
Appeal Decision

Site visit made on 14 July 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2020

Appeal Ref: APP/H1033/W/20/3250497

School Cottage, 19 Back Lane, Charlesworth SK13 5HJ

- 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 Crawshaw against the decision of High Peak Borough Council.
 - The application Ref: HPK/2019/0504, dated 13 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is a timber shelter with a green roof for agricultural purposes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted a landscape report with the appeal submission, in response to the Council's concerns over landscape character and appearance. As the Council and interested parties have had the opportunity to comment on this document during the appeal, I have considered it in my decision.
3. Clarification was sought from the appellant and the Council during the appeal over where the proposal would be sited in relation to an area of hardstanding. The appellant has stated that the hardstanding was put down as a temporary measure in relation to works associated with the construction of an adjacent parking area, and that either the original scheme would be implemented or, alternatively, the revised scheme with the proposal which is the subject of my decision. Accordingly, I have considered the appeal on this basis.

Main Issues

4. The main issues are (i) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy, (ii) whether it would be in a suitable location under the development plan, (iii) the effect on the landscape character and appearance of the area, and (iv) whether it would preserve or enhance the character or appearance of the Charlesworth Conservation Area.

Reasons

5. The appeal site comprises an area of hardstanding that abuts car parking and lies on the edge of a field. A stone wall separates the site from Boggard Lane,

near to where it joins Back Lane. A stables block lies on the opposite side of the field. The site is located in an elevated position on the edge of Charlesworth. There is much open land in its vicinity, as well as dwellings alongside Back Lane. The site lies in the Green Belt and in the Charlesworth Conservation Area.

Inappropriate Development

6. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves buildings for agriculture and forestry. Policy EQ4 of the Council's High Peak Local Plan Adopted April 2016 (Local Plan) is reflective of the Framework in that it seeks to maintain the openness and permanence of the Green Belt and states that planning permission will not be granted for development unless it is in accordance with national planning policy.
7. The appellant has stated that the building would be used in connection with the proposed use of the field for sheep grazing. The numbers of sheep would be 20 or more. The building would be used for the shelter of the animals, lambing, and for the associated storage of feed and a small tractor and trailer, amongst other functions. These activities fall within the definition of agriculture under Section 336(1) of the Town and Country Planning Act 1990 because they concern the breeding and keeping of livestock.
8. Whether or not the building would be connected to an existing trade or business is not a prerequisite under the definition of agriculture. Whilst the keeping of sheep could, in limited instances, be considered to fall outside of agriculture, this is not such a case with the numbers proposed, due to the use of the building and with the ready access to the field for grazing.
9. Accordingly, the evidence submitted is sufficient for the proposal to be considered as a building for agriculture and so it would not constitute inappropriate development within the Green Belt. Where a proposal is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in it as these matters are implicitly taken into account under the exception.
10. I conclude that the proposal would not constitute inappropriate development within the Green Belt and so it would comply with paragraph 145 of the Framework and with Policy EQ4. As a consequence, I do not have reason to consider Policy S1a of the Local Plan and paragraph 11 of the Framework on this issue.

Suitable Location

11. The site lies outside the settlement boundary under the Local Plan and so is, therefore, located within the countryside. Policy EQ3 sets out the types of rural development that will be supported in such a location. Where this refers to supporting proposals for agriculture, this is on the basis that it would help sustain existing agricultural enterprises.
12. The agricultural enterprise which relates to the proposal before me is not existing. It is a new enterprise as the sheep have not yet been purchased, based on the information before me. With regard to horse grazing on the land connected to the stables, Policy EQ3 is not so broad in my view so as to permit a new agricultural enterprise where a different undertaking has taken place.

13. Whilst I am not unsympathetic as regards the circumstances of the appellant in terms of finding accommodation for the intended purchase of the sheep, this does not address the conflict with the policy. Nor would the imposition of a planning condition requiring the purchase because Policy EQ3 clearly relates to existing agricultural enterprises. This has to be considered when the grant or otherwise of planning permission is made, and so it cannot be left to a condition.
14. The appellant considers there are shortcomings in how the Local Plan deals with such enterprises. I have to, though, consider how the proposal fares against the relevant Local Plan policy that has been brought to my attention by both main parties. How the General Permitted Development Order deals with an agricultural building is also a separate matter from how such a building is dealt with that is the subject of requiring full planning permission. Hence, none of these matters alter my conclusion.
15. Based on the controls to the types of development that Policy EQ3 applies, I conclude that the proposal would not be in a suitable location under the development plan and so it would not comply with this policy.

Landscape Character and Appearance

16. With regard to the Council's Landscape Character Supplementary Planning Document (2006) (SPD), the site lies in the Settled Valley Pastures Landscape Character Type (LCT). Where the site is located ably demonstrates a number of the key characteristics of the LCT, including pastoral farming with extensive improved pasture, a settled landscape of small nucleated settlements and scattered stone farmsteads, and a network of winding lanes.
17. The SPD also states that the rural landscape character must be considered when developing at the urban rural edge. Whilst buildings are found in the vicinity of the site, they are either on the opposite side of the road or further down the lane towards where the settlement is more nucleated. The proposal would also be set apart from the stables building and it would have more of a presence compared to the site due to its built form, whether or not the hardstanding is retained. Accordingly, it would result in a level of change that would have an adverse effect on the rural landscape character.
18. In relation to the visual impacts, even with its low form and the ground levels, the proposal would be noticeably in contrast with the rest of the largely undeveloped field and such land beyond. The proposed flat roofed timber form of the design, whilst fairly simple and plain, is not a typical feature of the agricultural buildings in this area. These matters would draw attention to that it would not appear sympathetic in these surroundings.
19. The proposed use of a green roof is also not common in this area and would give the building a raised green appearance compared to the field. The proposal is shown to be enclosed, principally by landscaping. Whilst not decisive on its own, the enclosed form of development would somewhat differ with the more open nature of the field. Overall, the visual impact would be adverse.
20. With the overall size of the proposal and screening in the wider vicinity of the site, the effects on landscape character and the visual impact would be no more than localised. Nevertheless, as it would appear at odds with its

immediate surroundings, the effect would not preserve the immediate landscape character and appearance.

21. The Council also referred in its appeal statement to its Design Guide Supplementary Planning Document (2018). As this adds little more, over and above what the SPD already sets out as regards the relevant landscape character issues, it has a limited bearing.
22. I conclude that the proposal would have an unacceptable effect on the landscape character and appearance of the area. As such, it would not comply with Policies EQ2, EQ3 and EQ6 of the Local Plan where they seek to protect, enhance and restore the landscape character, including that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in the SPD; protect the landscape's intrinsic character and distinctiveness; and state that all development should be well designed and of high quality, amongst other considerations.
23. The proposal would also not comply with the SPD, in particular the protection it affords the rural landscape character at the urban rural edge. It would also not comply with paragraph 127 of the Framework where it is concerned with ensuring that developments will, amidst other matters, add to the overall quality of the area, are visually attractive and are sympathetic to local character.

Conservation Area

24. Much of the significance of the conservation area is derived from the settlement's location in rural surroundings. The more open character of the outer parts of the designation allows the countryside to influence the local character of the settlement. In this regard, the site contributes towards the significance of the conservation area. Buildings are constructed of stone with stone slate or slate roofs, as with the majority of the buildings nearest the site.
25. The Charlesworth Conservation Area Character Appraisal (2010) identifies a key view from near the junction of Back and Boggard Lanes. The associated lofty position of this land allows for panoramic views over the lower parts of the village and into the rural surroundings. The site lies in the foreground of this view, even though it is at a slightly lower land level. The views from where the site is located remain largely intact and allow for an appreciation of its rural setting. They are not marred, to an untoward degree, by modern development.
26. The proposal, because of its siting as a free standing structure and with the flat roofed timber design, would not relate to the traditional forms of built development and, hence, would detract from the view. It would, therefore, cause harm to the open and rural setting of the conservation area. Nor is there an indication of a building on the site that I have been referred to, or that its fabric and layout has informed the proposal. As the proposal would take the form of a timber shelter, a planning condition concerning the use of alternative materials would not be reasonable as it would significantly alter the nature of the proposal for which planning permission is sought.
27. The statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. Having regard to the above matters, I conclude that the proposal would fail to

preserve or enhance the character or appearance of the conservation area. This weighs considerably against the proposal.

28. For similar reasons, it would also not comply with Policy EQ7 of the Local Plan which concerns the conservation of heritage assets in a manner appropriate to their significance, with particular protection given to heritage assets, including conservation areas.
29. For the purposes of paragraph 196 of the Framework, less than substantial harm would arise. Under the Framework, this is to be weighed against the public benefits of the proposal. A shelter would be required in order for sheep to graze on the site and I am also aware that there is some support in the local community for sheep to be grazing in the field. There may also be some economic benefits through produce and so forth. Such public benefits would, though, be on a modest scale and would not outweigh the less than substantial harm.

Other Matters

30. In the broader balance, I reach a similar overall conclusion. There would be additional harm by way of the proposal not being in a suitable location and to the landscape character and appearance of the area. The benefits would not outweigh the harm. Issues in relation to alternative ways of accommodating a shelter for the sheep are not for my consideration and the same applies by way of the pre-application matters that I have been referred to and how the application was dealt with by the Council.

Conclusion

31. The harm that would arise is decisive by way of the proposal not being in a suitable location under the development plan, the unacceptable effect on the landscape character and appearance of the area, and as it would not preserve or enhance the character or appearance of the conservation area. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR