
Appeal Decision

Site visit made on 29 July 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/R1010/W/19/3229146

Beeston House, Milking Lane, Clowne, Derbyshire, S43 4LH

- 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 Mrs Alison Masters against the decision of Bolsover District Council.
 - The application Ref 19/00106/FUL, dated 22 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is the demolition of an existing farm cottage and outbuilding and the construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue for consideration in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons for the recommendation

4. The appeal site is located to the southwest of Clowne, accessed off the B6418 road by a track known as Milking Lane. The site comprises a farmstead, consisting of the farmhouse, hardstanding, paddock and several outbuildings of various sizes and conditions. The surrounding area is rural in nature, with only sporadic development such as other farms and pylons punctuating open, agricultural fields before reaching the settlements of Clowne and Barlborough.
5. The existing farmhouse is a two-storey structure of facing brown render and red brick appearance, with a pitched, pantile roof upon the original section of the building. Evidently, the house has been altered over the years and now includes a two-storey, flat roof extension to the rear which faces onto the farmyard.
6. The proposal involves the demolition of this dwelling, as well as a small outbuilding, and its replacement with a new farmhouse to be built partially on the hardstanding and partially on the paddock area. New access would be taken from the existing track, while the house itself would be of two-storey

- construction in an 'L' shaped arrangement, with a tiled roof featuring three projecting gables, facing brick walls and integral garage.
7. Policy HOU 8 of the Bolsover District Local Plan (LP), allows for replacement dwellings in the countryside provided the new building is in keeping with the character of its surroundings and does not exceed the scale of the original or create additional units.
 8. The scale of the new dwelling would represent a significant increase over that of the existing farmhouse, replacing a building of 56m² footprint with one of 183m². There is no dispute between the parties in describing the increase in scale of the new building as *significant*. I don't doubt the assertion that the existing house is in poor condition given its age, and the need to build a new dwelling to today's building standards is accepted. However, this does not justify the significant increase in scale of the dwelling. The wording of HOU 8 is clear in this sense, and anything not compliant with the scale and number would be treated as a new dwelling rather than a replacement, which would be subject to the requirements of HOU 9.
 9. Evidently the farm business is growing, and the owners plan to expand further. While the rationale of building one large house rather than additional units in future is understood, there is no evidence before me of any business need for additional farm workers and no evidence as to why they may be required to live on site.
 10. I did note that, alongside the aged state of the farmhouse, some of the outbuildings were in poor condition. I acknowledge that the redevelopment of the farmhouse in itself could enhance the appearance of the immediate area. However, the design of the replacement dwelling lacks the simple form and appearance of a building traditionally associated with a farm location particularly as a result of its L shaped form with integral garage and three large gables off the ridge line which would make it more akin to a suburban house typically found on a modern residential estate. Consequently, the proposed development is not reflective of its location and inherent character. While I appreciate the Council does not have any specific policies relating to the design of farmhouses, both HOU 8 of the LP and paragraph 127 of the Framework are clear that it is proper to ensure development is sympathetic to local character, including landscape setting. The Council may have approved other styles of farmhouse in recent years, but I have no evidence of these before me to assess and relate to this appeal, and in any event the appeal has been judged on its own merits.
 11. I understand a new outbuilding has been agreed under the prior approval procedure in the farmyard. While this would be larger than the existing outbuildings on site, and would offer some context in terms of scale, it is a functional agricultural building and thereby not comparable to the proposed domestic structure in terms of its appearance or function. I am not therefore persuaded it justifies the proposal.
 12. The proposed dwelling would extend into a paddock and, given its substantial scale, would result in an expansion of the built form of the farmstead and cause an incursion into open countryside away from the current location of the existing farmhouse. While there may be health and safety reasons for this shift in location, this adds to the harm I have identified.

13. To conclude on the main issue, it is considered the proposal is contrary to policy HOU 8 of the Bolsover District Local Plan (LP), which allows for replacement dwellings in the countryside provided the new building is in keeping with the character of its surroundings and does not exceed the scale of the original or number of units. The proposal is also contrary to the aims of the Framework in that it would harm the character of the area.

Other matters

14. Policy HOU 9 of the LP permits essential new dwellings in the countryside only where essential to the operation of agriculture and/or forestry. However, even if the proposal were to be considered as a new rather than a replacement dwelling, and thereby fall to be determined under this policy, there is limited evidence before me to conclude that a dwelling of this size and appearance is essential to the farming operation.
15. I have taken into account the main parties' comments about the need to secure an agricultural occupancy of the dwelling. However, as I am dismissing the appeal for other reasons, the lack of a mechanism to ensure that the dwelling was occupied only by rural workers, is not determinative.

Recommendation

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

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR