The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/R1038/W/20/3254844
Acorn House, 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 G and Mrs S Simpson against the decision of North East Derbyshire District Council.
- The application Ref 19/00564/FL, dated 23 May 2019, was refused by notice dated 2 January 2020.
- The development proposed is demolition of existing garages / storage building and rebuilding to provide a residential bungalow to be occupied by family members.

Decision

1. The appeal is dismissed.

Procedural Matters

2. My attention has been drawn to Policies SS1, SS9, SS10 and SDC3 of the publication draft of the North East Derbyshire Local Plan (2014-2034) (emerging Local Plan). The Council confirm that the progress of the emerging Local Plan is currently paused, and the level of weight attached to policies within it should be limited. I would agree and I have determined the appeal accordingly.

Main Issues

3. 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;
   - the effect on the openness of the Green Belt;
   - 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

4. The appeal site is in an open countryside location where development is sporadic and generally reflects the local vernacular of the area. The appeal

property is a substantial detached house set back from Far Lane and accessed via an unmade road which carries a public footpath. The property occupies an elevated position in the landscape. The garage/storage buildings (outbuildings) are located adjacent to the house. The rear of the outbuildings are sited on the boundary of the land and constructed predominantly in stone with a largely low mono-pitched roof.

Whether inappropriate development

5. According to the Framework inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The Framework considers that the construction of new buildings, other than in connection with a limited number of specific exceptions should be regarded as inappropriate in the Green Belt. One of the exceptions is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (paragraph 145d) and another is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on openness than the existing development (paragraph 145g).

6. Policy GS2 of the North East Derbyshire Local Plan adopted November 2005 (the Local Plan) pre-dates the Framework. The exceptions to inappropriate development set out in Policy GS2 are not consistent with the Framework. Therefore, in so far as Policy GS2 relates to the determination as to whether the development represents inappropriate development in the Green Belt, I afford it limited weight.

Replacement building

7. There is no dispute between the parties that the proposed dwelling, which is to be used in connection with the main house and not as a separate dwelling, would be within the same use. In this respect the development would comply with paragraph 145 d) of the Framework.

8. The appellant contends that the proposal has been reduced to the minimum to provide a viable dwelling. The proposal would have a footprint which would be 10% less than the existing outbuildings with a 17% increase in volume. However, these calculations include the 'dog pen' on the eastern side of the outbuildings. The 'dog pen' has a concrete base but is little more than a wire enclosure with a corrugated roof. In this regard I note that the site survey and structural survey do not include the 'dog pen'. Further, when compared to the existing outbuildings, the dimensions of the proposed replacement structure, in terms of its height and depth would be increased, so that its overall scale and bulk would appear materially larger. Consequently, the proposal would not meet the exception within paragraph 145 d) of the Framework.

Previously developed land

9. The Council considers the site to be previously developed land. The appeal site lies outside a built-up area and the outbuildings are part of the residential garden of the appeal site. Therefore, the site can be considered previously developed land in accordance with the definition in Annex 2 of the Framework. Consequently, considering the exception within paragraph 145g, it is necessary to determine whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.

Openness

10. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

11. The replacement structure because of its increased dimensions would take up more space resulting in a small loss of spatial openness.

12. The rear wall of the outbuildings forms the appeal site boundary immediately adjacent to a public footpath. The outbuildings are in an elevated position considerably above the farm complex to the north and above the open paddock land to the east. Due to the adjacent landform, the proximity of the proposal to the site boundary and to the public footpath, the increased height of the roof to eaves and ridge and the depth of the western gable wall would be more prominent than the existing structures. Consequently, the proposal would be more obtrusive resulting in a small loss of openness to the Green Belt.

13. Although acknowledging the site's status as previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing outbuildings. Therefore, the proposal would not meet the exception criteria set out at paragraph 145g) of the Framework.

Conclusion- inappropriate development

14. For the reasons set out, I conclude that the proposal would not meet either exception in paragraphs 145d) or 145g) of the Framework and would be inappropriate development in the Green Belt. As a result, it would conflict with the policies in the Framework that protect Green Belt. This is a matter to which I attach substantial weight.

Character and appearance

15. The appeal site is within open countryside designated as a special landscape area. It forms part of a group of mainly stone built dwellings and farm buildings, within an open setting. The existing outbuildings are elevated above the farm to the north and are prominent within the gently rolling pastureland to the east.

16. The long, low stone-built, rear wall of the outbuildings are an attractive feature within the landscape. The rear wall is not significantly higher than the boundary wall to either side of it and it sits comfortably within the foreground of the main house in views from the footpath. The 'dog pen' is located adjacent to the stone boundary wall and its presence does not detract from the wall's appearance in views towards the site. The increased height of the proposed structure along the boundary; the change in the roof design and height, including the introduction of a chimney to the ridge line and rooflights, together with the increased depth of the gable elevations, would result in a more prominent and conspicuous mass which would be obtrusive in the landscape when viewed from adjacent land and public footpaths.

17. Consequently, I consider that the proposal would harm the character and appearance of the area and would conflict with Policies GS1, GS6, NE1 and NE2 of the Local Plan which seek to ensure that development is in keeping with the character of the countryside and conserve the varied and distinctive landscape. This approach is consistent with the Framework where it seeks to protect the

intrinsic character and beauty of the countryside**.** I attach moderate weight to this harm.

Other Considerations

18. I note that various planning permissions have been granted at the appeal site. The planning permission for the alterations to the outbuildings have not been implemented and it appears that the planning permission has expired. Although the Development Plan policy context has not changed as I have explained, I attach only limited weight to the Green Belt policies within it because of their inconsistency with the Framework.

19. I appreciate that there is support from the adjacent farm for the development including support for the role of extended families in the community. I also note that the appellant seeks to include her parents in family life and provide for the possibility of giving care in the future. I attach some limited positive weight to this social benefit of the development.

20. Aspects of the scheme design would contribute to low carbon objectives. The scheme includes photovoltaic solar panels to power an air source heat pump. Although I do not have any evidence of the extent to which these features would provide for the energy needs of the appeal site, it is likely that there would be some environmental benefits associated with the use of renewable technologies and I afford this matter limited positive weight.

21. I appreciate that the appellant has concerns about the consistency of advice provided by the Council. However, regardless of this, I have reached my own conclusions based on the evidence before me.

Green Belt balance

22. I have concluded that the proposal is inappropriate development. Therefore, it is, by definition, harmful to the Green Belt. I have found that the proposal results in a small amount of harm to the openness of the Green Belt; the effect of the development on the character and appearance of the area results in moderate harm to the intrinsic character and beauty of the countryside. Collectively, these matters carry substantial weight.

23. I attach limited positive weight to the social benefits associated with providing accommodation for extended family and limited positive weight to the environmental benefits of using renewable technologies; however, these other considerations would not clearly outweigh the harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

24. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR