

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

11th December 2023

Application No:	HPK/2023/0335 & HPK/2023/0336	
Location	OLD HALL INN, UNNAMED ROAD FROM TRAMWAY TRACK TO WHITEHOUGH HEAD LANE, WHITEHOUGH, DERBYSHIRE, SK23 6EJ	
Proposal	RETROSPECTIVE APPLICATION FOR THE CREATION OF A OPENING TO THE NORTH ELEVATION	
Applicant	Daniel Capper, The Old Hall Ltd	
Agent	Mrs Claire Wilde SlaterWilde Ltd	
Parish/ward	Chapel-en-le-Frith/ Blackbrook Ward	Date registered 29/08/2023
If you have a question about this report please contact: Pet Twigg tel: 07525705997 p.twigg@planningangel.co.uk		

REFERRAL

These applications are brought before the Development Control Committee as the applicant is Blackbrook Ward Cllr Daniel Capper.

1. SUMMARY OF RECOMMENDATION

Approve with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site lies within an area of countryside, which is also designated as Green Belt as defined by the Local Plan policies map. While located in the countryside, the site lies within the village of Whitehough, and the surrounding area is predominantly residential in character.

2.2 The building relates to The Old Hall Inn which is a public house and a Grade II listed building. The Historic England listing describes the building as:

Public house. Part C17 with later additions and part early C19. Coursed gritstone rubble with quoins. Gritstone dressings. Stone slate roof. Stone ridge stacks. Two storeys, irregular plan, three bay. South elevation - to west advanced gabled crosswing with six-light recessed and chamfered mullion window. Central major mullion and leaded lights. Drip mould over. To east, similar window with smaller major mullion and no drip mould. Beyond, to east, quined doorcase with large lintel.

Glazed C20 door. Restored four-light chamfered mullion window and second doorcase to east. Above, in crosswing, four-light recessed and chamfered mullion window with drip mould. To east, two similar windows without drip moulds in gabled dormers. Attached to west, facing west, early C19 double fronted house. Central C20 stone porch. To either side, C20 bow windows in original openings. Two similar windows above.

2.3 The site also lies within the Chinley & Whitehough Conservation Area which is also a designated heritage asset.

2.4 The site lies at the junction of Whitehough Head Lane and an unnamed road. The public house is positioned at the northern part of the site. The southern rear beer garden is bound by stone walls, with an historic vehicular access with gate posts located in its southern boundary. The rear area is partly laid to setts, with the remainder of the land being grass. The beer garden contains a number of substantial and visually prominent trees which are covered by a Tree Preservation Order (known as G1 of DCCTPO 140).

3. DESCRIPTION OF THE PROPOSAL

3.1 The planning and listed building consent applications propose the retention of an existing opening to the north elevation which is used as a serving hatch between the public house and the beer garden of the Old Hall Inn. The opening on the north elevation facing the seating area. The window measures 650mm x 530mm, it is framed with a 75mm hardwood frame and is filled with a plank and ledged door (25mm vertical boarded). The timber has been unfinished to allow the natural greying of the timber over time. Existing timber lintel has been exposed and sand cement render has been re painted as part of maintenance program.

3.2 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=262870>

and

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=262871>

4. RELEVANT PLANNING HISTORY

4.1 The application site has been subject to a number of historic planning applications.

4.2 Most recently: HPK/2023/0338 Retrospective application for the erection of a freestanding stretched fabric canopy to accommodate outdoor seating/dining - approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Chapel-en-le-Frith Parish Neighbourhood Development Plan

H3 Design Criteria

5.2 High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles

S1a Presumption in Favour of Sustainable Development

S6 Central Sub-area Strategy

EQ1 Climate Change

EQ2 Landscape Character

EQ3 Rural Development

EQ4 Green Belt Development

EQ6 Design and Place Making

EQ7 Built and Historic Environment

CF6 Accessibility and Transport

5.3 Supplementary Planning Guidance/Documents

Residential Design (2005)

High Peak Design Guide (2018)

National Planning Policy Framework

Section 9: Promoting Sustainable Transport

Section 12: Achieving Well-designed Places

Section 13: Protecting Green Belt land

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the Natural Environment

Section 16: Conserving and enhancing the Historic Environment

6. CONSULTATIONS CARRIED OUT

Public Consultation expiry date: 12th October 2023

Site Notice expiry date: 22nd October 2023

1 Objection Representation received which states that:

This bar serving hatch was installed during the Covid-19 pandemic without courteous prior warning as a very close neighbour. It has been constructed approximately 10 metres from the edge of my property and less than 12 metres to my actual interior living space. This area is not suited to serving drinks, which can be purchased by a short walk through the adjacent main entrance door and therefore serves no additional or aesthetic purpose other than “heightened convenience” at the detriment of the fabric of the listed building and our living experiences as a very close neighbouring property.

The noise generated by people has become very audible from both our interior and external curtilages including bedrooms as it has resulted in people sitting out around the main entrance area until much later in the evening and unfortunately leads to us having to endure noise levels which elevates as the evening progresses and more alcohol becomes consumed.

The beer garden restricts access on a permitted access path.

Should permission be granted a curfew be imposed to serve people during the daytime of say 12-5pm

Parish Council Object strongly. The building is Grade II listed and in a conservation area, the building should be repaired to its original state.

Local Highway Authority No highway safety comments to make to the application

Conservation Officer The extent of this work by its nature is physically harmful to the Listed Building. However, I acknowledge there is some benefit in this case that will outweigh this harm and therefore I offer No objection. I do not anticipate there to be harm imposed on the significance of the asset.

7. OFFICER COMMENT AND PLANNING BALANCE

Policy Context

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Paragraph 11 of the National Planning Policy Framework (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; or 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.

7.3 The NPPF seeks to proactively drive and support sustainable economic development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought, and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

Principle

7.5 The application proposes retention of an opening that functions as a service hatch between the servery of the public house and the outside seating area within the grounds of a commercial premises. The site lies outside of a settlement boundary and within the Green Belt as defined by the Local Plan policies map. Policy EQ3 seeks to facilitate sustainable rural community needs, tourism, and economic development through; supporting the provision and expansion of tourist and visitor facilities in sustainable locations where identified needs are not met by existing facilities; and, supporting rural employment in the form of home working, commercial enterprises and live-work units where a rural location can be justified.

7.6 The principle of development at an existing commercial property is considered to be acceptable, subject to satisfying other considerations, particularly with regard to protecting the character, appearance, and integrity of the listed building/historic and cultural environment, as required by EQ3. The effect on the historic environment is considered later.

7.7 Further, in this instance, as the site lies within the Green Belt, it is necessary to assess the development against the relevant considerations in this regard.

Green Belt

7.8 Policy S2 establishes the settlement hierarchy which does not identify Whitehough as a settlement to which development should be directed. Therefore, in accordance with the settlement hierarchy the site lies within an “Other Rural Area” which relates to all other areas outside of the settlement boundary of settlements, including those villages, hamlets, and isolated groups of buildings in the Green Belt where development will be strictly limited to that which has an essential need to be located in the countryside, with the Green Belt protected from inappropriate development. Policy S6, which relates to the Central Sub Area also seeks to protect the Green Belt. Policy EQ4, which relates to Green Belt development, states that development in these locations will not be permitted unless it is in accordance with national planning policy.

7.9 National planning policy is set out in the National Planning Policy Framework 2023 (the Framework). The Framework identifies that the construction of new buildings within the Green Belt will be considered to be inappropriate development and will only be allowed where it meets one of the exceptions identified within paragraph 149.

7.10 One exception in paragraph 149 of the Framework is for “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”.

7.11 There is no definition of what constitutes a “building” in the Framework. However, it would be reasonable to assess this as meaning development which creates volume. The application proposals relate to the creation of an opening in an elevation of an existing building which does not create volume. The alteration

satisfies the exceptions, and preserves Green Belt openness and does not conflict with the purposes of including land within it.

7.12 The site lies at the heart of the village and is surrounded by built development. The opening is on the northern elevation of the building and not visually prominent from the streetscene. Given the context and the size of the opening, it is not necessary to consider other matters relating to openness or the purposes of including the land in the Green Belt in such circumstances.

7.13 The main considerations in this instance are therefore the effect of the development on the character and appearance of the area, having particular regard to heritage assets and residential amenity.

Design Considerations (including impact on Heritage Assets) Effect on Setting of Listed Building

7.14 The Old Hall Inn is a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that special regard be had to the desirability of preserving the listed building, or its setting, or any feature of special architectural or historic interest which it possesses. Policies S1 and S6 requires that development seeks to protect and enhance the historic environment. Policy S7 seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and to ensure that development proposals contribute positively to the character of the built and historic environment.

7.15 The significance of the Old Hall Inn lies within its historic origins and architectural detailing. The walled setting of the building, and surrounding village context, also contributes towards its significance. As the Conservation Officer in her response acknowledges the extent of this work by its nature is physically harmful to the Listed Building. However, acknowledges there is some benefit in this case that will outweigh this harm and therefore No objection is raised. In addition she does not anticipate there to be harm imposed on the significance of the asset.

7.16 Such harm would be at the lower end of being “less than substantial” harm to the significance of the heritage asset. In such circumstances, paragraph 202 of the NPPF confirms that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This point is returned to later.

Effect on Conservation Area

7.17 The application site lies within the Chinley & Whitehough Conservation Area which is a designated heritage asset. S.72(1) of The LBCA, requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area. Great weight should be given to the heritage assets conservation.

7.18 The opening is visible within the site, but not particularly noticeable from the public realm. If considered that the opening does not preserve or enhance, and

thereby causes some harm to the significance of the Conservation Area, this would be at the lower end of less than substantial and would again need to be balanced against the public benefits. This will be returned to in the planning balance below.

Amenity

7.19 Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.20 The scale and proximity of the opening to nearby residential properties is such that the opening would not cause harm through loss of light, overshadowing, overbearing or outlook.

7.21 A neighbour has objected stating that the noise from people congregating on the seating area harms the enjoyment of his dwelling. This is an established public house and the land that the benches are set out on is within the curtilage of that business premises. The issue of noise nuisance is a matter that is controlled by Environmental Health legislation. Whilst the opening allows food and drink to be served quicker than having been walked around to the tables, it is not the hatch that is generating the noise, and with or without the hatch the nuisance that the resident says he endures would continue.

Highway Safety

7.21 The scheme proposes no increase in floorspace and, as such, no highway safety or parking issues arise.

Planning Balance & Conclusion

7.22 As outlined above, the proposal fails to preserve or enhance the Conservation Area, and setting of the Grade II Listed Building. The degree of harm to both heritage assets is considered to be at the lower end of "less than substantial". Nonetheless, any harm ought to be afforded great weight and, in accordance with Paragraph 202 of the Framework, the harm needs to be weighed against the public benefits of the proposals.

7.23 It is clear that the development is a beneficial addition to the operational function of service delivery at a very popular public house which brings with it clear economic and social benefits, both directly and indirectly.

7.24 Given the scale of harm to heritage assets, and the nature of that harm, it is considered that the identified public benefits outweigh the significant harm to heritage assets which have been identified.

7.25 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social, and environmental conditions of the area.

7.26 The scheme would deliver clear direct and indirect public benefits of a social and economic nature which weigh significantly in favour of the development. Such benefits are considered to be sufficient to outweigh any harm that would arise from the proposed development.

7.27 Accordingly, the proposal is considered to comprise sustainable development under the terms of the Framework, and it is recommended that the applications for planning and listed building consent be approved.

8. RECOMMENDATION

A. That planning permission and Listed Building Consent is GRANTED subject to the following conditions:

1. Retained in accordance with approved plans

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 Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

