
Appeal Decision

Site visit made on 28 February 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 31 March 2017

Appeal Ref: APP/M9496/W/16/3162254

The Farm, Lees Road, Stanton Lees DE4 2LQ

- 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 A Mantell against the decision of Peak District National Park Authority.
 - The application Ref: NP/DDD/0416/0334, dated 18 April 2016, was refused by notice dated 13 June 2016.
 - The development proposed is to replace existing shed with mixed-use building.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. As the proposal is in a Conservation Area and near a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Authority has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined according to the Peak District National Park Local Plan 2001 (LP) and the Peak District National Park LDF Core Strategy DPD 2011 (CS) having regard to the National Planning Policy Framework 2012 (the Framework).

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, Pear Tree Cottage, and the extent to which the proposal would preserve or enhance the character or appearance of the Stanton Lees Conservation Area.

Reasons

5. The appeal site comprises a small, steeply sloping pasture with an area of level ground that is largely set down and parallel to an adjacent road, Lees Road. The main access to the pasture is set in from this road and opens onto a short driveway adjacent to Welkin House. Among other things, a small wooden shed, log pile and tractor were present on the level ground at the time of my visit. The proposed development comprises the erection of a steel, portal frame building with vertical timber boarding and a concrete/block work base approximately 1 m high.

6. The Stanton Lees Conservation Area (CA) covers an area encompassing the small agricultural hamlet of Stanton Lees and a number of adjacent fields. Its significance is derived from its open agricultural character and tiered vernacular buildings arranged along a steep, south-facing slope of the Derwent Valley. The buildings are either individually situated or loosely grouped, giving rise to an open character which contrasts with the densely-wooded character of Stanton Moor Edge that rises above the settlement. Given the above and considering the CA as a whole, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily related to its open, agricultural character and the consistent use of traditional materials.
7. Pear Tree Cottage was listed in 1985 and dates from 1752 with 19th and 20th century additions. It comprises a house and attached barn that has since been incorporated into the domestic dwelling. It is constructed from squared gritstone with gritstone dressings and quoins and has a steeply-pitched, slate roof. Given the extensive landscaping within its curtilage, any past agricultural association is now defined by the juxtaposition of its architectural features when viewed against the backdrop of the steeply rising pasture to the northwest. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily related to its immediate agricultural context.
8. I observe from the plans and my site visit that whilst the building would not be prominent or out of keeping with the open, agricultural character of the CA it would nevertheless introduce a highly incongruent structure. This is because it would be constructed from contrasting, modern materials that would be inappropriate to its status as a mixed-use building. I note that such structures are subject to more stringent design considerations that require a higher standard, in terms of design, materials and finishes, reflecting or complimenting the style and traditions of local buildings, as set out in a number of policies, most notably policy LC4 of the LP. I also note that had it been purely for agricultural purposes, the Authority would have supported a new building of the type that has been proposed and that it would have gained some support from policy LC13 of the LP.
9. However, even with such support, its design and location would remain incongruent. This is because it would appear as an isolated 'agricultural' building in the landscape with no direct association with an existing farmstead. This would be further accentuated by its location near to the edge of the settlement. Moreover, the roof would be clearly visible from Lees Road although I accept that the rest of the structure would only be glimpsed through the gateway to the pasture. I also observed that it would be visible from viewpoints along Oldfield Road but accept that this impact could be mitigated through the use of appropriately coloured materials via a suitable condition.
10. Despite its incongruent nature I am satisfied that the separation distance and difference in ground level between the proposed structure and Pear Tree Cottage are such that it would not be within its setting and consequently not detrimental to the setting of this heritage asset. However, this would not be the case for the other designated heritage asset, namely the CA. Given the use of incongruent modern, materials and a failure to respect the established pattern of development I find that the proposal would be detrimental to the significance of the CA.

11. The appellant is of the opinion that the design of the proposed building and its mixed use resulted from advice provided by the Park Authority. However, advice is just that and the Authority is entitled to reach a decision on the basis of all the available evidence. Similarly, I must consider all the evidence before me in reaching my decision. Consequently this matter carries little weight in the balance of this appeal.
12. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the limited scale of the proposed building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
13. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because the building would lead to a visual improvement of the site through the replacement of a dilapidated structure and the ability to store machinery that is currently kept in the open. Whilst I accept that the unkempt appearance of the site would be improved and that some public benefit would therefore accrue, this would not outweigh the harm that would arise from the proposed replacement building.
14. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the area thus failing to preserve the significance of the Stanton Lees Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework as well as policies LC4 and LC5 of the LP and policies GSP1, GSP2, GSP3, L1 and L3 of the CS.
15. These policies seek, among other things, to ensure that all development respects and conserves the built environment and any valued characteristics of an area; preserves the character and appearance of conservation areas; supports the purposes of the National Park; seeks opportunities to enhance the National Park; and conserves landscape character and historic assets. The proposal would, therefore, not be in accordance with the development plan.

Conclusion

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

Roger Catchpole

INSPECTOR