floor levels it is necessary and reasonable to revisit the structural survey and ensure that this work can be carried out without impacting on the structural integrity of the building and does not now introduce the need for extensive underpinning and potential rebuilding. This is a requirement of policy SC5 and the main aim is to preserve as much of the original structure as possible.

As a result of the changes in levels the concrete piers will also be exposed any further consolidation works may be required.

If Members are minded to approve the application, conditions relating to the following are recommended:

- Sample of pantile, eaves stone slate
- Sample of stone and sample of pointing in lime mortar
- Sample of timber cladding and sheet roofing
- 1:20 details of windows and doors and timber shutters.
- All services to be contained within the building
- Full details of structural interventions to be approved prior to commencement of works
- Verge details to have clay tile crease as per the original
- Cast metal rainwater goods fixed on rafter brackets
- Hard and soft landscaping
- Removal of individual pd rights
- Re-instatement of boundary walls and hedges following completion of construction works

Overall, subject to clarification on the structural queries raised above and the imposition of suitable conditions to control the detailing and ensure a high quality build, whilst the proposed conversion will have some impact on the character and appearance of the conservation area, overall the impact on the significance and character of the Conservation Area as a whole will be neutral, in compliance with policies SC1, SC3, and SC16 of the Local Plan.

## **Drainage**

Representations received from adjacent residents make reference to surface water disposal and how existing properties will be affected by post-construction run-off, given the elevated position of the building.

Policy SC2 (f) of the adopted Local Plan identifies that all development proposals should seek to *adopt sustainable drainage principles\* and avoid detrimental changes to the characteristics of groundwater drainage and surface water run-off, and protect the capacity of natural surface water drainage systems and access to them for maintenance and improvement.*

*\* Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1) into the ground (infiltration);*
- 2) to a surface water body;*
- 3) to a surface water sewer, highway drain, or another drainage system;*
- 4) to a combined sewer.*

The site is not within a Flood Zone and is for one dwelling only, and so does not trigger formal comments from the Environment Agency or County Flood team. The Council's drainage team has recommended the standard advisory notes for new residential development, and has confirmed that surface water drainage will be a design requirement of any subsequent building regulations application. If local residents are concerned about existing runoff then this should be dealt with under existing laws. If a landowner allows natural water to fall on

waterlogged land and the runoff is reaching adjacent properties naturally, then under common law there is little they can do except deal with the water issue themselves.

Given that the proposal is to convert an existing building, and that the only additional hard surface is a patio area, and parking space, this would not create additional runoff to an unacceptable level, over and above the current situation.

Following comments from the Drainage Engineer, it is not considered to be reasonable to require surface water drainage plans by condition, as they will be designed through the building regulations application.

## **Biodiversity**

Policy SC2 of the Local Plan identifies that *development proposals should protect and enhance the quality of natural resources including biodiversity (d).*

Policy SC3 identifies that *development proposals should address opportunities for biodiversity, conservation, and enhancement (i)*

Policy SC9 of the adopted Local Plan relates specifically to biodiversity and identifies that *development proposals should seek to conserve and enhance the biodiversity of the District and to provide net gains where possible.*

The application was accompanied by a Preliminary Bat Survey, and following a report to Derbyshire Wildlife Trust about bats using the building, the Trust requested additional surveying to be carried out.

The building was subject to a dusk emergence survey (May 2022, ML-Ecology), to add further confidence to the initial assessment made with respect to roosting bats. No bats were observed to emerge from the barn during this survey; however, foraging and commuting activity was recorded across a range of species.

Overall the Wildlife Trust considers that the assessment has been carried out in accordance with standard bat survey guidelines (Collins, 2016) and, as such, sufficient information regarding these protected species has been submitted to enable the Local Planning Authority to reach an informed decision in accordance with Circular 06/2005 and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The Wildlife Trust were asked to revisit their comments to confirm whether there were any concerns over the proposed temporary construction track. They identified that, the field appears to be heavily grazed and of short sward. They consulted their Biological Records Database, and the field is not identified as supporting notable habitat in terms of its botanical composition. The grassland is likely to be of low ecological value and as such the Wildlife Trust have no objections to this. However, they encourage the restoration of the fields to their current state after development. The full details of this, and timetable of works to restore the land will be subject to a suitably worded condition.

The Wildlife Trust has made no further comments regarding landscaping, a full landscaping

scheme will be requested by condition, including biodiversity enhancements such as a bat box.

A condition will be included relating to nesting birds, and the provision of any new lighting within the site.

Subject to the full implementation of appropriately worded conditions, it is considered that the application has been accompanied with sufficient information to enable a proper assessment of possible implications for biodiversity, in compliance with policies SC2, SC3 and SC9 of the adopted Local Plan.

## **Trees and hedges**

*Policy SC10 of the adopted Local Plan identifies that trees, woodlands and hedgerows are important visual and ecological assets. In order to help retain local distinctiveness, trees, woodland and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Development proposals should incorporate trees and hedgerows into the overall design and landscape scheme wherever possible (a)... take opportunities for new planting consistent with landscape, wildlife and historic interests.*

The application site is within a Conservation Area and accordingly, any trees with a diameter of 75mm measured at 1m in height will be formally protected. Whilst no specific tree works have been proposed, it is envisaged that some remedial pruning will be required to the canopy of the mature Alder at the side of the building.

There will also be several small trees proposed for removal within the area proposed for parking. These appear to be an early mature Lime, Yew, Conifer, Rowan and Eucalyptus, as well as a number of smaller trees and shrubs. Approval of the development will override the need to formally apply for Works to Trees in a Conservation Area, although in the interests of visual amenity and biodiversity, the specific works required to trees, along with possible mitigation will need to be formally considered, and therefore specific details regarding the tree works will be subject to a suitably worded condition.

The trees affected by the proposed development are not visible from within the public domain and do not have significant public visual amenity value, and so it is not considered reasonable to serve a Tree Protection Order on the trees.

The proposed temporary access road to be used by construction traffic will require the hedge along Farm Lane to be widened. The restoration of this hedge post construction will be subject to a suitably worded condition.

Subject to the full implementation of appropriately worded conditions to fully understand the proposed tree works required to facilitate the development, and to ensure some mitigation is provided to off-set any trees lost from the development, it is considered that the proposal complies with policy SC10 of the adopted Local Plan.

## **Coal mining and contamination**



The application site is within a High Risk Referral Area and as such the Coal Authority required a Coal Mining Risk Assessment, which was commissioned by Geo-Investigate Ltd, dated June 2022 (G22227).

The Coal Authority advised that the report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable, by reason that there is a potential risk from unrecorded shallow coal mine workings. As such, they have recommended two conditions for additional ground investigations to be made.

They have also advised that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property, and that any comments the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

They identify the potential for mine gas to be present and recommend consultation with environmental health (outstanding) on this matter.

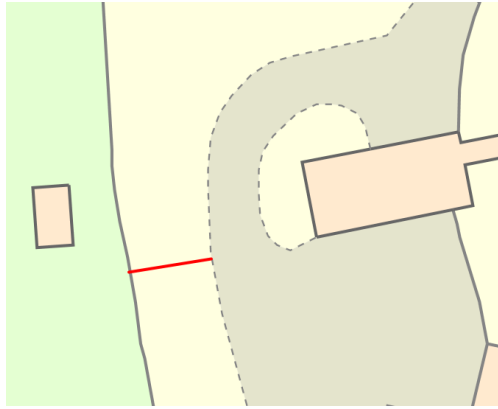
They also identify that if Sustainable Drainage is proposed, consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy.

It is therefore considered that sufficient information has been submitted to inform possible coal mining legacies, and subject to the full implementation of appropriately worded conditions, and any recommendations from environmental health in respect of contamination, it is considered that the applicant has adequately *demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment*, as defined by policy SC14 of the adopted Local Plan.

## **Other Matters**

One of the representations makes reference to the site boundary, and contests that the west boundary extends into the adjacent paddock. Measurements have been taken of the submitted plans along with measurements taken from the Council's electronic mapping system (MyMaps), which is Ordnance survey based, and this suggests that there is no encroachment of development into the adjacent paddock (other than for the temporary construction road).

The parking area does encroach into an area of vegetation however and this has been considered in the relevant section above. The image below from MyMaps identifies a section of land to the left side of the driveway, between 6m and 7m in width (red line), within the existing curtilage, where the parking area can be laid out.



Representations have also queried rights of access over the land, including access to the driveway at the rear of the garage block, serving Barn 1 (identified in grey on the map extract above). In accordance with amended plan L/01 Rev E, this access drive has not been included within the red line of the application site and so will not be affected by development. The red line boundary abuts the curtilage (driveway) of Barn 1 but does not appear to encroach into it, and does not impede vehicular access to the rear of Barn 1, or to any other properties with a pedestrian right of access. Whilst representations have made reference to this and possible encroachment into other land, there has been no evidence submitted (eg land title plans) to contradict the submitted documents, and the applicants representative has confirmed that to the best of their knowledge, the submitted plans (as amended) accurately show all divisions and rights of access within the site.

Representations have also queried potential asbestos in the roof. The safe removal of this will form part of any subsequent Building Regulations application.

The Council acknowledges representations made about a hot tub at the site. This however does not constitute development and so does not need to be included on the application. Any adverse noise generated would be controlled under Statutory Nuisance legislation.

The Council acknowledge that there is a discrepancy on the amended location and block plan, with the numbering of Barns 1, 2 and 3 in opposite order. Barn 1 abuts the southern boundary of the application site, not Barn 3.

## **CONCLUSION**

This proposal is to convert an existing, detached outbuilding into a 'holiday let' (C3), with space at the front of the building for parking and amenity space.

The Local Planning Authority considers that the proposal complies with the Local Plan policies which relate to new residential development in the countryside, and the development will improve tourism within the District. Whilst the building has only limited architectural and historic interest, it does have some visual value within the public domain and conservation area, and its loss or deterioration should be prevented if possible. The building can be converted without substantial construction and the amended design has successfully retained the original form. Any further alterations to the building and outdoor areas can be controlled through the removal of Permitted Development rights.

The Council acknowledges existing resident's concerns about the use of the building and activities associated with a holiday let. However, holiday lets typically fall within Class C3, the same Class Use as an ordinary, single dwelling house, and so the application has been processed on that basis. The only notable difference between a single dwelling and holiday let is the turnaround of occupiers. As mentioned above, it has been suggested from recent appeal decisions that to change a dwelling house into a holiday let does not constitute a material change of use and as such planning permission would not be required. In some instances, where there is space at a property to accommodate large groups of patrons, this could amount a 'material' change over and above the ordinary use of the building as a single dwelling. A three bedroom dwelling used as a holiday let is not likely to attract large groups of patrons at any one time.

In this instance, the proposal complies with the adopted Local Plan policies which relate to conversions and changes of use in the countryside, and the application site could function as a normal dwelling house without any further alteration to the amended plans. The application has been determined on that basis. It is for this reason that it is not considered appropriate or reasonable to include a condition restricting the use of the property as a holiday let only, given that it has the facilities necessary to function as a single dwelling.

Whilst it has been asserted in the structural report that the building is structurally sound and capable of conversion, the conservation officer has requested that this document is amended to accord with the proposed lowering of internal and external floor levels. There is a pre-commencement condition included in the recommendation below to ensure that this detail is submitted for approval prior to any works taking place.

## **RECOMMENDATION**

**The application is recommended for approval subject to the conditions below:**

### **Conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted must be carried out in accordance with the following plans and documents:
3. Prior to commencement of development, the Structural Report, prepared by Nashmean Limited and received on the 23rd March 2022 shall be updated to correspond with the approved plans, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
4. No development shall commence on the building conversion until details of the roofing materials and details of the verge have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained as such for the life of the development.
5. The rainwater goods shall be cast metal on rise and fall brackets.
6. Prior to the installation of any doors or windows, the following information must be

submitted to and approved in writing by the Local Planning Authority:

- Details of all new windows, including rooflights, in the form of 1:20 scaled plans.
- Details of all new external doors, in the form of 1:20 scaled plans.
- Details and treatment of the timber shutters in the form of 1:20 plans.
- Details of the appearance and materials for the proposed cill and lintel treatments.

The development shall then be carried out in accordance with the agreed details and retained as such for the life of the development.

7. Prior to the construction of the dry stone wall, a sample of the stone, elevations, and the method of construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

8. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

9. Prior to any works being carried out to trees within the application site, a specification of works shall be submitted to and approved in writing. Where development takes place within any identified root protection areas of trees to be retained, the ground excavations shall be carried out using hand dig technology only. All tree works shall be carried out in accordance with the appropriate recommendations contained in British Standard 3998: 2010 (Tree Work) and in general shall in no way prejudice the health, balance and natural appearance of the trees to be retained.

10. Prior to occupation of the dwelling hereby permitted, the temporary access track shall be removed and the field shall be restored to its previous condition through suitable ground preparation and the sowing of an appropriate seed mix. The section of hedgerow removed for access shall be reinstated using appropriate native species. The establishment of the hedgerow plants shall be monitored by the applicant for the next five years and any failed plants shall be replaced like for like. The stone wall along the western boundary shall be restored back to its current condition.

11. Prior to occupation of the dwelling, an integrated or surface-mounted bat box shall be incorporated at the apex of the western gable. A photograph of the box in situ shall be submitted to and approved by the Local Planning Authority. The box shall be maintained in the agreed form for the life of the development.

12. The removal of the hedgerow to create the temporary site access shall avoid the nesting season, which falls between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

13. Prior to the installation of new lighting on site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard nocturnal

wildlife, including bats. This should provide details of the chosen luminaires, their locations and any variables such as timers, dimmers and passive infrared sensors. Guidelines detailing lighting strategy can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

14. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site for the parking of visitors/resident's vehicles (measuring a minimum of 2.4m x 5.5m), generally in accordance with the application drawings, constructed, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. No part of the development shall be taken into use until details of arrangements for the collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

16. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

17. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

18. Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C of Part 2 of Schedule 2 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 extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage shall take place, other than those approved under the terms of this permission, unless authorised by an express grant of planning permission.

19. Contamination – *wording to be finalised before committee and reported on the update sheet.*

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the

policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.