
Appeal Decision

Site visit made on 20 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/P1045/W/19/3239428

Mulino Lodge, Agnes Meadow Lane, Kniveton, Ashbourne DE6 1JR

- 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 C G Barks and Mr A P Cousins against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00707/FUL, dated 17 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the retention of lodge and use of former farm office building as farm holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether or not the proposal would represent a suitable site for tourism development, having regard to the principles of sustainable development and the character and appearance of the area.

Reasons

3. The appeal site is located at the top of a hillside in the open countryside between the villages of Kniveton and Atlow. The proposal seeks to retain two existing log cabin structures that previously formed the temporary agricultural workers dwelling and farm office prior to the permanent farmhouse being constructed. The associated agricultural business is a mixed livestock enterprise. Whilst its main base is at Mulino Lodge, it also has a number of other landholdings in the wider area.
4. The log cabins are located to one side of the farmhouse, with the farmyard and agricultural buildings to the rear behind an area of landscaping. It is proposed to use the buildings as holiday accommodation, with the former office building being used as an ancillary living space for the main accommodation. This additional unit would supplement 3 existing glamping pods on the farm. The appellant has stated that the income from the additional unit would partly replace income lost from the Basic Payment Scheme (BPS) which is expected to be phased out over the next few years.
5. Policy S4 of the *Derbyshire Dales Local Plan (adopted December 2017)* (DDLPP) sets out the types of developments that may be considered acceptable in the open countryside. These include proposals for agriculture and related developments which help to sustain existing agricultural and other rural based

enterprises, including small scale farm shops selling local produce, complementary farm diversification, and new agricultural buildings that maintain the landscape quality and character of the countryside.

Policy EC10

6. More detailed guidance on farm diversification is found in Policy EC10 of the DDLP. This indicates that farm diversification schemes should support rather than replace or prejudice farming activities on the rest of the farm. It is not disputed that holiday accommodation can be an appropriate and acceptable form of diversifying a farm enterprise.
7. The cabins are modest in size and only occupy a small area of land. Whilst this may have originally been part of the adjacent field and could be returned to such, its limited size means that its use for holiday accommodation would have no material impact on the amount of livestock that could be kept. As such, in terms of its physical scale, the proposal, either on its own or in combination with the pods, would not prejudice the main farming activity.
8. However, as the supporting text to the policy explains, diversification projects should be secondary activities in terms of their financial contribution to the business. The appellant has provided a basic financial forecast for the additional unit which suggests that it would make a profit of around £3,500 per annum. However, no information has been provided to show the income generated from the existing holiday accommodation, or the overall farm income. As a result, the scale of the financial contribution the holiday accommodation makes to the business cannot be assessed. Nor can the impact that the additional unit might have on this be seen.
9. Therefore, it cannot be established whether the proposal, together with the existing pods, would mean that the holiday accommodation remains a secondary element supplementing and diversifying the main livestock enterprise or whether the holiday accommodation would become the primary source of income. Thus, even though the financial contribution the appeal proposal on its own would make may be limited, in the absence of this further information, it has not been shown that the holiday accommodation would continue to represent an appropriate form of farm diversification. Thus, it would not accord with Policy EC10.

Policy EC9

10. Aside from farm diversification DDLP Policy S4 also supports the sustainable growth of tourism and other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Criteria for assessing holiday chalet, caravan and campsite developments are provided by Policy EC9.
11. Criterion (a) is that the development would not have a prominent or adverse impact on the character and appearance of the immediate or wider landscape and criterion (b) requires that any visual impact would be well screened by existing landscape features from areas outside the site to which the public have access for the whole of the proposed operating season.
12. The Council have indicated that the landscape is characterised as “Wooded Slopes and Valleys” landscape type of the “Derbyshire Peak Fringe and Lower Derwent” landscape character area. The immediate area shows many of the typical features of this landscape including: upland undulating land; densely

- scattered hedgerow trees; permanent pasture for sheep and cattle; and irregular field boundaries bounded by mixed species hedgerows.
13. The development of this farm enterprise has inevitably changed the character of the immediate area that was originally agricultural fields. However, scattered farmsteads are a feature of the rural landscape, and the vegetation planted around the buildings not only helps to screen the buildings but complements the scattered hedgerow trees found on the hillside.
 14. Whilst the site has panoramic views to the east, the topography is such there are no views of the log cabins when approaching the site from the west. Moreover, in the medium and long-range views that are possible from public vantage points across the valley to the east, I observed that, even in winter when vegetation cover was more limited, the cabins were barely discernible. A fact confirmed by the local Parish Council, and in comments made by local residents.
 15. I accept that, although wooden agricultural buildings are relatively common features, the log cabins are not typical of buildings in the area or on farmyards. Nevertheless, the farm complex consists entirely of modern buildings and the log cabins are not dissimilar in character to the glamping pods. Moreover, given their modest size and the limited views possible of them from anywhere other than the existing farm, I am satisfied that they are not prominent and do not have an adverse impact on the character and appearance of the landscape. In addition, the landscaping proposed as part of the appeal scheme would further reduce any visibility of them.
 16. Criterion (c) relates to on-site facilities but as none are proposed in this scheme it is not relevant. Nor do I consider that the proposal would have any adverse impact on the amenity, tranquillity or public enjoyment of any adjacent area as outlined in criterion (e).
 17. Criterion (d) indicates that sites for such developments should be in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
 18. Whilst there are a number of public rights of way in the vicinity of the site, it is otherwise in an isolated location. The nearest village is Kniveton which has a limited range of facilities, including some access to public transport, but this is significantly more than a 10 minute walk from the site, on roads that are unlit and without pavements. As such, whilst I note the appellant's views on the likelihood of people arriving by public transport and that for some visitors it is the remote location that makes the holiday accommodation on the site attractive, it is not in an accessible location and would not accord with this criterion.
 19. The appellant has outlined the sustainable approach to both their farming activities and the management of the holiday accommodation, including utilising their own renewable energy and water supplies and the provision of charging points for cars, recycling facilities and local produce for guests. They have also indicated the environmental and conservation benefits that their approach has brought including improving the soil quality, the restoration of dry stone walls and hedgerow planting and improvements. I note that other

options for increasing farm income to offset the loss of the BPS would undermine these environmental and conservation benefits. In addition, it is indicated that the proposal would create a part time job and I accept that spend by visitors would benefit the local economy. This would be in line with criterion (a) of Policy EC10.

20. These matters all contribute to sustainability goals, which I accept are much wider than just accessibility. Nevertheless, criterion (d) specifically requires schemes for holiday chalets, caravan and campsite developments have an accessible location. Although such a criterion is not included in Policy EC10 for farm diversification schemes, as outlined above, without the financial information to show that the holiday accommodation would still be a secondary part of the enterprise, the proposal would not accord with this policy.

Conclusion on main issue

21. Consequently, whilst I have found that the proposal would not have a detrimental impact on the character and appearance of the area, I consider that the site does not represent a suitable site for tourism development, having regard to the principles of sustainable development, as it would be contrary to Policies S4 and EC9 of the DDLP. For the reasons outlined above it would also conflict with DDLP Policy EC10. However, given my findings regarding the proposals impact on the character and appearance of the landscape, I do not consider the proposal is contrary to Policies PD1 or PD5 of the DDLP, that are also referred to in the reason for refusal, which require developments to have a high standard of design and to protect, enhance and restore the landscape character of the area.

Other matters

22. In support of the appeal my attention has been drawn to the fact that a total of 6 holiday units have been approved on what is said to be a similar sized livestock enterprise at Brassington. I do not know the full details of the circumstances that led to this proposal and so cannot be sure it represents a direct parallel to the appeal scheme, although the Council have indicated that it was approved before the new DDLP was adopted. In any case I have determined the appeal on its own merits and on the basis of the evidence submitted.
23. The appellant has suggested that under permitted development rights it is possible to provide up to 5 caravan or 10 camping pitches on the site, which would be more than the 4 holiday units they are proposing. However, any such proposal is not before me.

Conclusion

24. For the reasons set out above, I concluded the appeal should be dismissed.

Alison Partington

INSPECTOR