
Appeal Decision

Site visit made on 10 October 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th November 2016

Appeal Ref: APP/P1045/W/16/3152406

Land Adjacent to 11, Little Bolehill, Bolehill, Derbyshire, DE4 4GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Sheldon against the decision of Derbyshire Dales District Council.
 - The application Ref 15/00429/FUL, dated 23 June 2015, was refused by notice dated 20 January 2016.
 - The development proposed is an agricultural building to store farm equipment and fodder.
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Decision

1. The appeal is dismissed.

Main Issues

2. The two main issues are:
 - (a) whether there is an established agricultural need for the erection of the building; and,
 - (b) whether the proposal would preserve or enhance the character or appearance of the area, with specific regard to Wirksworth Conservation Area.

Reasons

Policy Background

3. Saved Policy SF4 within the Derbyshire Dales Local Plan 2005 (LP) sets out a number of criteria whereby development in the countryside is supported including where it is required to serve the essential requirements of agriculture, forestry and outdoor sport or recreation and where it would preserve or enhance the character of the countryside and is appropriate in scale.
 4. Policy EDT13, specifically relates to buildings associated with agriculture. This permits such development where (a) the building or group of buildings are required to support the agricultural, forestry or other rural based enterprise on the site, (b) the size of the building or group of buildings is commensurate with the needs of the agricultural, forestry or other rural based enterprise and; (e) are well related to existing buildings associated with the activity with which it is required.
 5. Saved policies also NBE8 and NBE21 also seek to protect rural landscapes and the character and appearance of Conservation Areas.
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6. The adopted Wirksworth Neighbourhood Plan 2015 (NP) recognises that Wirksworth is an historic, rural market town within a dramatic and attractive landscape. It has a powerful sense of place in terms of both built environment and rural setting and there is a strong defining link between the two. Policies NP1 and NP2 the also contains policies which seek to protect the character and appearance of the area, including rural landscape setting.

Agricultural Need

7. The appeal site comprises of a tract of land of around 1.2-1.4ha. This is partly set into sloping hillside with an access track zig-zagging up towards a flat open plateau to the north eastern part of the site. Parts of the site are covered by mature, mainly deciduous, trees. A tall conifer hedge runs alongside part of the access track.
8. The open plateau area comprises of an area of hardstanding, as well as open ground, used for the storage of agricultural equipment, including tractors and loaders. There is also an existing 2-storey field barn which is in the process of being converted to an office. Connected with this work, some of the land is being used for the storage of building and waste materials. Boundary walling is also in the process of being constructed, between the field barn and the location of the proposed agricultural store.
9. The site forms part of a wider agricultural holding operated by the appellant, including 6ha of rented land in Middleton-by-Wirksworth, around 1km away. It is also understood that the appellant is seeking to rent adjacent land. The appellant's appeal statement also makes reference to the converted barn being used to provide a base for an agricultural contracting business, as part of diversification of the business.
10. The flat area of the appeal site currently has an unmaintained appearance, and, other than the presence of machinery, there is limited evidence of agricultural activity within the site itself. While I have no doubt that the proposed building has been specifically designed for the storage of equipment currently on site, as well as fodder, I have only limited information before me in respect of the current nature of the smallholding. The list of farm equipment alone does not offer sufficient evidence.
11. Specifically, no detailed maps have been provided in respect of the location of the current rented land, and its accessibility from the appeal site. Nor has any detailed information been provided in respect of the adjacent rental land, in respect of its location, size, use and any details of a rental agreement or timescales for this. Furthermore, the proposed storage of fodder within the proposed building suggests livestock are farmed, but no details in respect of the numbers and types of animals reared are given.
12. I acknowledge that the Council have previously accepted the use of the site as part of an agricultural holding as it validated and determined two Prior Notification Applications for the erection of an agricultural storage building. While the applications were refused, in order to meet with the requirements of the relevant Town and Country Planning (General Permitted Development) (England) Order (GPDO) the Council must have been satisfied at that time that the development is reasonably necessary for the purposes of agriculture within the unit. This position is evidenced in the appeal decisions for these applications whereby it is made clear that there is no dispute that the proposed

building meets the requirements of Part 6, Schedule 2 of the GPDO. There is also a discussion of this matter within the associated costs decision.¹

13. However, it is evident from these decisions, as well as earlier appeal cases² that the nature and scale of the enterprise has fluctuated over the years. In determining this appeal there is no compelling evidence in respect of the current nature and scope the smallholding. Furthermore, while I accept that the Framework is supportive of rural diversification, there is little information before me in respect of the agricultural contracting enterprise and I share the Council's concerns in terms of how the use of the converted barn would impact on the use of the overall site for agriculture.
14. I note that the Council have indicated that the proposals would be acceptable if the existing field barn is retained as a barn for agricultural purposes. To this end the Council have suggested a planning condition in order to achieve this. The appellant has queried such an approach but states that the future use of the field barn would not be constrained by the condition. However, it would not be possible to impose such a condition as it would fail the tests set out in paragraph 206 of the Framework in terms of being enforceable, relevant or reasonable. In any case, I have determined the appeal based on the evidence before me.
15. On this matter I conclude that it has not been demonstrated why the proposed development is required to meet an essential agricultural need. Without any compelling evidence to the contrary, I therefore conclude that the proposed development would be in conflict with saved Policies SF4 and EDT13 of the LP.

Character and Appearance

16. The appeal site is located within Wirksworth Conservation Area. The boundaries of this designated heritage asset have been drawn widely and include large tracts of open and agricultural land, which is identified in the accompanying Conservation Area Appraisal as providing an important landscape setting to the town itself. The site is accessed from a narrow no through road which serves a small collection of stone cottages, and outbuildings at Little Bolehill.
17. The proposed building would be sited to the north eastern corner of the site and it has been designed to emulate the traditional agricultural buildings found within the local area, through its use of stone for walling and blue slate tiles for roofing.
18. My attention has been drawn to a number of appeal decisions whereby various Inspector's found harm to the character and appearance of the open countryside and the Conservation Area³. Details of these decisions have been supplied, although I have not been provided with copies of detailed plans associated with these proposals. I note, however, that the appellant has sought to reduce the scale of the building to the minimum size necessary, as well as re-orientate and relocate the building within the site.
19. I accept that the development would therefore be of a modest scale, and would use traditional materials. Furthermore, it would be sited within the rear corner

¹ APP/P1045/A/14/2226887 and APP/P1045/A/14/2214629 (+ costs decision).

² APP/P1045/A/11/2161489, and APP/P1045/A/09/2114791

³ APP/P1045/A/14/2214629 and APP/P1045/A/14/2226887

of the plot behind a bund and established tree and hedge planting which would help to screen the building in the wider landscape.

20. However, I consider that the introduction of more built development in this area would intensify and consolidate the built form and would erode the open character which would detract from the rural landscape character of the area.
21. Furthermore, while the visual impact of the development would be minimised within wider panoramic views, given the significance of the landscape setting to Wirksworth Conservation Area, the loss of this area to additional built development would constitute less than substantial harm to this designated heritage asset. In applying the test set out in paragraph 134 of the Framework I note that the benefits for the proposed development are largely private, and I find that there would be little public benefit to offset the identified harm.
22. I therefore conclude that the proposals would fail to preserve or enhance the character or appearance of Wirksworth Conservation Area. Consequently, the development would not accord with saved LP Policies SF5, NBE8 and NBE21 which seek to preserve the character of the Conservation Area and rural landscape. The proposals would conflict with saved Policy SF4 and saved Policy EDT13, in respect of preserving character and appearance. The proposals would also conflict with policies NP1 and NP2 of the adopted Wirksworth NP which again seek to respect local character.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Searson
INSPECTOR