



Appeal Decision

Site visit made on 26 May 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/P1045/W/20/3244790

Mooredge Farm, Knabhall Lane, Tansley DE4 5FS

- 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 A Barrett against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01175/FUL, dated 19 October 2018, was refused by notice dated 23 July 2019.
 - The development proposed was originally described as conversion of former residential and holiday-use portal-frame, swimming pool building to a single dwelling and the demolition of the adjoining agricultural building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the evidence before me that the proposed drawings were amended during the planning application process. The amended drawings relate to the conversion of the two easternmost bays of the portal framed building to form a dwellinghouse and the retention of part of the other three bays as an open-fronted agricultural building. This is illustrated on drawing refs.1997-02E (Plans and Section), 1197-10D (Proposed elevations) and 1197-200B (Proposed Block Plan). The Council dealt with the proposal on this basis and so shall I.
3. My attention has been drawn to prior approval having been granted for a change of use of the agricultural building to a dwelling¹. The details before me indicate that particular approval did not relate to the part of the building previously converted to a swimming pool. Such a prior approval would have been assessed under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Given the proposal before me relates to the Council's decision on a planning application relating to a different part of the building, I have assessed the appeal proposal on its own merits against the development plan and the relevant national policy.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy and the effect of the proposal on the character and appearance of the area.

¹ LPA Ref 19/01332/PDA

Reasons

Location

5. The rural surroundings of Mooredge Farm are predominantly characterised by fields within a generally sloped topography. The appeal site contains a metal framed building with a mix of elevational treatments. Part of the building contains a swimming pool whilst the other part is an agricultural shed. A bungalow and a small number of single storey holiday residences sit in close proximity to the appeal building.
6. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development. Policy S1 (Sustainable Development Principles) of the Derbyshire Dales District Council Local Plan (2017) (LP) sets out how all developments should seek to make a positive contribution towards the achievement of sustainable development and how this will be achieved. This includes amongst other things meeting most development needs within or adjacent to existing communities having regard to the defined settlement hierarchy. The site is located away from the nearest settlements and in the countryside.
7. The swimming pool part of the building constitutes previously developed land under the definition in the Framework. Paragraph 117 of the Framework states amongst other things that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
8. Policy S4 (Development in the Countryside) of the LP confirms amongst other things that outside settlement boundaries the District Council will seek to ensure that development protects and where possible, enhances the landscape's intrinsic character and distinctiveness. Planning permission will be granted for new residential development subject to several criteria, one of which relates to where it comprises development in accordance with Policy HC8 (Conversion and Re-Use of Buildings for Residential Accommodation) of the LP.
9. Policy HC8 sets out the criteria, all of which must be met, for the conversion and/or reuse of existing buildings to residential use from other uses outside defined settlement limits. The specified requirements are that a) the building is of permanent and substantial construction; b) the form, bulk and general design of the existing building makes a positive contribution to the character and appearance of its surroundings; c) the building can be converted without substantial alteration, rebuilding or extension; and d) the conversion does not have a detrimental impact on the character and appearance of the building and its surroundings.
10. The pre-text to Policy HC8 includes amongst other things at Paragraph 6.16 of the LP that not all buildings are appropriate for conversion to a permanent open market residential use and that some, having outlived their original purpose, are better demolished and the site returned to a green field. Paragraph 6.17 of the LP notes that some redundant buildings are of architectural or historic interest and can make an important contribution to the quality of the landscape. The Council's "Conversion of Farm Buildings" Supplementary Planning Document (SPD) also principally focuses on the merits of converting traditional vernacular buildings.

11. The existing building is utilitarian in scale and form. Its hillside position means it is prominent within the wider landscape including from Knabhall Lane. The design of the part of the building sought for conversion, most notably the large glazed section with uPVC window frames, detracts from, rather than complements, the prevailing rural character and appearance of the surrounding landscape. Consequently, the form, bulk and general design of the existing building does not make a positive contribution to the character and appearance of its surroundings and therefore does not present as a building suitable for conversion or reuse under the terms of Policy HC8 b).
12. The design of the proposal includes a mix of facing materials including natural stone, cedar cladding and grey metal sheet cladding to the external walls. Windows of varying sizes would be incorporated at ground and first floor level. As a result, the proposed fenestration would be overtly domestic, at odds with the attached agricultural shed and would not safeguard or improve the character and appearance of the prevailing agrarian surroundings. The proposal to replace any existing cladding in poor condition and painting of iron work on the building would not disguise the incongruity of the dwelling particularly given its prominent position within the rural landscape. The proposal would therefore also conflict with Policy HC8 d).
13. Even if I were to accept that the proposal would constitute a conversion of the existing building rather than a rebuild, given my findings against parts b) and d) of Policy HC8, the development would be contrary to the requirements of the policy.
14. Due to the location of the appeal site close to existing residences at Mooredge Farm, the site is not isolated in terms of the definition within the Framework. However, the meaning in the Framework is not that any site which is not isolated is suitable for residential development.
15. There is no evidence before me to suggest more than a basic level of services and facilities is available in close proximity to the site, including at the nearest settlement, Tansley. The distance and lack of public footpath on Knabhall Lane means that it would be unlikely that occupants would walk or cycle to Tansley on more than an occasional basis particularly during winter months or periods of inclement weather. There would therefore be a reliance on the private motor vehicle to access a wider range of services and facilities to meet day to day needs. These factors do not indicate that the site is in a particularly sustainable location. The future potential for electric and hybrid vehicles to become more commonplace does not convince me that it would be sustainable to move away from a plan led-approach which protects the intrinsic character and beauty of the countryside.
16. To conclude, the site is not an appropriate location for a new dwelling. The dwelling would be harmful to the character and appearance of the area. Consequently, in those regards, the development would conflict with the sustainable development principles and development criteria which seek to protect the character and appearance of the area set out in Policies S1 (Sustainable Development Principles), S4 (Development in the Countryside), HC8 (Conversion and Re-Use of Buildings for Residential Accommodation), PD1 (Design and Place Making) and PD5 (Landscape Character) of the LP and the Framework.

Other Matters

17. The appellant suggests that their preferred scheme would have included demolition of the western part of the building. I also note the appellant's suggested conditions which include a requirement for a scheme of demolition and removal of the western part of the building and details to be provided of an alternative design scheme for the southern elevation. Further suggestions include conditions setting out different options for cladding to the dwelling and attached agricultural part of the building. I also note the appellant would be willing to accept a personal tie to the dwelling. As set out in my procedural note, I have assessed the scheme that was before the Council when they determined the planning application. In any case, I am not persuaded by the evidence provided that such conditions would overcome the harm I have identified under the main issue.
18. My attention has been drawn to an appeal decision² relating to the change of use of a stable block to a dwelling. In that particular instance, whilst some conflict with the development plan was identified, the Inspector noted the site was close to the settlement boundary and considered that the proposals retained the rural appearance of that particular building. Conversely the swimming pool building and dwelling that would replace it are not of a rural appearance. Therefore, I do not consider the circumstances in that particular case are comparable.
19. I also note the plans provided relating to a prior notification for conversion of an agricultural building at Riber to a dwelling. However, the proposal before me requires full planning permission. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I am not persuaded that the harm I have identified is justified by developments allowed under the terms of Schedule 2, Part 3, Class Q of the GPDO nor that a decision should be made other than against the policies of the development plan in this instance.
20. I have taken into account the personal circumstances of the applicant's daughter who would potentially occupy the dwelling. Whilst I acknowledge there may be social and economic benefits in enabling them to locate on the site within relatively close proximity to their place of work in Matlock, I have nothing before me to suggest that there is no suitable alternative accommodation in the area. I am therefore not persuaded that the harm I have identified is outweighed by this matter.

Conclusion

21. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR

² Ref APP/P1045/W/18/3219122