

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 6th June 2022

Application No:	HPK/2021/0624 & HPK/2021/0634	
Location	The Stables, Bowden Hall, Bowden Lane, Chapel-en-le-Frith	
Proposal	Retrospective application for Full Planning and Listed Building Consent for rooflights	
Applicant	Mr Nigel Webb	
Agent	Mr Mark Strawbridge, CAMPlan	
Parish/ward	Chapel/Chapel East	Date registered 1 st November 2021
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Refuse

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee by Councillor Jim Perkins, to consider the impact of the proposal on heritage assets

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The applications relates to the Stable Block Grade II Listed Building within the confines of Bowden Hall, which contains a number of Grade II Listed Buildings.
- 2.2 The Stable Block has previously benefited from planning permission and listed building consent under HPK/2007/0220 and HPK/2007/0221 respectively to convert the building to residential flats.
- 2.3 The Local Planning Authority do not hold any records of any application to discharge conditions in relation to either application, and therefore it is debatable as to whether both applications have now lapsed.
- 2.4 At the time of a site visit, a number of rooflights have been introduced.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Following a complaint and subsequent enforcement investigation, the applicant seeks retrospective planning permission (HPK/2021/0624) and listed building consent (HPK/2021/0634) for the introduction of these rooflights. All relevant considerations relating to both applications are considered within this report.
- 3.2 The plans are supported by a short Heritage, Design and Access Statement, and show that in addition to the number of rooflights increasing beyond those approved in 2007, the scale and size of the rooflights has also increased.

4. RELEVANT PLANNING HISTORY

- 4.1 The wider Bowden Hall site has been subject to a large number of applications. The following applications are pertinent to these retrospective applications:

HPK/2007/0220 &
 HPK/2007/0221 Resubmission of HPK/2006/0794 - Conversion of Outbuildings to 5No. Residential Units (Approved 30/05/2007)

5. PLANNING LEGISLATION RELEVANT TO THE DECISION

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- EQ3 Rural Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

National Planning Policy Framework 2021

- Achieving Sustainable Development Chapter 2
- Achieving Well Designed Places Chapter 12
- Conserving and Enhancing the Historic Environment Chapter 16

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 2 nd December 2021
Neighbour letters	Expiry date for comments: 24 th November 2021
Press Notice	Expiry date for comments: 5 th December 2021

- 6.1 No comments from neighbouring properties or the general public have been received

6.2 The following table shows the comments received from relevant statutory consultees in connection with the application.

Consultee	Comments
DCC Highways	No highway safety comments to make.
Chapel-en-le-Frith Town Council	No objections

7. OFFICER ASSESSMENT

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 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.

Principle of Development

7.4 The applications seeks full planning permission and listed building consent for retrospective unauthorised alterations to the existing Grade II Listed Building, which lies outside of the built-up area boundary in the open countryside.

7.5 The applications are therefore subject to Local Plan (LP) Policy EQ3, which refers to development proposals outside of the built-up areas, LP

Policy EQ7, and relevant restrictive national policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.

- 7.6 The principle of development can only be supported where the applications can demonstrate compliance with the above local and national policy context.

Planning Considerations

Design and Conservation

- 7.7 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.8 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.
- 7.9 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. The policy supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.
- 7.10 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.
- 7.11 Chapter 5 of the High Peak Design Guide SPD (2018) relates to Alterations, Extensions and Conversions:
- 5.2 *Alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The key to a sensitive approach is to take note of what is there already before preparing the design and to work with, and not against, the building's character (accurate survey drawings are essential in this respect). The aim should be to revitalise the building without altering its fundamental character.*
- 7.12 Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the

area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

- 7.13 Paragraph 133 goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 7.14 Chapter 16 of the NPPF contains the relevant restrictive policies relating to heritage conservation. Paragraphs 199-202 sets out how a local authority should assess the significance of a heritage asset and how to assess the potential impact of a proposal upon that heritage asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.
- 7.15 When considering the full planning and listed building consent applications in 2007, the Local Planning Authority sought the views of the County's Historic Buildings Officer, who stated the following specifically in connection with proposed rooflights:

“The application assumes an ability to comply with the Building Regulations on room ventilation while simply specifying ‘refurbish existing windows’ and even ‘new windows in existing openings’ show no sign of how they will open for ventilation.

*Most of the existing windows are small-paned fixed lights and clearly any scheme which involves habitable accommodation will require opening lights. This should be clarified **before** determination so that there is no doubt about the ability to comply with Building Regs while still retaining the character of the windows.*

The top floor windows will not be able to comply with the Regs being too low down, and so you can expect there to be a need for several more rooflights than currently indicated on the drawings. I don't consider this to be objectionable given the height of the building and the opportunity to place most of them on the rear slope of the building. There are several stone mullioned openings with fixed leaded lights, possibly from an earlier building or phase of this building and these need particularly careful conservation.”

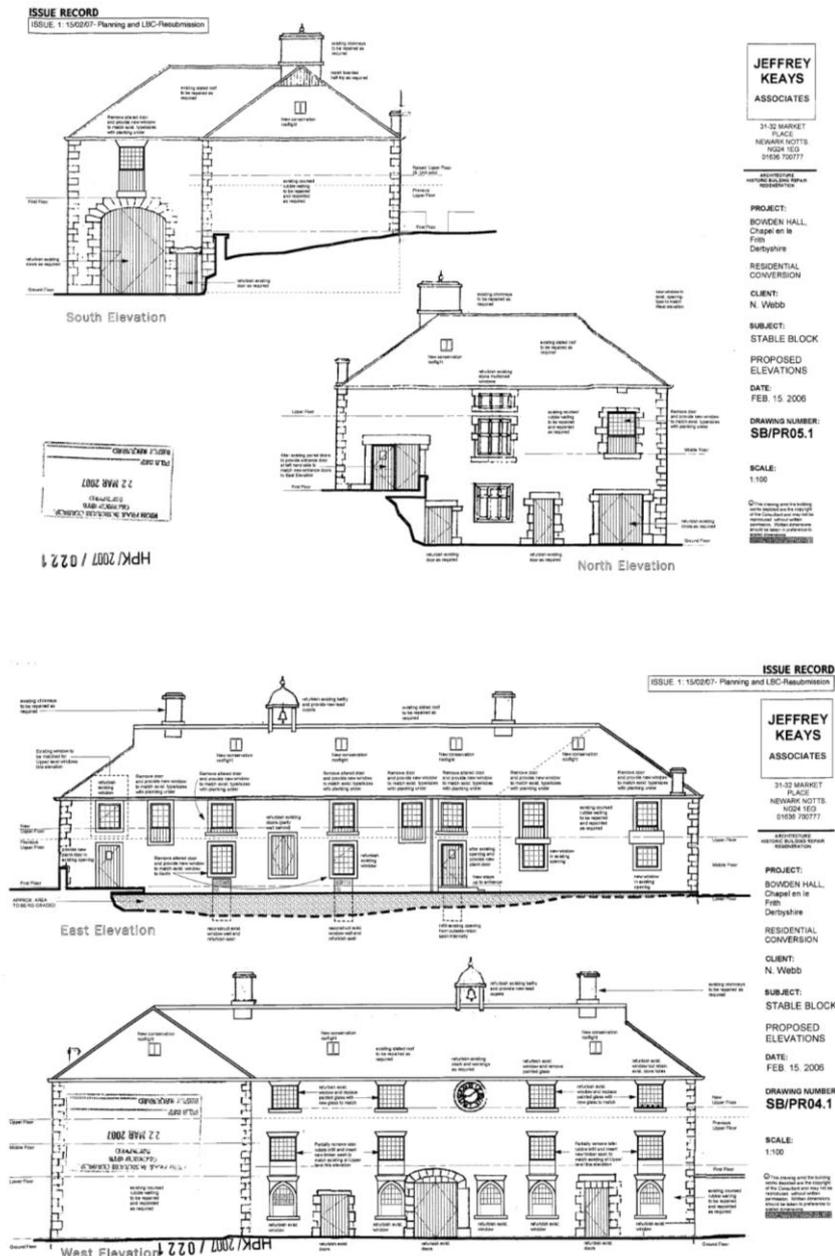
- 7.16 In light of the above comments, a condition was applied to both HPK/2007/0220 (Condition 2) and HPK/2007/0221 (Condition 3) that includes the following:

“No works shall take place on site until details of altered or new windows (including rooflights) at scale 1:20, together with details of

door joinery, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.”

7.17 The Council hold no record of any discharge of condition application being submitted or indeed determined for any pre-commencement condition, including the above. In the absence of any written evidence being submitted by the applicant, it is the case that the applications approved in 2007 have lapsed and that all internal or external works are unlawful.

7.18 The Elevation Plans approved in 2007 show a small number of rooflights which are of a modest scale, as shown below.



- 7.19 The rooflights that are the subject of these retrospective applications show an increase in the number of rooflights, a noticeable increase in the size and scale of the rooflights, and in some instances a change in the siting of the rooflights, as evidenced by photograph of the rear (eastern) elevation below:



- 7.20 Due to the increase in number of rooflights, and their excessive, disproportionate size and scale, the rooflights fail to respect the existing character and appearance, introducing an unacceptable form of visual clutter to the roof slope of what is a very sensitive building, particularly given the prominence of the building from both Bowden Lane and the public footpath to the rear.
- 7.21 As such, it is concluded that the proposed rooflights, by virtue of their increased number, siting, scale and visual appearance, fails to respect the historic fabric of the listed building, and the wider rural landscape character, contrary to LP Policies S1, EQ3, EQ6 and EQ7, the High Peak Design Guide SPD, and relevant paragraphs contained under Chapters 12 and 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.
- 7.22 For the purposes of the NPPF, the harm identified to the listed building is 'less than substantial' and thus the harm needs to be weighed against any public benefits. This is addressed in the overall planning balance.

Planning Balance and Conclusions

- 7.24 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

- 7.25 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.26 The applicant seeks retrospective full planning and listed building consent for unauthorised rooflights which have been introduced to the Grade II Listed former Stable Block building within the Bowden Hall complex.
- 7.27 Consent was granted for the conversion of this building to residential units in 2007 however as no application to discharge appropriate conditions were considered or determined, it is concluded that these permissions have lapsed and thus any internal or external works to the building are unlawful.
- 7.28 An assessment of the proposed rooflights has found that by virtue of their increased number, siting, scale and visual appearance, fails to respect the historic fabric of the listed building, and the wider rural landscape character.
- 7.29 There are no public benefits associated with the application that outweighs the harm identified and as such the application is in direct conflict with LP Policy EQ7 and relevant restrictive national planning policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.
- 7.30 Due to its prominence from the public highway and adjacent public footpath, the number, siting, scale and appearance of the rooflights is also considered to result in harm to the rural landscape character, contrary to LP Policies S1, EQ3 and EQ6, the High Peak Design Guide SPD and relevant paragraphs under Chapter 12 of the NPPF.
- 7.31 As such, the application thus constitutes unsustainable form of development and in line with LP Policy S1a and paragraph 11 is recommended for refusal as per the reasons set out on the accompanying Decision Notice.

8. RECOMMENDATIONS

A. Refuse Planning Permission for the following reason:

- 1. Due to their increased number, siting, scale and appearance, the proposed rooflights fail to respect the historic fabric and traditional appearance of the listed building, and, owing to their prominence from the adjacent public right of way, would also adversely the wider rural landscape character. Whilst the harm to the heritage asset would be less than substantial it would not be outweighed by public benefits contrary to Local Plan Policies S1, EQ3, EQ6 and EQ7, the High Peak Design Guide SPD (2018), relevant paragraphs under Chapter 12 of the NPPF, and relevant restrictive paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.**

B. Refuse Listed Building Consent for the following reason:

- 1. Due to their increased number, siting, scale and appearance, the proposed rooflights fail to respect the historic fabric and traditional appearance of the listed building. Whilst the harm to the heritage asset would be less than substantial it would not be outweighed by public benefits contrary to Local Plan Policies S1, EQ3, EQ6 and EQ7, the High Peak Design Guide SPD (2018), relevant paragraphs under Chapter 12 of the NPPF, and relevant restrictive paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.**

C. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informative/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 187 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

