

---

## Appeal Decision

Site visit made on 9 January 2017

**by Nigel Harrison BA (Hons) MRTPI**

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

**Decision date: 18 January 2017**

---

**Appeal Ref: APP/F1040/W/16/3159184**

**White Lodge, Staker Lane, Mickleover, Derby, DE3 0DJ**

- 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 M Smyth against the decision of South Derbyshire District Council.
  - The application Ref: 9/2016/0568 dated 2 June 2016, was refused by notice dated 26 August 2016.
  - The development proposed is the reconfiguration and conversion of the existing dwelling and outbuildings at White Lodge Farm into three dwellings with associated landscaping, parking and infrastructure.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The Council has raised no objections in principle to the reconfiguration of the existing dwelling to form two dwellings (Plot A and Plot B). Its main objection concerns the new dwelling proposed on the site of the existing outbuildings and former farm buildings (Plot C). Based on what I have seen and read, I find no reason to disagree.
3. I therefore consider the main issues in this case are: 1) whether the proposal would be consistent with the Council's development strategy concerning the location of new development; and 2) The effect of the proposal on the character and appearance of the surrounding countryside.

### Reasons

#### *Development Strategy-Location of New Development*

4. At the heart of National Policy as stated in paragraph 14 of the *National Planning Policy Framework* (the Framework), is a presumption in favour of sustainable development. For decision making this means approving proposals which accord with the development plan without delay, and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Notwithstanding the general presumption in favour of sustainable development, Paragraph 2 of the Framework reiterates the statutory position that applications for planning permission must be

- determined in accordance with the development plan unless material considerations indicate otherwise.
5. The Local Plan comprises the *South Derbyshire Local Plan Part 1*, adopted 2016 (LPP1), and saved policies from *the South Derbyshire Local Plan* (LP), adopted 1998. The site lies outside the confines of any settlement boundary and consequently for policy purposes falls within the countryside. LP Part 1 Policy H1 sets out the hierarchy of settlements and states that, outside settlement boundaries, only development limited to infilling and conversions of existing buildings will be acceptable.
  6. Saved LP Environment Policy 1 seeks to restrict any new development in the countryside unless it is essential for a rural based activity or is unavoidable in the countryside, and also requires the character of the countryside to be safeguarded and protected. Saved LP Housing Policy 8 has similar aims, and sets out the criteria against which applications for housing outside settlements will be judged. It states, amongst other considerations, that new housing will only be permitted where it is necessary for an established long term rural business activity or where it is demonstrated that a countryside location is necessary. These aims respect the requirements set out in Section 11 of the Framework that the planning system should contribute to and enhance the natural and local environment, and one of the Framework's core principles that planning should recognise the intrinsic character and beauty of the countryside.
  7. The proposed new dwelling at Plot C does not fall within any of the permitted exceptions relating to residential development in the countryside as set out in the above policies.
  8. Although no figures have been provided, the Council says it can now demonstrate a five year supply of deliverable housing sites, and this does not appear to be disputed by the appellant. Therefore, in accordance with Paragraph 49 of the Framework, I am satisfied that relevant policies for the supply of housing (which include LPP1 Policy H1, saved LP Housing Policy 8, and saved LP Environment Policy 1) may be considered up-to-date when assessing proposals for sustainable development, and can be afforded full weight.
  9. The appellant says the Framework strongly prioritises the redevelopment of 'brownfield' land. However, the definition of brownfield or previously developed land set out in Annex 2 to the Framework excludes land that has been occupied by agricultural or forestry buildings. Therefore, the site of proposed dwelling at Plot C, which is largely occupied by a former farm building, cannot be categorised as 'brownfield' land.
  10. Furthermore, paragraph 55 of the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It clearly states that isolated new homes in the countryside should be avoided unless there are special circumstances. It lists four examples of such circumstances, and the proposal does not fall within those listed.
  11. I therefore conclude on this issue that the proposal would be contrary to the Council's development strategy concerning the location of new development which seeks to direct development to the main towns and villages in the District and avoid encroachment into the countryside. As such it would conflict

with LPP1 Policy H1, saved LP Environment Policy 1, saved Housing Policy 8, and National planning policy in the Framework.

*Effect on the surrounding countryside*

12. The proposed conversion of part of the existing dwelling and an outbuilding to form a second dwelling (Plot B) has been designed sympathetically and respects the character of the buildings. However, the Council's main concern relates to the overall bulk and design of the proposed new dwelling at Plot C, saying it would have an unacceptably urbanising impact on the character and appearance of the surrounding countryside. Saved LP Environment Policy 1 (B) states that if development is permitted in the countryside it should be designed and located to create as little impact on the countryside as possible.
13. I share the Council's view that the somewhat bulky design of the proposed dwelling, with its wide span and shallow gables, would be of a form that fails to respond to local character and context, and to my mind would have a somewhat suburban in appearance out of keeping with the existing dwelling and surrounding area. Particularly given the prominent exposed location of this dwelling on the edge of fields and visible from public vantage points, I am not persuaded that the proposal would meet the aims of LP Environment Policy 1 to minimise impact on the countryside.
14. The appellant says the proposal would balance out any harm to the countryside by securing the removal of poor quality outbuildings, particularly the large redundant Dutch barn, and this would improve the appearance of both the site and the surrounding area. Nonetheless, this building is nonetheless part of the rural fabric of the area, and I do not consider this a good argument, as it could be repeated too often as a means of justifying an otherwise unsatisfactory form of development.
15. Paragraphs 56 and 57 of the Framework advocate high quality design, with good design being a key aspect of sustainable development that is indivisible from good planning. Paragraph 64 adds that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area. Whilst I accept there is always scope for good, innovative design, I consider the new dwelling manifestly fails to achieve this objective. Nor would it reflect the rural setting or the appearance of the existing dwelling on the site. Overall, I conclude on this issue that the proposed new dwelling at Plot C would cause significant harm to the character and appearance of the surrounding countryside. Consequently the proposal would conflict with saved LP Environment Policy 1 and the Framework.

*Other Matters*

16. The appellant has referred to an appeal decision elsewhere in the District where permission was granted for residential development in what is seen as similar circumstances.<sup>1</sup> The Inspector on that occasion concluded that the development (three dwellings) would not extend the settlement into the countryside and would not cause material harm to the village. However, the circumstances are not directly comparable as the Inspector recognised that the dwellings proposed in that case 'would be surrounded by and well-related to existing houses and other development, and would not appear as isolated

---

<sup>1</sup> Ref: APP/F1040/A/13/2189991, Manor Cottage, Hillside Road, Linton

development in the countryside'. In contrast, White Loge is an isolated property well away from the nearest settlement with only sporadic development nearby. In any event, each application and appeal falls to be considered on its own merits.

### *Conclusion*

17. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. It is therefore necessary to determine whether the proposal is sustainable in the wider realm in the context of the wider Framework. Paragraph 7 identifies a three-stranded definition of sustainable development based on economic, social and environmental factors. The provision of new housing would represent a social benefit, albeit a very modest one, and in addition there would be some support for local services and amenities, thus amounting to an economic benefit, although there is little scope to access to any of these services and amenities other than by means of the private car.
18. However, I have found that the proposal would be contrary to the development strategy for the area as set out in the Local Plan, and would be harmful to the character and appearance of the surrounding countryside. The adverse environmental harm which I have identified would substantially and demonstrably outweigh any potential social and economic benefits of the appeal scheme.
19. For these reasons I conclude that the proposal would not be consistent with the principles of sustainable development as it conflicts with the policies of the development plan and the Framework when taken as a whole. Therefore the presumption in favour of such development does not apply.
20. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Nigel Harrison*

INSPECTOR