

Planning Ref: Number	Appeal Number	Site Address	Proposal	Decision (Allowed / Dismissed)	Decision Date	Main Issues / Reasons for Refusal	Compliant with NPPF?	Policies	Comments made by PINS
CS POLICY CC2									
NP/DDD/0911/0933	2179436	Hill Top Farm, Parwich	Erection of a single wind turbine and stone build plant rooms.	Dismissed	07/05/2013	Impact on the landscape character of the NP and if this would be outweighed by the wider environmental, economic and social benefits	Y/N	Yes: CS Policies GSP1, L1 No: CS Policy CC2	<p><u>Para 8:</u> While the Core Strategy was adopted in October 2011 before the publication of the National Planning Policy Framework (the Framework) the policies referred to above [Core Strategy Policies GSP1 and L1] are consistent with the provisions of the Framework <u>Para 9:</u> and full weight can be given to them.</p> <p>The same is not true for Policy CC2. This contains two provisions that are relevant to this appeal. Firstly, criterion A of the policy states that "Proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character..." while criterion C states that "Where proposals do not compromise the valued characteristics of the National Park the Authority will also take into account the economic, social and wider environmental benefits of renewable and low carbon development."</p> <p><u>Para 10:</u> It was common ground at the Hearing that, when read plain and on its face, this policy means that if a scheme has any adverse effect on landscape character then the decision maker would not take into account any economic, social or wider environmental benefits that it might have....</p> <p><u>Para 13:</u> In other words the Framework contains different aspects of policy and in such a situation the one aspect (conserving the scenic and landscape beauty of National Parks) needs to be weighed against the other (radical reductions in greenhouse gas emissions).</p> <p><u>Para 15:</u> Policy CC2 is, therefore, fundamentally in conflict with the Framework and consequently, following the approach indicated in paragraph 215 of the Framework, I will give more weight to the Framework than to Policy CC2.</p>
NP/DDD/0814/0817	3032540	Land adjacent to Pikehall Farm, Pikehall	Erection of one wind turbine, 24.8m to centre of hub and base to blade tip height of 34.4m and erection of ancillary building.	Dismissed	01/02/2016	Impact on the visual amenity and landscape character of the area	N	CS Policy CC2	<p><u>Para 5:</u> It is noted, however, that a previous Inspector considering an appeal (Ref. APP/M9496/A/12/2179436) concluded that CS Policy CC2 was fundamentally in conflict with the National Planning Policy Framework (the Framework) and that more weight should be given to the Framework than CS Policy CC2.</p>
CS POLICY CC3									
NP/DDD/0416/0325	3152338	Swallow Cottage, Pilhough Road, Rowsley	Deposit of soil	Allowed	05/10/2016	Impact on character and appearance of NP	Y	CS Policy CC3	<p><u>Para 7:</u> I have noted the Authority's comments in relation to Policy CC3 and in particular its insistence that 'on site' must mean the exact application site. However I find this to be an excessively rigid and unreasonable interpretation of the policy. In any event the red-line boundaries for both the garage and spoil applications encompass the wider site and therefore in that regard the soil is not being deposited off-site. Compliance with Policy CC3 does not however obviate the requirement for the development to accord with the overall aims of paragraph 115 of the Framework or the provisions of the development plan in terms of landscape protection.</p>
CS POLICY RT2									
NP/CEC/0612/0600	2192899	Brink Farm, Pott Shrigley	Conversion of barn to 2No. holiday cottages and associated landscaping including planting screening trees and creating car parking.	Allowed	07/08/2013	Impact on the character and appearance of the surrounding landscape and justification for the proposal	N	CS Policy RT2	<p><u>Para 7:</u> The appellant has also drawn my attention to paragraph 28 of the National Planning Policy Framework (2012) [the Framework] which states that to promote a strong rural economy, local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings and well designed new buildings. Paragraph 3.25 of the Good Practice Guide on Planning for Tourism (2006) [GPG] echoes the Framework in requiring that LDF policies should engender a positive approach to rural tourism proposals and wherever possible visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements.</p> <p><u>Para 8:</u> Following the building works, the footprint, height, scale, form and style of the barn remained unchanged. Notwithstanding the works to the elevations, the building retains the appearance of a barn structure of some age built in traditional stone and slate materials. In my judgement, the building is a partially reconstructed traditional barn structure rather than a modern farm building in a traditional style. On that basis, I consider that it does have vernacular merit and historic interest. I also take cognisance of the thrust of paragraph 28 of the Framework which postdates the CS and is less restrictive in terms of the nature of buildings which can be the subject of conversion.</p> <p><u>Para 9:</u> Accordingly I find that the principle of the conversion of the barn to holiday accommodation in this open countryside location is justified. The proposed development would not therefore conflict with the Framework, the GPG, Policies DS1, RT2, or the SPG.</p>

NP/DDD/0713/0616	2216793	Vicarage Farm, Wheston	Alterations and change of use of stable building to form disabled person holiday accommodation	Allowed	01/07/2014	Impact on the character and appearance of the local area and policies in respect of holiday cottages	Y But raises issue with CS Policy RT2	CS Policy RT2	Para 7: According to the Authority, its Design Guidance states that the building in question should be of sufficient historic or architectural merit to warrant its conversion . While I have had regard to this guidance, given the terms of CS Policy RT2 , which is the only local planning policy identified in the single reason for refusal, and the characteristics of the existing building, it is my opinion that the absence of such merit is insufficient in itself to justify withholding planning permission in this particular case .
CS POLICY HC1									
NP/SM/0713/0606	2220778	Land at Butterton Moor, Butterton	Conversion of former traditional agricultural barn to dwelling house	Dismissed	23/09/2014	Whether it would result in an enhancement to the setting of the building	Y/N	Yes - CS Policies GSP2, GSP3, L1 and L3 No - CS Policy HC1	Para 5: Policy HC1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011) (CS) sets out the specific circumstances when new housing is acceptable. Amongst other things these criteria include where the development would achieve the conservation and /or enhancement of valued vernacular or listed buildings. Para 6: It is broadly consistent with the more recent guidance in the National Planning Policy Framework (the Framework) which seeks to avoid isolated new houses in rural areas in the interests of sustainable development. The Framework indicates that one of the few special circumstances for permitting such homes within the countryside is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. It therefore goes beyond local policy HC1 in requiring enhancement rather than conservation or enhancement. Para 7: CS policies GSP2, GSP3, L1 and L3 seek to protect the special character of the National Park, including its landscape and heritage assets. These are also broadly consistent with national guidance.
NP/DDD/0914/0997	3001876	Endcliffe Court, Ashford Road, Bakewell	6no. One bedroomed flats	Allowed	11/08/2015	Whether it would be consistent with sustainable development principles	N	CS Policy HC1 and LP Policy LH1	Para 7: Paragraph 215 of the National Planning Policy Framework (the Framework) states that in the case of plans adopted prior to the publication of the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Paragraph 54 of the Framework concerns housing in rural areas, and states that local planning authorities should "in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs". This is not a provision allowed for within either Policy HC1 or LH1 . In this respect therefore these policies are not consistent with the Framework .
NP/CEC/0415/0310	3138559	Brink Farm, Pott Shrigley	Conversion of barn to single dwelling and associated landscaping including planting screening trees and creating car parking.	Dismissed	26/04/2016	Impact on the character and appearance of the NP and whether the principle of an open market house is acceptable	N	CS Policy HC1	Para 6: I have also considered the proposed conversion of the simple stone built barn against Policy HC1 of the CS. This sets out a number of criteria to be satisfied, including the conversion to open market housing to achieve the conservation or enhancement of a valued vernacular or listed building. In common with the previous Inspector, I have concluded the barn to be of vernacular merit and historic interest. Nonetheless, in line with Paragraph 215 of the Framework I have accorded Policy HC1 of the CS limited weight as it is not fully consistent with Paragraph 55 of the Framework . This lists the special circumstances where it may be appropriate to allow new isolated dwellings in the open countryside. Amongst which is the where the conversion relates to the re- use of redundant or disused buildings which leads to the enhancement of the immediate setting. As the barn is neither disused nor redundant, the special circumstances set out in Paragraph 55 of the Framework do not apply. Moreover, even if Policy HC1 was fully consistent with the Framework, I am aware that the barn has benefited from substantial repairs and as such its conservation or enhancement is not dependent on its conversion. Therefore, the proposed development for open market housing would neither accord with Paragraph 55 of the Framework nor Policy HC1 of the CS.
NP/HPK/0715/0612	3134661	Land at Highgate Road, Hayfield	Agricultural workers dwelling	Dismissed	26/04/2016	Whether there is an essential need for an additional dwelling, and impact on the character and appearance of the surrounding countryside and the NP	N	CS Policy HC1 and LP Policy LC12	Para 6: Policy HC1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (Core Strategy) allows exceptionally, new residential development where it provides for key workers in agriculture in accordance with Policy HC2 . This requires new housing for key workers to be justified by functional and financial tests (A). Para 7: Policy LC12 of the Peak District National Park Local Plan (Local Plan) sets out detailed criteria to assess the acceptability of a proposal for housing for a key worker. These include the requirement to demonstrate a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available, at most times, day and night bearing in mind the current and likely future requirements. These policies pre-date the Framework and are based on Annex A of Planning Policy Statement 7 (PPS7) which is no longer government policy. However, whilst the functional and financial tests are not now necessary , the parties agree that the advice in the Annex remains a useful reference point in considering essential need .

NP/DDD/1215/1135	3154112	Deepdale Business Park, Bakewell, DE45 1GT	12no. One bedroomed flats	Dismissed	01/12/2016	Release of employment land and whether acceptable for open market housing	Y/N	CS Policy HC1 and LP Policy LH1	<p><u>Para 8:</u> I have considered the consistency of Policies HC1 and LH1 with the framework, taking into account of the other appeal decision referred to me on this point. I recognise that the two policies do not expressly include the provision in the second sentence of paragraph 54 of the Framework to consider whether allowing some market housing would facilitate the provision of significant additional affordable housing. In this specific respect, they are not consistent with the Framework.</p> <p><u>Para 9:</u> However, Policies HC1 and LH1 are otherwise consistent with the Framework. They reflect the overall approach to housing in rural areas set out in paragraphs 54 and 55 of the Framework, including the emphasis on providing for local needs and affordable housing. They are also consistent with the policy of limiting development in the NPs to conserve their landscape and scenic beauty, recognised in paragraph 115 of the Framework, and with the restrictions on housing development in NPs set out in the Vision and Circular, referenced in footnote 25 of the Framework. Paragraph 215 of the Framework states that for plans adopted prior to its publication, weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. On this basis, I attach significant weight to Policies HC1 and LH1.</p>
------------------	---------	--	---------------------------	-----------	------------	---	-----	---------------------------------	--

SAVED LP POLICIES

NP/DDD/0614/0661	3013889	Slipper Low Farm, Aldwark, Grange Mill	Installation of an Endurance E-3120 (50kW) wind turbine on a 24.6m hub height tower, 19.2m diameter rotor, 34.2m to blade tip, to provide renewable electricity to the dairy farm.	Dismissed	17/03/2016	Impact on the character and appearance of the NP, heritage assets and amenity	Y/N	Yes - CS Policy CC2 and LP Policy LU4. Confusion regarding LP Policy LU4	<p><u>Para 4:</u> In terms of local policies the main ones before me are the Peak District National Park Local Development Framework Core Strategy (adopted 2011)(CS) Policy CC2 and Peak District National Park Local Plan (adopted 2001)(LP) Policy LU4. Policy CC2 relates to low carbon and renewable energy development. In terms of landscape matters, it supports such development provided it can be accommodated without adversely affecting landscape character, including having regard to cumulative impacts. Where there is no compromise to the valued characteristics of the National Park account will be taken of the economic, social and wider benefits. Policy LU4 also relates to renewable energy generation which it supports provided that the development and its entire ancillary works can be accommodated without harm to the valued characteristics of the area. It also makes it clear that windfarms will not be permitted. However, it is unclear whether this is intended to apply to single wind turbines and from the lack of specific mention of this point in this case it seems single wind turbines are not prohibited by this policy. In the context of what is proposed here, therefore, these policies broadly accord with the advice of the Framework and so I accord them full weight.</p>
NP/HPK/0715/0612	3134661	Land at Highgate Road, Hayfield	Agricultural workers dwelling	Dismissed	26/04/2016	Whether there is an essential need for an additional dwelling, and impact on the character and appearance of the surrounding countryside and the NP	N	CS Policy HC1 and LP Policy LC12	<p><u>Para 6:</u> Policy HC1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (Core Strategy) allows exceptionally, new residential development where it provides for key workers in agriculture in accordance with Policy HC2. This requires new housing for key workers to be justified by functional and financial tests (A).</p> <p><u>Para 7:</u> Policy LC12 of the Peak District National Park Local Plan (Local Plan) sets out detailed criteria to assess the acceptability of a proposal for housing for a key worker. These include the requirement to demonstrate a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available, at most times, day and night bearing in mind the current and likely future requirements. These policies pre-date the Framework and are based on Annex A of Planning Policy Statement 7 (PPS7) which is no longer government policy. However, whilst the functional and financial tests are not now necessary, the parties agree that the advice in the Annex remains a useful reference point in considering essential need.</p>
NP/DDD/0715/0658	3150216	Town End Farm, Main Street, Chelmorton	Proposed agricultural building	Allowed	21/09/2016	Impact on CA and character & appearance of NP	Y	LP Policy LC13	<p><u>Para 14:</u> The Officer's Report identifies that policy LC13 of the PDLP does not require an agricultural justification for new farm buildings.</p> <p><u>Para 16:</u> The fact there is no current policy basis that requires an application for an agricultural building to be supported by an appraisal, leads me to conclude that any short comings in the submitted appraisal would not be a sustainable reason on which to dismiss this appeal.</p>

NP/DDD/1215/1135	3154112	Deepdale Business Park, Bakewell, DE45 1GT	12no. One bedroomed flats	Dismissed	01/12/2016	Release of employment land and whether acceptable for open market housing	Y/N	CS Policy HC1 and LP Policy LH1	<p><u>Para 8:</u> I have considered the consistency of Policies HC1 and LH1 with the framework, taking into account of the other appeal decision referred to me on this point. I recognise that the two policies do not expressly include the provision in the second sentence of paragraph 54 of the Framework to consider whether allowing some market housing would facilitate the provision of significant additional affordable housing. In this specific respect, they are not consistent with the Framework.</p> <p><u>Para 9:</u> However, Policies HC1 and LH1 are otherwise consistent with the Framework. They reflect the overall approach to housing in rural areas set out in paragraphs 54 and 55 of the Framework, including the emphasis on providing for local needs and affordable housing. They are also consistent with the policy of limiting development in the NPs to conserve their landscape and scenic beauty, recognised in paragraph 115 of the Framework, and with the restrictions on housing development in NPs set out in the Vision and Circular, referenced in footnote 25 of the Framework. Paragraph 215 of the Framework states that for plans adopted prior to its publication, weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. On this basis, I attach significant weight to Policies HC1 and LH1.</p>
NP/DDD//0415/0339	3144163	Riverside Business Park, Bakewell	Demolition of former mill buildings, associated structures and other buildings and full planning permission for hotel development with ground floor floorspace, improvements to existing site access, parking, landscaping and other associated works	Allowed	01/12/2016	Impact on highway safety, residential amenity and heritage assets	N	LP Policy LB7	<p><u>Para 8:</u> The Local Plan predates the Framework and Core Strategy by over a decade, and its policies were not prepared in light of the Framework's definition of sustainable development and its approach to vehicle movements generated by new development, which includes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Consequently, I attach limited weight to policy LB7 of the Local Plan.</p>