

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 14th October 2024

Application No:	HPK/2024/0300	
Location	Hurstfield House Hague Bar New Mills	
Proposal	Retrospective permission for a detached summerhouse.	
Applicant	Mr Bob Wood	
Agent	Andrew Ellis	
Parish/ward	New Mills	Date registered: 11/07/2024
If you have a question about this report please contact: Jennifer Robb, Tel. 07583 671 67 Email: Jennifer.Robb@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee because it has been called in by Councillor R McKeown and Councillor D Lomax, owing to the application being retrospective in nature in addition to the fact that a previous application HPK/2022/0215 on this site went to appeal and was dismissed (APP/H1033/D/22/3313417).

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises part of the garden of Hurstfield House, a detached house located on Hague Bar Road to the west of New Mills. The site is situated in the Green Belt.
- 2.2 The site is on the south side of Hague Bar which comprises both residential and commercial development. Hurstfield House is a three-storey dwelling that previously formed part of the industrial premises prior to its conversion to residential use following permission granted in 1999. It retains the traditional industrial character of its original use. The garden level of the property is set below the level of Hague Bar Road.
- 2.3 The site is surrounded to the west by another detached house, to the south by a field and railway line, to the north side of the road by other dwellings.
- 2.4 The house and buildings to the west are traditional in character, and the dwellings to the north of the road are of more recent construction and appearance. It is understood that the garden is the former location of a

public house (the Commercial Inn) which was demolished within living memory. The foundations of the former pub had very minimal visibility within the garden, adjacent to the retaining wall supporting the road.

2.5 The site forms part of sporadic development along Hague Bar Road to the south located in the open countryside and the Green Belt.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application seeks full retrospective planning permission for a detached single-storey summerhouse that is situated immediately to the east of the dwelling. The building is constructed from timber cladding with a shingle felt roof. Doors and windows are Upvc.

3.2 Since the initial submission, additional details have been submitted showing the addition of stone steps and a gate from Hague Bar down towards the garden, a stone wall adjacent to the summerhouse and footpaths from the house to the summerhouse.

3.3 The application, the details attached to it, including the plans and the responses of the consultees can be found on the Council's website at: <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=267619>

3.5 As such, the plans which are the subject of consideration within this report are as follows:

- Proposed Site plan (Ref: 3135_001)
- Plans & Elevations (Ref: 2892_001)
- Engineering operations (Ref: 382_001)
- Façade 1-4
- Façade 4-1
- Façade A-D
- Façade D-A
- Location Plan

4. RELEVANT PLANNING HISTORY

4.1 The site has been subject to the following planning history:

HPK/0003/8031 – Change of use of vacant office space to estate managers living accommodation – Approved 10 June 1999.

HPK/2022/0215 - Detached 2 Storey Garage Building. Parking at Road Level. Garden/Sun Room at Lower Garden Level – Refused 14 October 2022 – Appeal lodged and dismissed 20 April 2023.

HPK/2024/0067 - Existing use for the purposes of horticulture or as a 'residential garden' to the extent that is limited to the cultivation, planting or growing of grass, trees, seeds, vegetables, fruit, plants,

shrubs, bushes or flowers; and the tending to and enjoyment of such land by persons who have a private right to access and enter the land ('enjoyment' in these respects includes sitting, walking, roaming, running and play that does not involve the use of installed or fixed apparatus or equipment) – Certificate of lawful use granted 11 June 2024.

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

S 1 Sustainable Development Principles
 S 1a Presumption in Favour of Sustainable Development.
 S 2 Settlement Hierarchy
 EQ 2 Landscape Character
 EQ 3 Rural Development
 EQ 4 Green Belt Development
 EQ 6 Design and Place Making
 EQ 9 Trees, woodland and hedgerows
 CF 6 Accessibility and Transport
 CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12
Protecting Green Belt Land	Chapter 13

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 23 rd August 2024
Neighbour letters	Expiry date for comments: 5 th August 2024
Re-consultation	Expiry date for comments: N/A
Press Notice	Expiry date for comments: N/A

Public Comments

6.1 2 x neutral comment has been received from a member of the public which wishes the following matters to be fully considered:

- Provided that the summerhouse shall be for the personal use of the applicant only and shall remain ancillary to the main dwelling in perpetuity.
- Concerns over new access gate in highway wall

6.2 1 x letters of objection. Grounds of objection are summarised as follows:

- Impact on the Green Belt

- Disproportionate addition to the existing dwelling
- Poor design

6.6 The following comments have been received from consultees:

Consultee	Comments
New Mill Town Council	No objection.
DCC Highway Authority	<p>It is considered that the proposed summerhouse will not have an unacceptable highway impact, therefore, there are no highway authority objections to the application subject to the following condition is included in any consent granted:</p> <p>The summerhouse shall be for the personal use of the applicant only and shall remain ancillary to the main dwelling in perpetuity.</p>

7. POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved

without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained at paragraph 11 of the NPPF.

Principle of Development

- 7.5 The application seeks retrospective permission for a detached single-storey summer house.
- 7.6 The site is located outside of the built-up area boundary in the open countryside and in the Green Belt and is therefore subject to Local Plan (LP) Policies EQ3 and EQ4, in addition to relevant restrictive national planning policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.
- 7.7 LP Policy EQ3 applies to any development proposal that is located in the open countryside. The policy seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness and supports development where it does not have an adverse impact upon the character and appearance of the area.
- 7.8 LP Policy EQ4 requires development proposals in the Green Belt to be assessed and determined in accordance with national planning policies.
- 7.9 Chapter 13 of the NPPF contains the relevant national policies relating to the Protection of the Green Belt.
- 7.10 Paragraph 152 of the NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.11 Paragraph 154 lists sets out that new buildings should be regarded as inappropriate unless they meet one of the exceptions listed. This includes:
- *c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- 7.12 In determining the appeal APP/H1033/D/22/3313417 for the detached two-storey garage building in April 2023, the Inspector considered that due to the close proximity to the main dwelling and subservient appearance of the proposal it would comprise:

“a normal domestic adjunct to the host dwelling and, in this instance, it can be considered an extension under paragraph 149 c) of the Framework”

- 7.13 Considering the above, in this instance the existing summer house will be regarded as an extension under paragraph 154c of the NPPF.
- 7.14 Throughout the consultation period, it became apparent to officers that in addition to the summer house, engineering operations have also taken place, consisting of a patio and a footpath at broadly ground level, stone steps from the public highway leading down to the patio to provide access to the site, and additional walls bordering the summer house. These works fall under paragraph 155 of the NPPF which states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

b) engineering operations”

- 7.15 Therefore in order to comply with green belt policy it is necessary to consider whether the development amounts to a disproportionate addition and whether the engineering works preserve the openness of the green belt and do not conflict with the purposes of including land within the green belt.

Impact on Green Belt

- 7.16 Chapter 13 of the NPPF sets out the fundamental aim of the green belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are the openness and their permanence.
- 7.17 Paragraph 138 sets out the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to prevent the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 7.18 Para 152 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.19 The NPPF does not define the term ‘disproportionate’ however as a typical guide, a figure of 30% increase in floorspace from the original

dwelling is not uncommon and is usually considered to be a modest enlargement within the green belt that would not result in a disproportionate addition to the main house.

- 7.20 In terms of size, the summerhouse is single storey with a ridge height of 2.97m and an external floorspace of approx. 47.6m². Hurstfield House has a floorspace of some 464m², this would result in a 10% increase in floorspace above the size of the original dwelling, significantly below the 30% limit. The proposed development would therefore not amount to a disproportionate addition to the original dwelling house and is in principle acceptable.
- 7.21 It has been noted by officers there were remnants of the former public house on this site. The very limited remains of the foundations of the former public house, however, did little to detract from the openness of this part of the Green Belt so very little weight can be given to the point that the land was previously developed.
- 7.22 As such, the land is considered to be previously free from built form, however, given that the summer house is single storey and sited in a part of the garden where only glimpses are visible from the street scene, it is not regarded as a large, bulky addition.
- 7.23 Turning to the engineering operations that have been undertaken on the site, whilst the introduction of the patio and footpath, does extend the development somewhat further into the green belt, these elements sit at broadly ground level, and are, in part, located in between the summerhouse and dwelling. As such no substantial harm is caused to the openness of the green belt. Similarly, with the implementation of the access steps and additional walls, these components abut the existing retaining wall along Hague Bar and are not readily visible from the public highway. As such when seen in the context of the site, it is not considered to reduce openness, or conflict with the purposes of including land within the green belt.
- 7.24 It is accepted that there is inevitably a visual change to the aesthetics of the site comparable to its previous condition. However, just because a proposal can be seen, does not make it harmful in visual terms. The single storey nature of the summer house does not have significant bulk and massing compared to the host dwelling, and the associated engineering works are minimal. Therefore, the overall development is not considered harm the openness of the green belt. The nature of proposed development is appropriate for its rural location, therefore, it is considered that the visual aspect of openness would be preserved.
- 7.25 Officers have noted the neighbour representation regarding concerns over the new access gate which has been inserted adjacent to the existing steps that lead up to the main dwelling house and the highway wall, providing access to the steps that lead down to patio area in front

of the summer house. However, the insertion of a gate would not, in itself, require planning permission.

- 7.26 Lastly, with regards to any conflict with the purposes set out under Paragraph 143 of the NPPF, the development does not result in unrestricted sprawl of large built-up areas, does not prevent neighbouring towns from merging with one another does not result in any adverse impacts to historic towns, or prevent any derelict land from benefiting from urban regeneration. There is some limited encroachment into the countryside, but this a small proportion of the land the Inspector identified as garden.
- 7.27 As such, it is considered that all aspects of the development, would preserve openness of the Green Belt and the application is compliant with LP Policy EQ4 and relevant restrictive policies contained under Chapter 13 of the NPPF.

Design Character and Appearance

- 7.28 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 7.29 LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document.
- 7.30 LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.
- 7.31 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 7.32 Paragraph 135 of the NPPF states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.
- 7.33 The Adopted Residential (SPD) (2005) chapter 9.7 states that:

- *“Garages and outbuildings should relate to the main dwelling in terms of size, proportion and appearance. They should be subordinate in size and height and match the materials of the existing house”*
- 7.34 The site lies within the ‘Settled Valley Pastures’ Landscape Character Area as defined within the Landscape Character Assessment SPD. This area is noted for its wooded character associated with tree belts along streams, small irregular fields enclosed by mixed species hedgerows and dry stone walls, which are present within the site and its immediate surroundings.
- 7.35 Due to a change in ground level the site sits significantly below the public highway and has very limited visibility from the street scene.
- 7.36 Officers have noted a previous development on this land was refused and dismissed at appeal under APP/H1033/D/22/3313417. However, this development was for a 2 storey detached building, considered to be a large, bulky addition which would be immediately visible from the highway, sited in a part of the garden which is currently free from built form.
- 7.37 As far as the siting and scale of the summerhouse, its single storey nature is appropriate in comparison to the proposal refused under HPK/2022/0215. The summer house sits below the height of the adjacent retaining wall to the north, limiting visibility. Additionally, when viewed against the backdrop of the stone boundary wall behind and the adjoining buildings at both Hurstfield House/ Hague Bar Works and No’s 21-25 Hauge Bar it appears clearly subservient. There are glimpses of the summer house that can be seen from the public highway, however this is minimal and the presence of a summer house or timber garden outbuildings is not unusual.
- 7.38 The materials used in the construction the summerhouse consist of timber cladding and grey shingle felt tiles for the roof, with the addition of grey UVPc for the windows. Timber is not a traditional material used within the High Peak, however, such a material is commonplace for garden structures, such as sheds and summer houses. Given the positioning of the summer house below the height of the retaining wall, the timber will weather and will become more in keeping with the garden area associated with the host dwelling which is comprised of coursed stone and a natural slate roof. Moreover, the retaining stone wall to the north which separates the site from the public highway, limits its visibility, therefore the materials are considered appropriate for its garden setting and use.
- 7.39 The south of the site is bound by countryside limiting visibility of the summer house in long distance views. Due to the location of the summer house against the retaining wall to the north it does not appear intrusive in the countryside landscape.

- 7.40 Given the above, it is considered that the summerhouse preserves the rural character of the immediate and wider landscape, and therefore accords with LP policies EQ2, EQ3, NPPF or Residential Design Guide.

Amenity

- 7.41 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings to protect the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.42 The Adopted Residential (SPD) (2005) paragraph 8.6.1 states that there should be 21 metres between adjacent inhabitable windows to provide an acceptable level of amenity.
- 7.43 Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.44 The summer house sits below the wall level diminishing any impact on the properties on the far side of the road, plus owing to the separation distance and the scale of the building, no harm would result in terms of visual intrusion or loss of light. Due to the change in elevation, Leawood, Hurst Bank and Chablis which sit across the public highway are slightly elevated in comparison to the application site. As such glimpses of the roof of the summerhouse may be visible from these properties, although this is not considered to be detrimental to the amenity of these neighbours.
- 7.45 Turning to the issues of privacy and overlooking, there are no immediate neighbours, and the French glass doors to the front elevation of the summerhouse look out on to the open countryside to the south.
- 7.46 The glass doors on the east elevation, propose no amenity issues with the boundary of the closest neighbour at No.25 Hague Bar approximately 25m away, which is in line with the Council's privacy standards set out in the Residential Design Guide. Furthermore, several mature trees sit between the east elevation of the summerhouse and the boundary of No. 25 Hague Bar.
- 7.47 Overall, the retention of the summerhouse does not harm the residential amenities and is considered compliant with Local Plan Policy EQ6 with regards to residential amenity.

Highway Safety

7.48 Local Plan Policy CF 6 states that all development should deliver sustainable patterns of development by ensuring that it does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic.

7.49 Derbyshire County Council have no objections. It is considered that the development would not harm highway safety, and thereby complies with Policy CF6.

Other Matters

7.50 In determining the appeal for the detached two-storey garage building in April 2023 (HPK/2022/0215), the Inspector acknowledges the fact that the application site forms part of the large garden of Hurstfield House.

7.51 However, it is worth noting that the Lawful Development Certificate granted by application reference HPK/2024/0067 has subsequently confirmed this as a 'residential garden' but only to the extent that it can be used as follows:

- *“is limited to the cultivation, planting or growing of grass, trees, seeds, vegetables, fruit, plants, shrubs, bushes or flowers; and the tending to and enjoyment of such land by persons who have a private right to access and enter the land ('enjoyment' in these respects includes sitting, walking, roaming, running and play that does not involve the use of installed or fixed apparatus or equipment).”*

7.52 Consequently, the effect of this Certificate of Lawfulness is to only permit the use of the land for the above uses, it does not form part of the curtilage of the dwellinghouse. Therefore, the normal permitted development rights which homeowners benefit under Schedule 2, Part 1 the Town and County Planning (General Permitted Development) Order 2015 do not apply to the land. This is the reason why planning consent is required for the above development.

8. Planning balance & Conclusion

8.1 For the reasons outlined above, it is considered the summer house does not amount to inappropriate development in the Green Belt and would not appear incongruous within its surroundings by means of siting, scale and design. Moreover the engineering works do not harm openness. The development has limited visibility from public vantage points, as such it is not considered to be intrusive within the landscape or cause harm to the street scene.

8.2 A detailed assessment of this application, has, when taking account of all material considerations including local and national planning policies, supplementary design guidance, and comments submitted by

statutory consultees has found that the development is acceptable, demonstrating compliance with LP Policies EQ3, EQ4 and EQ6, and relevant policies contained under Chapter 13 of the NPPF.

9. RECOMMENDATIONS

A. APPROVE subject to conditions as follows;

1. Approved Plans

2. The development hereby approved shall remain ancillary to Hurstfield House for the lifetime of the development.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site Plan

