
Appeal Decision

Site visit made on 31 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 24th February 2017

Appeal Ref: APP/B3410/W/16/3160440

Land at Dove Street, Ellastone, Ashbourne, DE6 2GY

- 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 & Mrs Simon Jones against the decision of East Staffordshire Borough Council.
 - The application Ref P/2015/00914, dated 19 June 2015, was refused by notice dated 22 August 2016.
 - The development proposed is the erection of a general purpose agricultural building.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs Simon Jones against East Staffordshire Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is whether the proposal provides a suitable site for development having regard to development plan policies which seek to protect the open countryside, with particular reference to its effect on the character and appearance of the surrounding area, including the setting of the Ellastone Conservation Area and that of Ellastone Bridge a Grade II listed building.

Reasons

4. The appeal site is an open field on the edge of the village. The proposal seeks the erection of a multi-purpose agricultural building measuring 24 metres by 12 metres that would be constructed of timber boarding with a cement profiled roof. It is intended to house animals, feedstuffs, fodder and equipment.
 5. Policy SP8 of the East Staffordshire Local Plan (Local Plan) indicates that outside settlement boundaries new development will not be permitted unless it falls within a number of categories. These include, amongst other things, development that is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location (first bullet point), and development that is otherwise appropriate in the open countryside (final bullet point).
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6. The supporting text advises that the Council's policy is to support appropriate rural enterprise and that this is reflected in a suitably flexible policy attitude towards necessary development that is of a suitable scale and designed to fit into the landscape.
7. Paragraph 28 of the National Planning Policy Framework (the Framework) supports the sustainable growth and expansion of all types of business and enterprise in rural areas, including through well designed new buildings, and aims to promote the development and diversification of agricultural businesses. Paragraph 19 of the Framework places significant weight on the need to support economic growth.
8. The appellants own the appeal site (2.35 hectares) but the main focus of their holding is at Home Farm in nearby Norbury which includes a further 10.25 hectares of long leasehold land. Additional land is rented as necessary. There are no buildings on the holding. The appellants farm sheep and beef and have until recently rented buildings in Norbury, however these are no longer available. Stock levels were typically around 180 ewes and lambs and 30 calves, but on losing the rented buildings the appellants have sold the calves. The proposed building would allow this stock to be restored.
9. The Council considers that insufficient information has been provided to demonstrate the need for a building of the size proposed or to indicate that it would be commensurate with the size of the holding. It does not regard the building in the location proposed to be essential to the efficient working of the rural economy or necessary to support the rural business and as such considers that the proposal fails to qualify as development otherwise appropriate in the countryside.
10. That said, the appellants refer to the Agricultural Budgeting and Costing Book 80th Edition (May 2015) which indicates that these stocking levels require 326.25 square metres of livestock accommodation and approximately 75 square metres of storage for fodder, feedstuffs and equipment. The proposed building, with an area of 299.3 square metres, would be slightly smaller than this requirement. The council does not dispute these findings.
11. The appellants provide no further information as to why the previously used buildings are no longer available or whether the use of any alternative existing buildings in Norbury has been considered (including why they were discounted). Nor do they explain why a new building could not be provided on the land that is leased to the appellants on a long term basis. Even so, in practical terms, I understand the appellants' wish to develop the land in their ownership. Although the proposed building would be located away from the main part of the holding, it would nevertheless be on land already farmed by the appellants which is not particularly distant from Home Farm.
12. I understand that the loss of the rented buildings resulted in the sale of the calves and has had an impact on the profitability of the enterprise. I have seen no evidence to demonstrate the financial implications to the business, but have some sympathy with the appellants' view that without a building the ongoing viability of the holding, and the prospect of the enterprise developing and growing in the future, would be likely to be compromised.

13. Overall, I am satisfied that the proposed agricultural building would be appropriate in principle in this rural location. I have been provided with no substantiated evidence to suggest that the total size of the appellants' holding and number of livestock would not be commensurate with the size of the proposed building. Thus, based on the information before me, and on the absence of any other buildings on the holding, I am content that the proposal is essential to the support and viability of the existing agricultural business at Home Farm. As such I consider that it would meet the first bullet point of the first part of Local Plan Policy SP8 and see no reason why it would fail to qualify as development otherwise appropriate in the open countryside (final bullet point).
14. However, the second part of Local Plan Policy SP8 advises that development falling within one the categories outlined in the first part of the policy will be judged against a number of criteria. These include that the detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area.
15. The appeal site is adjacent to the Ellastone Conservation Area which begins to the north and takes in land on the other side of Dove Street to the east. The Conservation Area Appraisal identifies Lower Ellastone (where the appeal site is sited) as being located in the flat floor of the Dove Valley. It describes a loose grouping of cottages and farms and mill buildings and an overall open rural character achieved by the informal arrangement of cottages separated by open areas that lead the eye to the countryside beyond. The appeal site is also close to Ellastone Bridge to the south where Dove Street crosses the River Dove into Derbyshire. This attractive arched sandstone bridge dates from 1777 and is a Grade II listed building.
16. The Glossary at Annex 2 of the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. The Planning Practice Guidance recognises that the setting of an asset may be more extensive than its curtilage. As a flat open field on the edge of the village, the appeal site along with the other adjoining land, contributes to the open rural character of the setting of the village and the Conservation Area as well as that of the listed bridge. Paragraph 132 of the Framework acknowledges that the significance of a heritage asset can be harmed by development within its setting. I have had special regard to the desirability of preserving the settings of both the Conservation Area and Ellastone Bridge.
17. The proposed building would be agricultural in form and appearance, predominantly open fronted with boarded side and rear elevations, and would not be untypical of the rural landscape or unusual in the area. Nevertheless, it would introduce a substantial structure onto the currently open site that would stand apart from the main part of the village in a somewhat isolated position surrounded by open land. Despite being set back from the road, it would be prominent in views along Dove Street from the south including from Ellastone Bridge and the nearby network of public footpaths. Although it would be appreciated against the backdrop of the existing buildings on the edge of the village, including some timber stable/agricultural structures, those buildings are generally smaller in scale and would be some distance away. This being so, the proposal would be seen in the foreground and would dominate views of the village from the south (rather than reading as part of the existing loose grouping of cottages and farm buildings there).

18. In views from the village looking southwards, despite the retaining wall and post and rail fence to Dove Street and the intervening raised ground, the proposed building would be clearly visible against the backdrop of open countryside. The trees bounding Dove Street would screen it to only a limited extent and the proposed building would impinge on currently open views across the fields on the edge of the village towards the river and Ellastone Bridge.
19. The proposal would be seen as large and prominent feature that would be somewhat isolated in the landscape and appear as a dominant and unacceptable visual intrusion in the open countryside. The open nature of the land south of the village and north of the river, when approaching from either direction along Dove Street, is a characteristic of the settings of both the Conservation Area and Ellastone Bridge. As such it contributes to their significance as heritage assets. For the reasons set out, the proposal would have a negative impact on the character of this undeveloped land and would detract from views into, and out of, the Conservation Area as well as those from, and to, Ellastone Bridge. Consequently, the ability to appreciate both these heritage assets would be lessened and the proposal would not be compatible with the character of the surrounding area.
20. The proposal would thus detract from the settings of the Conservation Area and the listed building which are of significance to the area's heritage. Paragraph 131 of the Framework indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of these heritage assets (as described at paragraphs 133 and 134 of the Framework), the harm caused would nevertheless be material.
21. I therefore conclude on the main issue that the proposal fails to provide a suitable site for development having regard to development plan policies which seek to protect the open countryside, and would be harmful to the character and appearance of the surrounding area, including the settings of Ellastone Conservation Area and Ellastone Bridge, a Grade II listed building, and would adversely affect the significance of these designated heritage assets.
22. This would be contrary to Local Plan Policy SP1 which concerns sustainable development and requires development to be located so as not to harm the character of the open countryside, and to integrate with the character of the landscape and townscape and conserve and enhance buildings of heritage importance, setting and historic landscape character. It would conflict with the second part of Local Plan Policy SP8 which requires development falling within the categories permitted outside development boundaries to be compatible with the character of the surrounding area.
23. The proposal would fail to support Local Plan Policy SP24 which states that development proposals must contribute positively to the area in which they are proposed. It would not align with Local Plan Policy DP5 which is permissive of development in Conservation Areas where it can be demonstrated that it would protect and enhance the character and appearance, including the setting of the Conservation Area. It will be expected that any new development within or adjacent the Conservation Area will respect the existing character in terms of scale, form, materials and detailing, and that views into and out of the Conservation Area will remain uninhibited.

24. It would also be at odds with Section 1.2 of the East Staffordshire Design Guide Supplementary Planning Document which concerns the importance of the context of development. Furthermore it would undermine the core planning principles of the Framework of recognising the intrinsic character and beauty of the countryside, preserving the significance of designated heritage assets and ensuring high quality design.

Other matters

25. Despite the concerns of local residents, the Council raises no objections to the scheme in relation to the living conditions of nearby occupiers, flood risk or highway safety. The absence of harm in these regards counts neither for, nor against the proposal.
26. The proposal would contribute to the support and viability of an existing lawful business and would meet the Framework's aim of supporting a prosperous rural economy. It would support economic growth and the sustainable growth of the rural enterprise at Home Farm and promote the development of an agricultural business in line with paragraphs 19 and 28 of the Framework. These are public benefits of the scheme. However, in my view they are insufficient to outweigh the harm that would be caused to the character and appearance of the area and the significance of the heritage assets described.
27. The appellants refer to a previously approved stable building at the appeal site in 2002, but I have been provided with no further details of this development which has not been implemented and will now have expired. The appellants also consider that a larger agricultural building could be erected without the need for planning permission. I am conscious that any such development would be subject to prior notification to the Council. I also note the appellants' acceptance that the site's proximity to a protected dwelling would mean that such a building could not be used to house livestock. As such, this fallback position would not serve the same purpose as the appeal proposal and I have no substantive evidence to indicate that there is a significant probability that it would be constructed should this appeal be dismissed. This fallback position is therefore of limited weight and is insufficient to justify the appeal scheme.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR