



Appeal Decision

Site visit made on 12 July 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/R1038/W/24/3340625

Barn adjacent Troway Hill Farm, Marsh Lane, Sheffield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mike Slinn against North East Derbyshire District Council.
 - The application Ref is 23/00368/FL.
 - The development proposed is the demolition of a barn and the construction of a detached dwelling with package treatment plant.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal against the failure of the Council to determine the planning application within the prescribed timeframe, the Council has clarified its position if it had had the opportunity to make the decision. The appellant has had the opportunity to comment upon this information and has therefore not been prejudiced. I have determined the appeal on this basis.
3. I have been directed to an amended description of development that was agreed with the appellant. The banner heading above therefore contains the amended description.

Main Issues

4. The appeal site is located within the Green Belt. The National Planning Policy Framework ('the Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 of the Framework define different types of development that could be an exception to inappropriate development in the Green Belt. Policy SS10 of the North East Derbyshire Local Plan 2014-2034 (LP) contains a similar list of developments that are not deemed to be inappropriate development in the Green Belt.
5. It is uncontested by the main parties that the proposal would not comply with any of the exceptions. From the evidence before me, I see no reason to disagree with this assertion. The proposal would therefore be inappropriate development in the Green Belt.
6. Accordingly, the main issues are:
 - a) the effect of the proposal on the openness of, and the purposes of including land within, the Green Belt, having regard to the Framework;

- b) the effect of the proposal on the character, appearance and significance of the Moss Valley Conservation Area (CA);
- c) the effect of the proposal on the valued landscape in which the appeal site is located; and
- d) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Effect on Openness

7. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both visual and spatial qualities.
8. The appeal site comprises an irregular-shaped plot of land containing a detached agricultural building with a shallow pitched roof, positioned within a corner of a field. The appeal site is separated from the remainder of the field by a post and rail fence. The existing building has a typical agricultural appearance, with vertical timber boarding to the exterior walls, concrete sheeting to the roof and limited openings.
9. Access into the appeal site is via a hardcore drive, while a hardcore apron is located around three sides of the building. Other than a log pile adjacent to the building, the land surrounding the existing building was open and devoid of development/vehicles at the time of my site visit. While I appreciate this was a snapshot in time, aerial photographs contained within the appellant's written submissions demonstrate a similar situation.
10. The proposed dwelling would have a smaller overall volume than the existing building. However, the figures before me demonstrate a modest reduction of 5 cubic metres. While it is stated that some of the proposed dwelling would be subterranean, it is modest in floorspace and would not be fully underground. The flat roofs of the proposed dwelling would be lower than the existing building's overall height, however, the asymmetrical pitched roof would not be discernibly lower.
11. It is clear from the submitted drawings that the proposed dwelling would be significantly larger than the existing building in both floorspace and footprint, with a greater overall length and depth. Therefore, it would occupy a larger proportion of the appeal site. Garden areas around the proposed dwelling would likely include domestic paraphernalia such as washing lines, tables and chairs and children's play equipment, while there is space for several vehicles to park on the driveway. Consequently, in spatial terms, the proposed development would reduce the openness of the Green Belt.
12. The flat roofed section of the proposed dwelling is likely to be highly screened by the topography of the land and the existing roadside/field hedgerows when travelling in a northwesterly direction along the road. While the proposed dwelling's asymmetrical pitched roof would be no more prominent than the existing building.

13. However, the increased spread of the proposed dwelling and associated domestic paraphernalia and parked vehicles would be visually prominent when travelling along the road in a southeasterly direction and from the Public Right of Way to the north/northeast where clear views of the appeal site can be gained. Furthermore, the large expanses of glazing, particularly in the northeastern elevation of the proposed dwelling, would draw the eye towards the building in sunny conditions, when light would be reflected or in the evening, when internal lighting would be visible. Consequently, in visual terms, the proposed development would reduce the Green Belt's openness.
14. The increased spread of the development across the site into areas that are currently devoid of development would fail to safeguard the countryside from encroachment. Consequently, the proposal would conflict with one of the five purposes of the Green Belt detailed at paragraph 143 of the Framework.
15. In reference to the first main issue, the proposal would harm the openness of, and the purposes of including land within, the Green Belt. It would therefore conflict with the Framework.

Effect on the CA

16. The appeal site is within the CA. Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The CA encompasses an extensive rural area which includes scattered farmsteads, hamlets and villages on the valley sides, remnants of the industrial past in the valley bottom, all linked by a network of lanes, footpaths and bridleways. The significance of the CA derives from its aesthetic and historic values.
17. The CA immediately surrounding the appeal site comprises undulating fields and woodlands interspersed with timber buildings used for agricultural and equestrian purposes and detached dwellings. The dwellings are predominantly rectangular-shaped, constructed of stone or render, with a high solid-to-void ratio and pitched roofs.
18. The existing building is typical in both its design and materials for its agricultural use and is similar in appearance to other agricultural and equestrian buildings within the vicinity of the site. Consequently, it complements the rural setting in which it is located. Equally, however, it is a functional, relatively modern structure and therefore, its demolition would not harm the significance of the CA.
19. The materials of the proposed dwelling would largely reflect those of the agricultural/equestrian buildings and dwellings immediately surrounding the appeal site. However, flat roofs are not a feature of this part of the CA and therefore, they would appear incongruous. Windows and doors would predominantly be floor-to-ceiling in height, which would create a low solid-to-void ratio that would be incompatible with the surrounding dwellings. Consequently, I do not find that the proposed dwelling would preserve or enhance the character or appearance of the CA.
20. The appellant has directed me to photographs of dwellings in Troway to demonstrate the varied mix of property types and use of large sections of glazing within the CA. However, I have not been provided with the addresses of

these examples or their planning history and therefore, I am unable to determine whether they are directly comparable to the appeal proposal. In any event, I must determine each case on its individual merits.

21. I have also been directed to an appeal decision¹ within the Council's administrative area to demonstrate that a contemporary dwelling with a high proportion of glazing can be acceptable. However, the information before me suggests that the site is not within the CA, and it had pitched roofs rather than predominantly flat roofs. Therefore, it is not directly comparable to the appeal proposal.
22. For the reasons outlined above, the proposed development would cause less than substantial harm to the character and appearance of the CA. In accordance with paragraph 208 of the Framework, I must weigh the harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In doing so, paragraph 205 of the Framework explains that great weight should be given to the conservation of the designated heritage asset.
23. The proposal would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes, and the Council's housing land supply. Some further public benefits would arise from the additional support to the local community and its services from future occupiers. Also, there would be some short-term employment derived from the construction phase of the proposed development. Accordingly, I afford these public benefits moderate weight.
24. Given the great weight I must attach to the conservation of the CA, the harm I have found in respect of the effect of the proposal on the significance of the CA would not be outweighed by the modest public benefits I have identified.
25. In reference to the second main issue, the proposed development would harm the character, appearance and significance of the CA. It would conflict with Policy SDC5 of the LP which, amongst other things, seeks to permit development proposals within Conservation Areas where they preserve or enhance the character or appearance of the area.

Valued Landscape

26. The appeal site forms part of the Wooded Hills & Valleys Landscape Character Type within the Nottinghamshire, Derbyshire & Yorkshire Coalfield National Character Area, which is described as a landscape that has remained essentially rural and intact. The landscape is categorised as having 'Primary Sensitivity' which, the supporting text to LP Policy SDC3 states, are the most sensitive areas of landscape and which are most likely to be negatively affected by change or development. Accordingly, in these areas, there will be a strong focus on the protection and conservation of environmental assets.
27. The increased spread of development across the appeal site including the provision of domestic paraphernalia and several parked vehicles, together with large expanses of glazing particularly within the proposed dwelling's northeastern elevation, would result in a visually prominent development that would significantly erode the rural character and appearance of this sensitive landscape.

¹ Appeal Ref APP/R1038/W/22/3312857

28. In reference to the third main issue, the proposed development would harm the valued landscape in which the appeal site is located. It would conflict with Policy SDC3 of the LP which, amongst other things, seeks to permit proposals for new development where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. It would also conflict with paragraph 180(a) of the Framework that seeks to protect and enhance valued landscapes.

Other Considerations

29. Planning permission² was granted for the conversion of the existing agricultural building to a dwelling. The planning permission is extant and, from the information before me, there is a high probability that it would be implemented should I dismiss this appeal. Limited information has been provided regarding the planning permission, but the site plan³ indicates that the dwelling would be contained within the existing building, the parking area/driveway would be restricted to the existing area of hardstanding, and the garden would be contained within part, but not all, of the grassed area to the northeast of the existing building. Consequently, the impact of the extant planning permission on the openness of the Green Belt would be more limited in visual and spatial terms than the appeal proposal and less harmful.

30. The appellant asserts that the appeal proposal would be of a high architectural standard compared to the extant planning permission. However, I have found that the proposed dwelling would harm the character, appearance and significance of the CA and the surrounding valued landscape.

31. The proposal includes additional landscaping and ecological measures. The appellant asserts that these measures do not form part of the extant fallback scheme which could be implemented. However, I have found the extant fallback scheme would be less harmful to the openness of the Green Belt than the appeal proposal. The appellant states that the measures would exceed what is required to satisfy the requirements of the development plan. However, I do not have any substantive evidence before me to support this view or to demonstrate that the measures would achieve a net gain in biodiversity.

32. The appellant suggests that if the extant fallback scheme was implemented, the appeal site would meet the definition of previously developed land and therefore, the appeal proposal would not be inappropriate development in the Green Belt. Even if it could be demonstrated that the appeal proposal would not be inappropriate development in the Green Belt, I have found that it would harm the character, appearance and significance of the CA and the surrounding valued landscape.

Conclusion

33. The development is inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would also be harmful to the character, appearance and significance of the CA and the valued landscape in which the appeal site is located. Very special circumstances will not exist unless

² Planning Ref 21/00617/FL

³ Drawing Number 104 Rev C

the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

34. Given the substantial weight to be given to Green Belt harm, combined with the other identified harm, relative to the moderate benefits/public benefits of the proposed development, the harm is not clearly outweighed by other considerations. Therefore, in respect of the fourth main issue, the very special circumstances necessary to justify the development do not exist.
35. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR