
Appeal Decision

Site visits made on 21 July and 20 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2020

Appeal Ref: APP/M1005/W/20/3252661
Church Farm, Dethick, Matlock DE4 5GG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 6, Class A of the General Permitted Development Order.
 - The appeal is made by Mr P Dalton against the decision of Amber Valley Borough Council.
 - The application Ref PDR/2019/0063, dated 19 December 2019, was refused by notice dated 11 February 2020.
 - The development proposed is application for prior approval for proposed agricultural building to store agricultural implements and machinery.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Dalton against the Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council had raised a concern in relation to activities at the farmyard in their evidence and recommended that I inspect the contents of barns and outbuildings. Although notification of my second visit had been forwarded to the agent there was no-one at Church Farm or the appeal site on 20 August. However, I was able to see the contents of the various barns and outbuildings through their windows, and this has informed my reasoning.
4. Although the Council has not found harm in relation to the Derwent Valley Mills World Heritage Site Buffer Zone or mentioned it in the reasons for refusal, I note that its boundary coincides with the Lea Dethick and Holloway Conservation Area in the vicinity of the appeal site. As it is a designated heritage asset I conclude that it is appropriate to consider it in my reasoning and I am satisfied that this approach would not prejudice the main parties.

Main Issues

5. The main issues are:
 - Whether the development would be reasonably necessary for the purposes of agriculture; and,

- Whether the development would preserve the features of special architectural or historic interest, including setting, of the Grade II* listed Church of St John the Baptist, Grade II * listed Manor Farmhouse, Grade II listed Church Farmhouse, Grade II listed Babington Farmhouse, Grade II listed outbuilding to the north of Manor Farmhouse, Grade II listed outbuilding to the north-west of Babington and Grade II listed outbuilding to the north north-west of Babington Farmhouse; whether the development would preserve or enhance the character and appearance of the Dethick, Lea and Holloway Conservation Area (DLHCA) or its setting; and, whether the development would have an adverse effect on the Derwent Valley Mills World Heritage Site Buffer Zone (DVMWHS Buffer Zone).

Reasons

Farm operations

6. Schedule 2, Part 6 Class A of the General Permitted Development Order (GPDO) allows the erection of a building on agricultural land comprised in an agricultural unit, of buildings reasonably necessary for the purposes of agriculture within that unit.
7. There is conflicting information before me with regard to whether Church Farm is a working farm. The officer's report raises concerns in relation to the current operational use of Church Farm and these concerns are reinforced by comments from the parish council and interested parties.
8. The appeal statement sets out that the appellant has suckler cows and sheep. At both my visits there were sheep on land near the farm. However, the presence or absence of animals in fields belonging to Church Farm's land holding does not in itself indicate that Church Farm is an active agricultural unit as the livestock do not necessarily belong to that farm business.
9. The evidence mentions the agricultural holding reference and EU subsidies payable to the appellant. However, there is no substantiating documentary evidence. Moreover, there is no evidence before me to indicate that the appellant has purchased, sold or maintains livestock.
10. There is a cluster of barns and outbuildings at the farm. It is argued that they are only usable for low level storage and stock holding. Given their size and openings I am satisfied that they would be unsuitable for the storage of modern machinery.
11. However, although I noticed a vehicle, a small dumper and a quad bike in the largest barn, it appeared to be set up as a mechanical workshop and those vehicles did not appear to be in regular use. Other buildings contained various stockpiles of timber and other miscellaneous equipment. There was no sign of animal feed, recent use by animals or anything to suggest that the barns are in regular and current use. Apart from accommodating a very large motor home with what appeared to be power and water supplies, the farmyard was empty and nearby paved areas adjacent to farm buildings were overgrown.
12. The appellant argues that when the Council visited the farm in the winter the animals were being overwintered elsewhere. This explained the lack of apparent activity in the farmyard and the barns. However, even though it is no longer winter there was a distinct lack of evidence of current farming activity in

even the largest barn. I conclude that the farmyard is not in current use for purposes associated with animal husbandry.

13. In addition, there is inconsistency in the statement. This states in the same paragraph that the farm provides the appellant's sole source of income, and then that its contribution to the appellant's annual income is significant. Although other sources of income would not necessarily weigh against the appeal, I have to be satisfied that the barn is necessary for operations linked to Church Farm as an agricultural unit in order to consider the application under the prior approval procedure. I cannot see that any evidence substantiating the claim that the appellant is a farmer, and running Church Farm, has been provided.
14. Consequently, as there is limited information before me in this regard, I conclude that there is insufficient evidence to show that the proposed barn is reasonably necessary to support agricultural operations at Church Farm. As such, the application does not meet the criteria for consideration under GPDO. Nonetheless, I now turn to the second reason for refusal set out in the Council's decision.

Heritage assets

15. The hamlet of Dethick is situated high on the valley sides above the river Derwent, and comprises three farmhouses with associated barns and outbuildings, and St John the Baptist Church (the church). Most of these buildings are listed. The hamlet is surrounded by a steeply undulating landscape of small pastoral fields, stone walls, woodland and mature specimen trees. Although there are occasional sweeping views across the valley and nearby fields, the topography and mature trees generally restricts visibility in the vicinity of Dethick, giving the area an intimate and distinctive character and one where the cluster of historic buildings within the landscape is very much a focal point.
16. The Church dates from the 13th century, and the largely 18th and early 19th century Manor, Church and Babington farmhouses incorporate the remains of earlier habitations. The Babington family's occupation and association with these buildings, appears to date from the 15th century.
17. The current farmhouses are built in a simple vernacular style, using both ashlar gritstone and coursed sandstone, and with stone tiled roofs. There is little ornamentation and all three farmhouses suggest habitations closely linked to economy of the surrounding rural landscape. This is reinforced by the proximity of the outbuildings and barns, often attached to the farmhouses. However, although the farmhouses are plainly built, their size and scale is indicative of a considerable degree of prosperity.
18. The buildings form a series of contiguous but inward facing courtyards, each with a farmhouse at its heart. They are set back from the lane, and when viewed from the lane the combination of the irregular layout, tree cover and the crooked access road limits direct visibility of individual buildings. Consequently, although there is some inter-visibility between the appeal site and this cluster of listed buildings, when viewed from the nearby lanes and fields, the buildings are seen as a single entity. Moreover, it is generally the outbuildings and barns that form the outward facing walls, with the church tower visible above and towards the edge of the group.

19. I conclude that the significance of the listed buildings is derived from their intact historic fabric, their spatial relationship with one another and their inherent social and evidential value, reflective of the evolution of the local economy. The significance of the buildings is enhanced as a consequence of their proximity to one another.
20. There is also historic association with the Babington family, prominent in the Tudor power struggles between Queen Elizabeth 1 and Mary Queen of Scots. Moreover, there is significance in the direct juxtaposition of the listed buildings and the surrounding undeveloped agricultural landscape. This provides an immediate setting that contributes to and enhances the historic fabric of the buildings.
21. The barn would be located in a sloping field, midway along its western boundary, and adjacent to an informal camp site in the next field. As the elevations show the barn on a level site, the extent of excavations required is unclear. I conclude that there would be some groundworks which would appear incongruous in this context.
22. The barn would be of fairly modest proportions, painted green and although there are no specific proposals before me, I am satisfied that it could be at least partially screened by vegetation to the sides and rear. However, even with partial screening this barn would be on elevated ground directly opposite a field gate and the access road to Dethick. It would be a prominent feature and additional planting unrelated to the field pattern would appear incongruous.
23. I conclude that although the barn would be seen against the backdrop of Well Wood, it would be intrusive in the landscape. I appreciate that barns are an integral part of a functioning landscape, but this location forms part of the immediate setting of Dethick and consequently is particularly sensitive.
24. Other locations have been appraised. Two are immediately adjacent to the listed buildings, and the distance to a third, land north of Mill Lane, would be three or four times as far from the farm as the proposed location. The Mill Lane site scores the second highest score.
25. However, the appraisal does not set out an objective scale for scoring any of the criteria. Having reviewed the scores for the appeal site and Mill Lane I note some discrepancies.
26. Although no buildings would need to be demolished for the appeal barn or the Mill Lane location, the appeal barn scores 5 in this regard and Mill Lane scores 1. Both sites are on sloping land and neither has an established access track across the field. As such, the two sites should have broadly similar scores for these criteria, yet the appeal site scores significantly higher. The Mill Lane site appeared to me to be less visible from the lane, and further from the listed buildings, yet has lower scores than the appeal site with regard to visibility and heritage assets. Nor is it clear why the score for flooding on a sloping upland site should carry the same weight as proximity to heritage assets, which is a reason for refusal.
27. Consequently, the reasoning behind the scores is not entirely clear, and my observations lead me to conclude that these two sites are not significantly different. Whereas the Mill Lane site is a bit further from the farm, this disadvantage would be offset by increased distance from the listed buildings.

Both sites are roughly the same difference from the boundaries with the LDHCA and DVMWHS Buffer Zone.

28. Moreover, at each of my visits there appeared to be no activity associated with Church Farm, either in the farmyard or the farmhouse itself. As such it is unclear why the barn needs to be close to the farmyard. Even if I concluded that a barn was necessary for the operational use of Church Farm, using the criteria set out in the appraisal I am not satisfied that the appeal site should score so much more highly than the Mill Lane site.
29. In the light of the above, I conclude that the barn would intrude into the undeveloped landscape close to the listed buildings and would harm their setting. This would represent less than substantial harm as set out Paragraph 196 of the National Planning Policy Framework (the Framework).
30. The field within which the barn would sit abuts the LDHCA, and is separated from it by a narrow lane lined with stone walls.
31. The significance of the LDHCA is derived from its undeveloped character, underlying topography and the patchwork of small fields, stone walls, hedgerows and woodland, as well as distinct groups of period buildings forming small settlements or farmsteads. The bucolic character of the landscape with its small blocks of deciduous woodland on steeply rolling pasture above the Derwent valley, extends seamlessly beyond the LDHCA boundary and includes the appeal site and neighbouring fields.
32. The conservation area map suggests that the area has been extended to include Dethick, as land to the immediate north and east of Dethick is excluded. Although there is a similar barn nearby, this barn would be prominent in views from the lane and I have outlined above that the land immediately adjacent to Dethick contributes to its setting. Given the importance I have attached to the setting of the listed buildings, it is appropriate to attach the same weight to the setting of the LDHCA which washes over those buildings.
33. Moreover, there are no particular differences between landscape character within or outwith the LDHCA in this area. As such, I conclude that the appeal site contributes to the setting of the LDHCA. The barn would be prominent and visible from the lane at a particularly sensitive location and would fail to preserve or enhance the setting of the LDHCA. This would amount to less than substantial harm as set out in Paragraph 196 of the Framework.
34. The DVMWHS Buffer Zone is an area designed to safeguard the setting of the complex of mill structures associated with the Derwent Valley and which form the DVMWHS site itself. Dethick is situated high on the valley sides. There would be no inter-visibility between the barn and the DVMWHS, which is largely screened from Dethick by topography and extensive woodland. In any case the site is located outwith the DVMWHS Buffer Zone. As such, I conclude that the development would not have an adverse effect on the setting of the DVMWHS Buffer Zone.
35. In the light of the above, I conclude that the barn would fail to preserve the features of special architectural or historic interest, including setting, of the aforementioned listed buildings. This would be contrary to Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), and

Policy EN24 of the Local Plan¹ (LP) which states that development will only be permitted where it contributes to the preservation of listed buildings and their settings, amongst other considerations.

36. It would also be contrary to Section 72 (1) of the Act in relation to the LDHCA, and LP Policy ENV27 which requires development adjacent to conservation areas to contribute to its preservation or enhancement.
37. Paragraph 196 of the Framework states that where there would be less than substantial harm to heritage assets this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. In this case there do not appear to be any public benefits and there is nothing before me to indicate that the future viability of Church Farm would be diminished by this refusal to allow the barn in this location.
38. There are no specific policies relating to the DVMWHS Buffer Zone but I am satisfied that the development would not have an adverse impact on the Buffer Zone, and would not be contrary to Paragraph 196 of the Framework.

Other matters

39. There is a barn to the north-east of the appeal site which is largely obscured from the lane by hedgerows and other planting. I appreciate that this barn has very little visual impact. However, the appeal site is more prominent from the public domain and has inter-visibility with the approach to Dethick. The sites are not comparable. It is also argued that there are congestion issues associated with agricultural and leisure traffic which would be mitigated by having a barn on this field. However, there was very little traffic volume in the area at each of my visits and no congestion, despite the mix of agricultural and leisure traffic. I give this argument limited weight.
40. The appellant has highlighted a recent permission for a barn at the corner of Shay field and Dethick Lane, half a mile from the appeal site and a similar distance from the boundaries of the LDHCA and DVMWHS Buffer Zone. However, this site does not form part of the setting of the cluster of listed buildings that forms Dethick and therefore is not in the same planning context.

Conclusion

41. The proposals would not be permitted development under Schedule 2, Part 6, Class A of the GDPO. Moreover, the development would be contrary to the Act, relevant local policies and national guidance in respect of harm to the setting of the listed buildings of Dethick and the Lea, Dethick and Holloway Conservation Area. The appeal is dismissed.

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INSPECTOR

¹ Amber Valley Borough Council, 2006