



Appeal Decision

Site visit made on 19 January 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/M9496/W/20/3262158

Field Off Cliff Lane, Curbar, Derbyshire S32 3XG

- 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 Mrs Elaine Hill against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0220/0200 dated 25 February 2020, was refused by notice dated 4 September 2020.
 - The development proposed is relocation of horse shelter.
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Decision

1. The appeal is allowed and planning permission is granted for the relocation of horse shelter at field off Cliff Lane, Curbar, Derbyshire S32 3XG in accordance with the terms of the application Ref NP/DDD/0220/0200 dated 25 February 2020 subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area and the wider landscape.

Reasons

3. The appeal site is a sloping field located off Cliff Lane. The existing horse shelter has been in the current location for some time and has been the subject of some planning history regarding its retention, of which I have been supplied.
4. The shelter is located close to Cliff Lane itself but is partially screened by a high stone wall. Access to the site is taken by an agricultural gate off Cliff Lane. Views from the site are extensive and the main Baslow Road (A623) can be seen at a considerable distance beyond the rear of the site. I was advised at the time of my site visit that when the trees are in full leaf in summer, the A623 is obscured but this cannot be given significant weight, as it is not obscured all year round to assist in any mitigation.
5. The proposal is to relocate the shelter, close to a line of mature trees on the southern boundary. This would also reduce the isolation of the shelter by moving it closer to a domestic dwelling on Cliff Lane.
6. The materials of construction of the shelter are acceptable from an equestrian point of view, and the dark colouring would assist in screening the shelter as much as possible into the surroundings.
7. I consider that the existing position of the shelter is inappropriate in that it can be seen in public views from Cliff Lane and the wider area. Relocating the

shelter to an area close to the existing tree line would move it out of direct views in the wider area and ensure it was less obtrusive.

8. I have noted the revised positioning of the shelter due to the presence of archaeological features, and I am satisfied that this would not cause harm in regards of such matters.
9. I find that the revised position of the horse shelter would not harm the character and appearance of the area, the wider landscape, and the scenic beauty of the National Park.
10. Therefore, I am satisfied that the proposal would not materially conflict with policies GSP1, GSP3 and L1 of the Peak District National Park Local Development Framework Core Strategy (2011) and policies DMC3 and DMR4 of the Peak District National Park Development Management Policies (2019) which, amongst other matters, expect development to have an appropriate scale with regard to siting and building materials and conserve landscape character.

Conditions

11. I have noted the conditions put forward by the Council, and the comments of the Appellant in relation to those.
12. With regard to timings, I consider that a temporary permission is reasonable, given than the appellant wishes to allow the ongoing care of elderly horses. I also note the Council's position that five years would be too long, and I consider three years to be more appropriate, and this could be revisited dependant on circumstances at the time.
13. I also agree that a personal condition is appropriate, and the removal of the shelter if no longer required for its current purpose, in the interests of long term landscape management. Giving a timeframe to relocate the shelter as well as restricting the colour are appropriate to ensure the inappropriate location is rectified and the materials colour is kept low key for the benefit of the wider landscape.
14. I consider that the relocation be pinpointed is appropriate from Site Location plans 'A' and 'B', given nearby archaeological features, and their protection, as well as not allowing ground level changes or access tracks, for the same reason.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in complete accordance with the submitted plans, and no other modification. The plans submitted are as follows :-
 - Site Location Plan 'A' including proposed shelter location position with measurements
 - Site Location Plan 'B' including proposed shelter location position with measurements
 - Stable as existing
- 2) This permission shall be for a limited period expiring on 27 January 2024. On or before that date, the horse shelter hereby approved shall be demolished and removed from the land, and that area of land restored to its original condition.
- 3) The horse shelter is to be used by Mrs Elaine Hill only and no other person or persons shall make use of the shelter. If the shelter is no longer required for its original purpose by Mrs Elaine Hill before the time limit set out in Condition 2, it shall be demolished and removed from the land, and that area of land restored to its original condition.
- 4) Within two months of the date of this permission, the horse shelter shall be relocated to the approved position and the area of land where it is currently sited be restored to its original condition.
- 5) The existing external colour finish to the timber of the horse shelter shall be maintained through the lifetime of the development hereby approved.
- 6) No planning permission is granted for any changes to ground levels on the site, or the laying of hardstanding or tracks.

END OF SCHEDULE