



Appeal Decision

Site visit made on 9 March 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2020

Appeal Ref: APP/R1038/W/19/3239636 Highbrook, Far Lane, Barlow S18 7SE

- 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 and Mrs D and A Linell against the decision of North East Derbyshire District Council.
 - The application Ref 19/00540/FL, dated 22 May 2019, was refused by notice dated 25 September 2019.
 - The development proposed is conversion of triple garage together with single storey side extension to form dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the name of the appellant from the appeal form as the name on the application form appears to be incomplete.
3. The Council refer to Policies N1 and N2 of the North East Derbyshire Local Plan adopted November 2005 (the Local Plan) in its reasons for refusal. However, it seems to me that the relevant policies are Policies NE1 and NE2 as these policies are referenced in the Council's report and provided as part of its evidence. The appellant also refers to Policies NE1 and NE2 in their statement. I have therefore determined the appeal on this basis.
4. The drawings were amended during the application process. For clarity the drawings I am considering as part of this appeal are P002–rev B, P003, P004, P005–rev B, P006–rev B, since I understand from the submissions before me that those are the versions on which the Council based its decision.

Main Issues

5. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on openness and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

6. The appeal site comprises of a triple garage and attached barn adjacent to Highbrook, a detached house, and a range of farm and outbuildings located in open countryside, designated as Green Belt, beyond the village of Barlow. The appeal building and barn are located adjacent to Far Lane behind a wide grass verge and stone wall. The buildings have a long side elevation with low eaves and simple pitched roof sloping upwards away from the road frontage. The barn and the garage were constructed at different times although they appear as one structure from Far Lane.
7. The barn would be removed as part of the proposed development. A section of the external wall closest to the road frontage would be retained to form the rear wall of the proposed extension. The floor level inside the garage would be lowered to allow head height for a first floor to be provided within it and the existing elevations would be reformed to relate to the new internal layout. Roof lights would provide light to the first floor.
8. Policy GS2 of the Local Plan supports the reuse of buildings in the Green Belt provided there is no materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. In addition, Policy GS2, through the application of Policy GS7, sets out criteria to be satisfied in order for the conversion to be acceptable, including that buildings should be of permanent and substantial construction.
9. These policies are broadly consistent with paragraph 146 of the Framework, which states that the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction, and that development would preserve the openness of Green Belt and not conflict with the purposes of including land within it. I have therefore afforded weight to those policies, and to the criteria therein insofar as they are consistent with the Framework.
10. Policy GS2 of the Local Plan does not regard the extension or alteration of a building as inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. This is consistent with the approach in Paragraph 145 c) of the Framework.
11. With regard to the size of the proposed extension, I have been referred to comparisons made to the size of the existing garage. My attention has also been drawn to previous extensions which have been permitted to the existing dwelling adjacent to the appeal site. However, I have not been provided with any detailed evidence about what constitutes the original building as defined in annex 2 of the Framework in either case, or those extensions which have previously been permitted. In any event the proposed extension would replace a larger structure, the existing barn, which is attached to the garage proposed for conversion, and which appears to have stood on the site for some time. Taking that into account I conclude that the works proposed, including those necessary to create a first floor within the existing garage building, would not represent a disproportionate addition over and above the original building in

this case. I therefore do not find conflict with Policy GS2, in this respect, or paragraph 145 c) of the Framework.

12. The appellant's structural survey confirms, and I saw during my site visit, that the garage is relatively modern and although in need of some repair and maintenance is of permanent and substantial construction.
13. The Framework advises that the essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
14. At the time of my site visit there was some storage of materials in the space between the garage and the front boundary wall and two equestrian vehicles parked adjacent to the building. I noted that the area around the appeal building is largely hard surfaced with the surface extending around the adjacent agricultural buildings and around the front of the existing house with minimal boundary demarcation. The garage is in use for domestic storage and the barn is used in association with agricultural and equestrian activities.
15. The barn would be demolished and replaced with a smaller extension. Although the physical size of the extension would be less than the existing barn the remaining area would not become free from development, rather it would be replaced with car parking and a bin store. The Council discounts the barn in considering openness, however, it appears to be long-standing and, as an existing structure, it has a volume which affects openness at present. The removal of the barn would provide views through the site from Far Lane. In this context, I consider that there would be an overall improvement to openness as a result of its removal and the long-distance views that would be gained when compared to the extension, parking and bin store that would replace it. The development would also include other changes to the visual aspects of the site and use of the land around the garage building and these features may have a small impact on openness. However, on balance, I conclude that the openness of the Green Belt would be preserved overall.
16. However, the appeal site is part of a larger group of buildings which are characteristic of the site's rural location. In contrast, the proposed development, including the replacement of the existing barn with domestic parking and bin storage areas, the enclosure of the site with new boundaries, the increase in domestic garden area and the proliferation of domestic forms of development and paraphernalia across that area would result in the encroachment of domestic, suburban development into the countryside compared with the existing informal layout and predominantly agricultural and equestrian use of that land. As a result, the development would represent an encroachment into the countryside and would therefore conflict with one of the purposes of including land within the Green Belt.
17. Therefore, I conclude that while openness would be preserved, the development would conflict with the purposes of including land within the Green Belt. Consequently, the proposed development would conflict with the requirements of paragraph 146 of the Framework. As a result, the development would be inappropriate and contrary to Policies GS2 and GS7 of the East Derbyshire Local Plan 2005 and the policies in the Framework that protect the Green Belt.

Character and appearance

18. The appeal site is within open countryside designated as a Special Landscape Area. Highbrook, the appeal site and other adjacent primarily agricultural structures form a group of buildings within an open setting. To the rear of the appeal site the land opens on to gently rolling countryside of mainly pastureland with areas of woodland, hedges and individual or small groups of trees.
19. The existing combined barn and garage structure with long low elevation to the road frontage is an attractive part of the agricultural character of Far Lane. Combined with its proximity and relationship to Highbrook and other adjacent buildings of agricultural appearance, the site forms a group of buildings that contributes towards the rural character and appearance of the surrounding area.
20. The garage would be retained, and the existing barn would be removed apart from a short section of wall adjacent to Far Lane. The effect of the removal of the barn would be to extend views through and into the site. The proposal would introduce a new side extension. It would also include new boundary treatment, formation of separate domestic curtilage, parking and turning areas, bin store and changes in the land levels. These features would be apparent from Far Lane. The development, as a whole, would significantly alter the character of the existing buildings and their setting, introducing an uncharacteristically domestic form of development which would appear discordant and would erode the functional and distinctively agricultural appearance of the group of buildings from Far Lane and their contribution to the appeal site's countryside setting.
21. Consequently, I conclude that the proposal would harm the character and appearance of the area, contrary to Policies H3, NE1, NE2 and GS7 of the Local Plan in so far as these policies seek to protect the character of the area, visual amenity and the character and function of the Special Landscape Area. There would also be conflict with the Framework which seeks to ensure that proposals contribute to and enhance the local environment.
22. The appellant draws my attention to Policies BE1 and H12 of the Local Plan which, amongst other things, seek to ensure that proposals respect the character and appearance of their surroundings. For the reasons set out I consider that the scheme also conflicts with these policies.

Other considerations

23. I have taken into account the contribution one house would make to the Framework objective of boosting the supply of housing. However, the weight I attach to the benefit of a single dwelling in that regard is limited.

Green Belt Balance and Conclusion

24. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be associated harm to the purposes of the Green Belt and harm to the character and appearance of the area. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

25. For the reasons given, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, to which the Framework requires I give substantial weight, and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with the relevant policies of the development plan previously set out and the Framework when taken as a whole.
26. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR