

DELEGATED DECISION REPORT

**SMD/2021/0797&8
06
Valid 14/10/2022**

**THE LOG SHED SMITHY
LANE
FARLEY**

**CONSERVATION OF THE LOG
SHED, FARLEY TO PROVIDE
GUEST ACCOMMODATION,
HOLIDAY LET.**

(FULL - MINOR)

MAIN ISSUES

- The principle of the change of use
- The impact on the Listed Building
- The impact on the character and appearance of a Conservation Area.
- The impact on residential amenity.
- The impact on highway safety.
- The impact on the ecological value of the area

DESCRIPTION OF SITE

The site is in Farley, which comprises several old traditional dwellings grouped around Farley Lane, a 'C' class road immediately to the west of the main entrance to Alton Towers. It is not listed as a Small Village in the Local Plan and could be best described as a small hamlet as there appears to be no village facilities. It is therefore deemed as being in the open countryside. There are several old listed buildings and the settlement is within a Conservation Area.

The site itself is on the north west side of Smithy Lane, a dead end private rural lane which adjoins Farley Lane a short distance to the south, a public right of way runs up the private road. It comprises a Grade II listed small stone-built traditional stable with steep pitched roof with traditional grey tile. It was thought to be built in 1850. It is currently vacant. The building contains two storeys with the first floor being partly in the roof structure served by 2 original split eaves dormer windows. Included in the application site is land to the south west which is to be used as a hard-surfaced parking area. To the north west of the building and land to the rear has some tree cover and is the amenity space. The land to the rear of the property is higher and there are no windows in walls of the north west facing wall. There are nearby stone dwellings a short distance to the south-west and north-west of the site. There is open land and fields to the north, west and east of the site.

PROPOSAL

This is a full planning application and accompanying Listed Building Consent application to convert the building into a holiday let. The only external alterations would comprise a replacement windows, doors, joinery and rainwater goods painted in 'Farley estate'. Internally, the ground floor would be divided in two one part being a lounge and the other dining/kitchen area and a staircase would be created. Partition walls would be inserted to create a WC. At first floor, the open space would

be subdivided with partition walls to create two bedrooms each with an ensuite bathrooms. The drawings also show fixtures and fittings details attached to the fabric of the building.

The Design, Access and Heritage Statement also states the following:

Windows: New windows provided in first floor window opening. To be timber framed and set back.

With regard to parking, two spaces would be provided on new hard-standing to the south west which is access directly on to Smithy Lane. The creation of the hard-standing will need some digging out of the ground.

The application is also accompanied by a preliminary Bat and Bird Survey Report dated Jan 2022 and an updated report (Aug 2022) which gives details of subsequent bat activity surveys required to be undertaken in Summer 2022, as a result of the findings in the Jan 2022 report.

The application was originally validated in February 2022 and “re-validated” in October 2022 following the receipt of further Ecology Survey Reports and a new round of consultations, notifications, site notices and press adverts were undertaken.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorland Local Plan. (2020)

SS1 Development Principles

SS10 Other Rural Areas Area Strategy

SS11 Churnet Valley Strategy

E4 Tourism and Cultural Development

DC1 Design Considerations

DC2 The Historic Environment

T1 Development and Sustainable Transport

NE1 Biodiversity.

National Planning Policy Framework (July 2021) Sections

6 (Economy),

12 (Design),

15 (Natural Environment)

and 16 (Historic Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None on the property

SMD/2021/0797 Application for similar works to building known as The Barn on the opposite side of the road, Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 22.12.22

Neighbour consultation period ends: 7.11.22

Press Advert: 16.11.22 .

Public Comments

None.

Parish/Town Council Comments

No response.

Staffordshire County Council Highways

No objection. Subject to one condition.

Conservation Officer

No objection subject to conditions.

Staffs Wildlife Trust

December 2022: Holding objection as bat activity surveys are required to establish if bats are present in the building, which has potential for use by bats, a protected species. (Did not comment on ecological report from Aug 22).

SCC Public Rights of Way Officer

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

Although Smithy Lane is a private road the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject to, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Peak and Northern Footpath Society

We note that the PROW Farley FP02 is close to the proposed site. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

OFFICER COMMENTS

The site is in the countryside and Policy SS10, the strategy for the countryside, allows the conversion of suitable buildings to other uses including holiday lets. The building is suitable. It is solid stone building with an intact tiled roof and as a listed traditional building, is very much in keeping with the character and appearance of the area. The Churnet Valley Strategy, Policy S11 encourages development which provides for new tourist facilities and accommodation and whilst the Churnet Valley. The Masterplan requires only minimal new development in the Alton area, the proposal is for the conversion of an existing building and the change of use to holiday accommodation would not be contrary to either Policy S11 or the Masterplan.

The key policy for tourism related development is Policy E4 which has two parts which both need to be complied with. Part 1 allows tourist development including accommodation in locations in locations that offer, or are capable of offering either:

- A) good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling; or
- B) in locations in or close to settlements where local services, facilities and public transport are available; or
- C) in areas specifically identified for tourism development in the Churnet Valley Masterplan.

The proposal would need to comply with just one of the three criteria for it to comply with Part 1 of the policy. It would not comply with B or C, Farley is a small hamlet with no services or facilities and in the case of C, the Churnet Valley Masterplan does not identify the area outside of the attraction for further tourist development.

However, I consider the proposal does accord with criterion A. The site is just 400 metres way from the main entrance to Alton Towers and is easily reached by bicycle along flat terrain along a suitable main road (Farley Lane). This section of road appears unsafe for walking as there is no footway and is largely enclosed by walls and hedges. However, there is public footpath a short distance to the north of the site which crosses fields and is parallel with the main road and links up to Longshaw Lane where it is safe to walk to the main entrance of Alton Towers. This route is approx. 450 to 500 metres long and therefore deemed to easily walkable and no much longer than the Farley Lane route. This would deem the proposal to comply with Part 1 of Policy E4.

Part 2 of the above policy requires new tourist facilities and accommodation to:

- A) support the provision and expansion of tourist, visitor and cultural facilities in the rural areas where needs are not met by existing facilities; and
- B) all development shall be of an appropriate quality, scale and character compatible with the local area, protect the residential amenity of the area, enhance the heritage, landscape and biodiversity of the area and shall not harm interests of acknowledged importance.

With regard to A), it is acknowledged there is already a large range of accommodation options within the Alton Towers resort itself. However, the proposal would offer a different, more “niche” form of accommodation, being self-catering within an attractive listed barn in a village/hamlet setting that may appeal to people who want to visit Alton Towers but not stay in the resort. There appears to be four other holiday lets in Farley “village” but two of these are large multiple 4 or 5 bedroom lets whereas the proposed would be the only small 2 bed holiday let (or one of just three small scale lets). The proposal would therefore diversify the range and type of accommodation on offer in the area which therefore helps to support the provision and expansion of tourist facilities/accommodation in this part of the Churnet Valley.

With regard to B), I also consider there is compliance with this criterion. As it involves the conversion but not enlargement of an existing small solid building with character it would therefore be compatible with the local area. There would be no direct overlooking from the bedroom or living area windows into the main windows of nearby houses, while distances to No 1 Smithy Lane and The Barn (one of the holiday accommodations) are small only 6m at its shortest. The distance to No 1 is at very oblique angle greater than 45 degree and so providing limited opportunity for overlooking. The Barn opposite which has recently (Dec 22 ref SMD/2021/0805) been granted permission to be converted into a holiday let. The windows will be approximately 12m apart and at an angle of a bit less than 45 degrees. The degree of overlooking between the two properties will be limited.

Finally, the proposal would help to restore and therefore result in the long-term protection and maintenance of a Grade II listed building by bringing the vacant building back into use and minor works to the exterior are proposed which would improve it and prevent it falling into disrepair. I consider the impacts on landscape and ecology are neutral. Overall, there would be a net improvement to the heritage, landscape and ecological values of the area, in compliance with Part 2 of Policy E4.

With regard to compliance with other policies in the Local Plan, in terms of traffic and highway safety, the vehicle movements generated from a 2-bed holiday let would not be significant enough to increase traffic problems on surrounding roads and the provision of two parking spaces within the site would be sufficient to prevent cars being parked either on Smithy Lane (which in any case is private) or Farley Lane. The junction of Farley Lane and Smithy Lane is not considered to be dangerous in terms of the level of visibility along the main road for drivers using the junction.

Staffordshire Wildlife Trust have put in holding objection in December 2022. They state that further surveys are required as stated in the preliminary survey (from Jan 22). These surveys have been carried out (Supplied August 22) and found no bats or other birds in the building. It is therefore proposed to put forward the application forward for approval.

The proposal would therefore have to pass the “3 Tests”. This is because the planning policies, legislation and government guidance on protecting wildlife and ecology interests states the following:

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc.) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

The conservation and enhancement of the natural environment is a core principle of the NPPF where planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for. Similarly, Local Plan Policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with Policy NE1 'Biodiversity and Geological Resources'.

Amongst other matters, Policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In determining whether or not to grant a licence Natural England must apply the requirements of Regulation 53 of the Regulations and, in particular, the three tests set out in sub-paragraphs (2)(e), (9)(a) and (9)(b)6.

(1) Regulation 53(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

(2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".

(3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the

maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

The Ecology Reports identified the presence of bats in the area but none residing in the building. I consider the proposal passes the “Three Tests” as follows:

1. The proposal would have overriding benefits in the interests of the public as the building is a Grade II listed building of significant heritage value and bringing the building back into an appropriate use such as a holiday let involving only minor structural works which do not affect its heritage value is the best way to safeguard such as an asset and prevent future deterioration of the building.
2. There is no satisfactory alternative for the proposal in providing a holiday let on the site as this is a conversion scheme and would be far better in the interests of protecting the species to convert the building than demolish it and rebuild for this purpose.
3. There would be no detriment to the species population as the works would not harm the species. The updated Ecology Survey received in August 2022, also outlines a methodology for the conversion works to avoid harm to bats and birds.

SWT considers the methodology to be acceptable in the application for the building known as The Barn opposite which was produced by the same consultant. The mitigation measures can be achieved by way of planning conditions.

Overall, the works would not lead to significant harm to the ecological value of the site with the safeguard of conditions and enhancement can also be achieved in the form of additional native planting within the curtilage of the site and secured also via conditions.

While no consultation response was received from our environmental health section it is proposed to add the same conditions which were added to the permission for The Barn opposite for consistency sake and provide protection to neighbours during the construction works.

CONCLUSION / PLANNING BALANCE

The proposal would provide a small self-catering holiday let unit where there is not one available outside of the Alton Towers Resort and due to the good level of connectivity with Alton Towers, a major tourist attraction, just a short distance away, the principle of the change of use is acceptable.

The proposal would help safeguard the long-term future of a historic listed building and the improvements made would be sympathetic with its character and appearance of the building, both internally and externally, with the safeguard of several conditions. The character and appearance of the Conservation Area would therefore also not be harmed as development within the curtilage would be minimal.

The proposal would also not harm residential amenity due to the positional relationship between the building and nearby dwellings and as a small unit would not lead to any significant noise and disturbance affecting the area. The proposal would not lead to significant traffic which would harm the character and appearance of the rural locality or harm highway safety. The proposal would not harm the ecological

value of the site because there is no indication of the presence of bats and birds, as protected species as appropriate protection and mitigation measures would be achieved by way of planning conditions and further enhancements can be made by a scheme of soft native landscaping/planting also achieved by way of a planning condition. The proposal passes the Ecology "Three Tests" required in planning legislation as detailed above in the report. Overall, the proposal would therefore have economic, environmental and heritage benefits without any negative social impacts. The proposal therefore complies with the policies of the Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF).

OFFICER RECOMMENDATION : APPROVE

Case Officer: Alan Lynch

Recommendation Date: 21/07/2023

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council