



Appeal Decision

Site visit made on 28 January 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/M9496/W/19/3238537
Underhill Farm, New Road, Flash SK17 0SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Cheslett against Peak District National Park Authority.
 - The application Ref NP/SM/0419/0430, is dated 24 April 2019.
 - The development proposed is a general purpose agricultural building to house and lamb rare breed sheep and to store fodder and implements.
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Decision

1. The appeal is allowed and planning permission is granted for a general purpose agricultural building to house and lamb rare breed sheep and to store fodder and implements at Underhill Farm, New Road, Flash SK17 0SP subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos 1322-001, 1322-002, 1322-003 Rev. B, 1322-005 and 1322-006.
 - 3) No development shall take place, including any works of land preparation and excavation, until a scheme for the storage and/or disposal of arisings from any excavation of the site has been submitted to and approved in writing with the local planning authority. Thereafter the development shall be completed in accordance with the approved scheme and timescales contained therein.
 - 4) Notwithstanding the external colour finish specified on the approved plans, details of the colour of the external wall and roof cladding shall be submitted to and approved in writing with the local planning authority before any cladding is fixed to the external faces of the building hereby approved. The development shall be completed in accordance with the approved details.
 - 5) When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled and removed from the site.

Procedural Matter

2. The appeal relates to a planning application that was not determined by the local planning authority within the prescribed period. The Authority have

subsequently issued a statement for the purposes of this appeal highlighting that it considered that insufficient information had been provided to enable it to determine the effect of the development on the character and appearance of the locality. I have had regard to this statement in framing the main issue.

3. For the purposes of the appeal the appellant has submitted additional plans which show an identical building and siting to the application plans but contain greater detail in respect of the proposed land grading about it. The Authority's statement makes reference to the amended plans and it has based its comments on them. Given the minor nature of the additional detail, I am satisfied that no party will be prejudiced by my use of those plans in the determination of this appeal and I have proceeded on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the locality.

Reasons

5. The appeal site is within the Peak District National Park. The statutory purpose of a National Park is to conserve and enhance their natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. The National Planning Policy Framework (the Framework) places great weight to conserving landscape and scenic beauty in National Parks.
6. The site lies in an isolated position elevated above a moorland road and set into a gritstone upland hillside. The area is characterised by heather moorland intertwined with rough pastureland. The wider landscape contains small remote farmsteads; livestock fields are delineated by stone walling and trees feature little in the wild landscape.
7. The incline of the ground within the site is such that a modest level terrace has been formed within the hillside to accommodate a dwelling, outbuildings and associated open operational land. In forming this terrace, the land has been excavated to leave a face of rock and earth along the back of the levelled hardstanding areas.
8. The proposal would have the appearance of a modest and typical utilitarian agricultural building and be positioned close to the existing buildings. Buildings specifically designed and used for the purposes of agriculture within the rough pastureland setting are characteristic of the locality. The proposal would cover part of the existing terrace; however, the majority of its width would be set within the existing hillside lying above the site. In order to accommodate this position, further excavation of the land would be necessary.
9. The siting and recessing of the building would minimise the impact of new built form within the local landscape. Being of modest overall height it would be seen in the context of an existing small group of development, be partly obscured by the surrounding landform and existing buildings, and, would benefit from screening by an established stand of mixed deciduous and evergreen trees. Subject to appropriate colour finishing to assimilate the building within its context, views of the building from the roadways on either side of the valley and across the wider landscape would subsequently be

limited. For similar reasons, the development would conserve the natural beauty of the locality.

10. The development would result in soil and stone excavation arisings from the digging out of the embankment to accommodate the footprint of the building and the grading down of the immediate surrounding land to abut three walls of the building. The amount of material would not be insignificant in the context of the small developed area of the holding.
11. The appellant advises that excavated stone will be used to reconstruct some fallen gritstone walls within the holding thereby reinstating the traditional means of field enclosure. Whilst this would provide a benefit to the local character and landscape, in the absence of detail as to the amount of stone required, timescale of the works and location of storage, potential exists for the external storage of material to cause harm to the visual quality of the site and result in a widely visible blot on the landscape which Policy CC3 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011) (CS) seeks to avoid. This would be particularly so if stored outside of the existing terrace area. However, subject to the suitable management and/or removal of the arisings, this effect can be minimised and limited in duration such as to protect the character and appearance of the locality and wider landscape. This approach can be agreed through a suitably worded planning condition.
12. For the above reasons, I conclude that the development would preserve the character and appearance of the locality and be consistent with the principles of conserving the natural beauty of the area and therefore comply with Policies DS1, GSP1, GSP2, GSP3, L1 and CC3 of the CS, Policies DME1 and DC3 of the Peak District National Park Development Management Plan (2019) and the Framework as they seek to protect the character and appearance of locations of new development and the visual quality and natural beauty of the landscape in which they are set.

Conditions

13. The Authority have suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity.
14. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
15. In order to conserve the natural beauty and wildlife value of the area I have imposed a condition requiring the submission and written agreement of a scheme for the management of the excavated materials between the appellant and the Authority. This condition is of necessity a pre-commencement one to ensure the initial works in the development avoid harm to the designated landscape and wildlife interests.
16. The Authority seek an alternative colour finish to the building than shown within the plans and application form in order to minimise the effect of the development within its landscape and conserve and enhance the natural beauty

of the National Park. To resolve the matter, I attach a requirement for the colour finish to be agreed between the main parties.

17. In the event that the building becomes redundant for agricultural purposes the Authority propose its removal and reinstatement of the land. However, due to the nature of the excavation works it would not be possible to reinstate the site to its current condition. This element of the proposed condition would therefore be unreasonable, and I have removed it.

18. Conclusion

19. For the above reasons, the appeal is allowed.

R Hitchcock

INSPECTOR