
Delegated report Officer: Teresa Turner

Application ref. DMPA/2021/1478

The retention of a summer house in the back garden and gates to the frontage at 3 Hollies Farm Close, Stanton-By-Bridge, Derby, DE73 7GD

Valid date: 27/10/2021

Consults expired: 03/12/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/0382/0223 – The extension and conversion into 4 dwellings of the farm buildings and the erection of 2 new detached houses and garages on the western side of Hollies Farm, Stanton by Bridge – Planning permission granted on 15th June 1982. Condition 3 of this approval has revoked permitted development (PD) rights for extensions or enlargements to the approved dwellings (Class A of Part 1 of Schedule 2 of the General Permitted Development Order (GPDO) 2015) and condition 4 requires planning permission to be sought for garage conversions or using allocated parking spaces for other purposes.

There is no further planning history associated with the site.

Responses to consultations and publicity

The Conservation Officer does not object to the proposals and is of the view that the summer house may not require planning permission. The proposals do not impact on the significance of the heritage assets (listed building and conservation area).

One letter of support has been received:

The neighbours fully support the application for retrospective planning for the summer house and gates at 3 Hollies Farm Close. Both of these items have been in place for a number of years without any issues. It is believed that the retrospective request for planning has been done maliciously with the intent of causing financial distress to the previous owner of the property. Neither the gates nor the summer house have any impact on any of the neighbours within the Close, either with regards to privacy or aesthetics.

Comments from neighbour received:

The application states that the gates at the front of the property were erected before the neighbours purchased and moved into their property on 29th March 2017. A photograph of the neighbours property from Rightmove has been included with the application presumably to support it. When asked by the owner of 3 Hollies Farm Close when the gates were erected the neighbours advised of the correct date of May 2017 of which they have photographic evidence should it be required. The neighbours would like the Local Planning Authority (LPA) to be aware of the correct date when making a decision as it appears the information on the application is incorrect.

The application also makes reference to the neighbours black side privacy screen being higher than said gates. A photograph has been included with the application to presumably support it. The black privacy screen would indeed be higher than said gates as the neighbours property is elevated. Advice from planning regarding height/erection of screen was sought prior to installation. The neighbours are unsure as to the relevance of why this should need to be included in the application.

After having several verbal conversations with the owner of 3 Hollies Farm Close regarding the

proposed retrospective planning application the neighbours have been clear that they would not object and would like the LPA to be made aware of this and the inaccurate statements within the submission.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality), Policy BNE1 (Design Excellence), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2 (LP2): H27 (Residential extensions and other householder development), BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Stanton by Bridge Conservation Area Character Statement 2014 (CACS)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue(s) central to the determination of this application is/are:

- The impact on the setting of the listed building and the character and appearance of the conservation area; and
- The need for planning permission and the impact on the living conditions of the adjoining properties and the general character and appearance of the area.

Planning assessment

The impact on the setting of the listed building and the character and appearance of the conservation area

The application property is a converted farm building within the rural village and conservation area of Stanton by Bridge. The application property and the rest of the buildings within the converted complex have not been identified as buildings that makes a positive contribution to the character and appearance of the conservation area in the Adopted CACS.

The former outbuildings associated with the principle farmhouse had been converted before the date of listing of the farmhouse itself and as such the listing cannot protect the former farm buildings. The application site is not within the curtilage of a listed building and the 1982 planning permission did not revoke permitted development rights for the outbuildings.

The summer house is set well back from the buildings at the far rear corner of the plot such that it has a minimal impact on the setting of the converted farm buildings and does not interfere with the interrelationship that they still enjoy with the neighbouring listed former farmhouse.

The gates face into the courtyard and are not visible in context with the former farmhouse. They do have some limited impact in dividing up the open courtyard area, however they are positioned such that

they span a relatively narrow gap between buildings and do not significantly affect the openness of the former yard area. There would be no objection to the gates remaining as they do not have any significant impact on the character and appearance of the conservation area being deep within the site and well concealed from general public views.

The proposals succeed in preserving both the special architectural and historic significance of the building as a listed building and the special architectural and historic character and appearance of the conservation area as are described as desirable objectives within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such the proposals conform to the requirements of the NPPF and the objectives of Policy BNE2 of the LP1 and BNE10 of the LP2 in that the significance of the heritage assets have not been harmed.

The need for planning permission and the impact on the living conditions of the adjoining properties and the general character and appearance of the area

The four-year rule is embodied in statute at Section 171B of the Town and Country Planning Act 1990 - where there has been a breach of planning control consisting of the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. The LPA has been made aware that the structures have been in place since 29th May 2017 and as such 4 years have now lapsed.

Having said that, PD rights were only removed on the 1982 approval for extensions and enlargements to the converted farm buildings and as such the detached single storey summer house would not require planning permission by virtue of Class E of Part 1 of Schedule 2 of the GPDO 2015. It would also be classed as a non-habitable structure and is located such that it has no impact on the amenities of the closest neighbours (2 and 4 Hollies Farm Close).

The gates are situated between an existing brick boundary wall that fronts the neighbour to the north (4 Hollies Farm Close) and the detached garage of the application host. The gates are 1.94m high and front the internal access road of the complex and it is considered that they do not impact on the parking provision of the host or the shared private driveway for the complex. The case officer would be of the opinion that the gates would be considered PD by virtue of Class A of Part 2 of Schedule 2 of the 2015 GPDO due to the height being below 2m.

Both structures are not visible from the public realm and as such the existing street scene and general character of the area are not affected.

The proposals therefore accord with the requirements of NPPF and with the objectives of Policy BNE1 of the LP1 and Policy H27 of the LP2 in that the summer house and gates are considered non-habitable structures that are not unduly detrimental to the living conditions of adjoining properties or the general character of the area.

The proposals conform to Policy SD1 of the LP1 in that the development does not lead to adverse impacts on the environment or amenity of existing and future occupiers within and around the proposed development.

The proposals conform to the requirements of the NPPF and the NPPG and with Policy S2 of the LP1 in that planning applications received by the Council that accord with the policies in the Local Plan Part 1 (and where relevant, with policies in neighbourhood plans) will be dealt with positively and without delay unless material considerations indicate otherwise.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	20/12/2021
Report agreed:	22/12/2021
Authorised officer:	Steffan Saunders
