



Appeal Decision

Site visit made on 3 September 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 09 October 2019

Appeal Ref: APP/P1045/W/19/3231110

**Waldley Manor Farm, Waldley Manor, Waldley, Doveridge, Ashbourne
DE6 5LR**

- 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 Hayden Whitfield against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01180/FUL, dated 23 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the conversion of an existing agricultural building into three residential dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal decision are:
 - Whether the appeal site forms a suitable location for development having regard to the national and local Planning Policies;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the setting of nearby listed buildings.

Reasons

Location and principle of development

3. The appeal site is an agricultural barn located within a group of buildings of a former farmstead, outside the settlement boundary. Therefore, by definition this would be within the countryside. The proposed development would be a considerable distance away from the settlement itself and is physically separated by the vast amounts of open countryside which surround it. Its isolated location means it would be remote from any local services, facilities including shops and any access to a broad range of jobs.
4. The site is not served by public transport and as I observed on my site visit Waldley Lane is narrow, unlit and has no pedestrian footways, meaning it would be a treacherous and long journey on foot for any future occupiers of the proposed development including families with children to safely navigate the

lane to access the services and facilities in the settlement, as such the development would be likely to heavily rely on the private car. Consequently, it would not amount to a suitable location for residential use and would not accord with the sustainable development principles set out in Policy S1 of the Adopted Derbyshire Dales Local Plan 2017, (DDLDP) and Policy S4 which ensures developments are within sustainable locations without the need to travel and reducing the reliance on the private car.

5. Policy HC8 of the DDLDP allows conversions of buildings within the countryside where they meet certain criteria. This includes buildings of permanent and substantial construction and can be converted without extensive alteration, rebuilding or extension whilst making a positive contribution to the character and appearance of the building and its surroundings. The building is of an open nature, constructed of steel frames with breeze block and sheeted roof. Although located on a concrete base, the building itself, would require substantial construction works to facilitate three new dwellings, including excessive infilling, modifications and a new roof. It would be tantamount to a substantial rebuild and would therefore not meet the policy criteria.
6. For the reasons above, I conclude that the proposed development would create new residential development within the countryside within an unsustainable location and would be contrary to Policies S1, S4 and HC8 of the DDLDP, which together seek to direct new residential development towards settlements and restricts development in the open countryside in order to protect and where possible, enhance the landscapes intrinsic character and distinctiveness; and minimise the need to travel and reduce reliance on the private car.
7. It would also be contrary to Paragraph 79 of the National Planning Policy Framework (the Framework), where decisions should avoid the development of isolated homes in the countryside and Section 9 of the Framework which promotes sustainable transport modes.

Character and Appearance

8. The existing building is of an agricultural appearance, with an open fronted elevation. The steel frame would be enclosed, and open areas would be infilled with timber and cement cladding boarding. There would be a significant number of openings created of an excessive nature with large areas of glazing introduced particularly at the first floor. The proposal would also include large gardens and associated residential parking, taking these together, would over domesticate the building and the site itself.
9. Furthermore, the overall design combined with the materials, including bulky and excessive cladding would create an industrial, utilitarian and dominant appearance to the building and would be at odds with the original simple lightweight agricultural portal framed building. The appellant considers that it will give the building a new lease of life and bring it back into a better state of repair. Whilst the proposal would bring the building back into use, the proposed development would however not represent good design and would create an awkward and prominent building to the detriment of the immediate and wider rural setting.
10. In terms of views into the site, the building can be clearly viewed from Waldley Lane and I would disagree that it is sheltered within its surroundings. I have also had regard to the appellant's proposed landscaping for the site. The

building in its current form represents a typical and simple barn structure associated with its agricultural use and the rural setting. However, the proposed alterations to the building to facilitate residential development would be unduly dominant in appearance, particularly with the contrasting materials and would be a prominent incongruous addition in the landscape. This would be to the detriment of the character and appearance and the positive visual outlook from along this lane.

11. I conclude that the proposed development would be harmful to the character and appearance of the area and would be contrary to Policy PD1 of the DDLP, which requires all development to be of high quality design that respects character; contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.

Significance of Heritage Assets

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The proposed development would be in close proximity to Waldley Manor and the Barn, both Grade II Listed Buildings (LB). The historic setting and appearance of these LB is clearly established due to the grouping of the former farmstead and relationship to the open countryside. Although the existing agricultural building was originally granted permission, its character and appearance at that time would have represented the original farmstead and needs of the working farm. The proposed development is located at the access to the listed farmhouse and barn and by reason of its design, inappropriate materials, infilling of large areas with cladding, would create an overpowering, dominant and visually unattractive building to the detriment of the character and rural historic setting of the group of buildings, thus causing harm to the setting of these designated heritage assets.
14. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
15. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There would be little public benefit with the provision of the three dwellings, although they would contribute to the Council's housing land supply, this would be limited due to the quantum of development proposed. There would be a small social benefit in providing the three housing units and economic advantages would also arise from the construction and occupation of the new houses, however this does not outweigh the harm found to the significance of the LB.
16. For the reasons given, I conclude that the proposed development would cause harm to the setting of the LB, contrary to Policies S1, PD1 and PD2 of the DDLP, which taken together seek to conserve the natural and historic environment, requires development to be of high quality design and respect

and conserve heritage assets in a manner appropriate to their significance; taking into account the desirability of sustaining and enhancing their significance and ensure development proposals contribute positively to the character of the built and historic environment.

17. It would also be contrary to Section 16 of the Framework as it would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

18. The appeal proposal would cause no harm to protected species, would be acceptable in highway terms and archaeological matters could be addressed through a Written Statement of Investigation. Whilst these factors weigh in favour of the scheme, they do not outweigh my overall findings.

Conclusion

19. The proposed development would cause harm to the setting of listed buildings. That is a matter which must attract considerable importance and weight against the proposal. In the parlance of the Framework, the proposal would cause less than substantial harm to the significance of the designated heritage assets affected. I must attach considerable importance and weight to that harm which I find would not be outweighed by any public benefits. Along with the further harm I have identified in terms of the unsuitability of the location for residential development and to the character and appearance of this rural area, I must conclude that the appeal be dismissed.

Karen Taylor

INSPECTOR