
Appeal Decision

Site visit made on 16 February 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2021

Appeal Ref: APP/M9496/W/20/3262961

Anroach Farm, Downsedale, Quarnford, Staffordshire SK17 0TA

- 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 Ms S Lucop-Leech and Mr S Wake against the decision of the Peak District National Park Authority.
 - The application Ref NP/SM/0420/0350, dated 17 April 2020, was refused by notice dated 21 September 2021.
 - The development proposed is change of use of an agricultural building to a mix of purposes ancillary to a tourism business and storage of land management equipment, and the addition of a below ground rainwater storage tank.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of an agricultural building to a mix of purposes ancillary to a tourism business and storage of land management equipment, and the addition of a below ground rainwater storage tank in accordance with the terms of planning application Ref: NP/SM/0420/0350 dated 17 April 2020 and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Ms S Lucop-Leech and Mr S Wake against The Peak District National Park Authority. This application is the subject of a separate Decision.

Procedural Matters

3. For completeness and clarity, I have used the address from the appellant's appeal form, as it appears to me that this is the correct spelling of the appeal site address.
4. Since the appeal was submitted prior approval (the prior approval) has been granted under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) for the agricultural building to be used for offices. I consider this matter later in my decision.

Main Issue

5. The main issue is whether, having regard to national and local planning policies, the appeal building is suitable for the proposed development taking

into account in particular the effect of the proposal on the landscape and scenic beauty of the Peak District National Park.

Reasons

6. Anroach Farm is a former rural farmstead with 14 acres of land which is now operating as a holiday letting business. The appeal site is accessed via a long track from a minor road to the south that runs west of the A53 from Morridge Top. The existing buildings are sited to the front of a gritstone outcrop within Leek Moors Site of Special Scientific Interest (SSSI) on land elevated above an open landscape which is crossed by several public footpaths.

Planning policy

7. Policy DS1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document Adopted October 2011 (the CS) sets out the development strategy for the area and supports recreation and tourism uses in the countryside. Policy DS1 part C allows for the change of use of buildings for business use including visitor accommodation, preferably by reuse of traditional buildings, in all settlements and the countryside. Policy E2 of the CS states that that proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes. The reuse of more modern buildings may be acceptable where there is no scope for further enhancement through a more appropriate replacement building.
8. Policy DME7 of the Development Management Policies Part 2 of the Local Plan for the Peak District National Park May 2019 (DMP) states that expansion of existing business development outside settlements will only be permitted where it is modest in scale in relation to the existing activity and/or buildings and can be accommodated without adversely affecting the valued characteristics of the area.
9. The policy approach is consistent with the National Planning Policy Framework (the Framework) which, among other things, states that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. The Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The Framework also requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks.
10. Whilst the appeal site is a remote location, the holiday business is existing and the expansion of the business is modest in scale. The agricultural building is not a traditional structure, but I see no reason to question the appellant's assertion that the cost of removing the existing structure and replacing it with another would be prohibitive. Therefore, there would be no scope to further enhancement through a more appropriate replacement building.
11. The Authority refers to an increase in traffic, however, while the proposal would hope to maximise the use of the holiday accommodation by providing onsite activities for visitors staying in the holiday cottages, the building's use would not generate traffic movements of itself. I am satisfied that using the existing building provides an opportunity to support the existing business and the proposal is, in principle, supported by local and national policies.

12. Therefore, the critical issue in terms of development plan policies, having regard to the Framework and to the statutory purposes of National Parks is the effect of the development on the valued characteristics of the landscape including whether it would conserve or enhance the landscape and scenic beauty of the National Park.

Landscape and scenic beauty

13. The area is characterised by moorland intertwined with rough pastureland. The wider landscape around the appeal site contains small remote farmsteads and fields delineated by stone walling. Trees feature little in the immediate setting, but the wider landscape contains patches of woodland and trees.
14. The buildings on the appeal site comprise a traditional stone built farmhouse, with attached range of buildings that have been extended and altered to provide the holiday accommodation and a modern agricultural building sited close to and at right angles to the linear farmhouse range. The modern building is a portal framed structure with stone plinth clad in Yorkshire boarding.
15. I note that the prior approval for the erection of the agricultural building required its removal from the site when its use for agriculture ceased. The Authority have drawn my attention to the reason for the condition which states that 'the removal of the building will allow the original character and appearance of the site to be restored'. However, the application was for a replacement building and the description and delegated report provided by the Authority indicate that the existing structure replaced a larger building. The Authority also refers to the building not complying with the design guide, however, I note that in granting prior approval for it the Authority considered the building to be 'of a sufficiently high standard of design and materials to be considered acceptable'.
16. The agricultural building is partly visible from the surrounding road network, particularly from the south. It is also visible from the surrounding footpaths and from the neighbouring farms. Even so, the building is not particularly large or high. Yorkshire boarding is not typical in the surrounding area, but it is existing and does not jar in its immediate setting. Whilst the structure is a visible element of the building group the structure does not appear incongruous or overly conspicuous and the proposals do not involve any alterations to it. The rainwater storage tank would be below ground and would have no visual effects.
17. The Authority refers to quantifiable benefits to the landscape from the building's removal but there is little specific evidence as to what these benefits might be. I appreciate that removing the structure would reduce the overall number of buildings, but the building sits acceptably with the existing farmhouse and holiday accommodation buildings as a group, the group of buildings would retain an agricultural character and the character of the area is partly derived from the scattered farmsteads within the landscape. Consequently, the development would conserve the landscape and scenic beauty of the National Park.
18. Overall, I conclude that having regard to national and local planning policies the appeal building is suitable for the proposed development taking into account in particular the effect of the proposal on the landscape and scenic beauty of the Peak District National Park. The proposal would accord with

Policies GSP1, GSP2, GSP3,E2, L1, DS1 of the CS and Policy DME7 of the DMP. The development would also be consistent with the Framework and with the relevant statutory purposes and duties even when giving great weight to conserving and enhancing landscape and scenic beauty in the National Park and having regard to the Sandford Principle.

19. Policy DME2 relates to farm diversification, however, the site is operating as a holiday cottage business. Although there is land within the appellant's ownership and the building would be used for storage of land management equipment, there is no evidence that a farming operation remains, therefore, this policy is not relevant to the proposal.

Other Matters

20. My attention has been drawn to the grant of the prior approval under Class R of the GPDO which permits the change of use of the agricultural building to offices. I recognise that the grant of prior approval under Class R provides the appellant with an alternative which would not require the removal of the building and the operation of an office use under Class R may generate some additional activity at the appeal site were the building to be occupied independently. While there may be a greater than theoretical possibility that a use under Class R would be pursued, as I have concluded that the proposed development complies with the policies in the CS and DMP I have not found it necessary to consider the Class R fallback position further.

European Designated Sites

21. The appeal site lies within or on the edge of the South Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA). The qualifying features of these European Designated Sites are ground nesting birds namely Merlin, Golden Plover and the Short-Eared Owl and the habitats on which they rely in order to breed. It is also within the Leek Moors SSSI, an extensive tract of semi-natural upland and upland fringe vegetation typical of the Southern Pennines, which supports several plants and animals at the southern limits of their English distribution.
22. The rainwater harvesting tank and drainage from the barn would be buried with the access hatch visible above ground. The area where the tank is to be sited is managed grass and has been disturbed when the agricultural building was constructed. The appellant proposes a number of mitigation measures during the construction phase of the development to minimise damage to the ground, the turf will be replaced by hand once the tank is in situ. None of the works will be carried out during the bird nesting season.
23. Natural England (NE) was consulted on the application. Without mitigation NE considers that the development would harm the integrity of the SSSI and its conservation objectives. However, in undertaking this AA, I can have regard to potential mitigation measures. NE considers that the measures proposed would avoid any adverse impact to the integrity of the SSSI it would also avoid adverse impact to the integrity of the European sites, and their relevant features. These measures can be secured by condition. NE's views carry considerable weight as the statutory consultee in respect of ecological matters. Having regard to these, I am satisfied that the proposal would not give rise to a likely significant effect on the SPA, SAC or SSSI. There are no other plans and projects to be considered in conjunction with the proposals. Overall, therefore,

I conclude that there would be no risk of an adverse effect on the integrity of the SPA or SAC or the SSSI arising from the proposal subject to appropriate planning conditions.

Conditions

24. I have imposed the standard time condition and, in the interests of the correct implementation of the development, a condition that requires the development to be carried out in accordance with the approved plans and details.
25. A condition is required to ensure that the proposed mitigation measures to prevent the installation of the water tank having an adverse effect on the integrity of the protected sites are implemented. The mitigation measures would be effective in addressing the likely significant effects arising from the development.

Conclusion

26. I conclude that the proposal complies with the development plan when read as a whole. There are no other considerations that indicate that a decision should not be taken in accordance with the development plan.
27. For this reason, the appeal is allowed, subject to conditions.

Diane Cragg

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and details.
 - Location Plan
 - Barn Plan V3 (proposed floor plan)
 - Rainwater Harvesting Tank Plans 2019v4
 - Rainwater tank specification
 - Existing Agricultural Building plans and elevations 1:50
 - Existing block plan
 - Proposed block plan
 - Planning Statement April 2020
 - Covering Letter date 17 April 2020
 - Response to NE and Email to case officer re NE request for further information dated 17 June 2020
 - Letter re: impact on business 14 September 2020

3. The installation of the below ground rainwater storage tank hereby approved, shall be carried out in accordance with the following mitigation measures (as set out by Natural England on page 2 of their response advice -dated 10 July 2020):
- Turf to be lifted by hand and set aside prior to the tank excavation taking place. The turf should be rolled and kept in shade out of direct sunlight to keep the temperature down. Should it be necessary to have more than one turf roll, these should be stacked in small piles with spacing to allow air flow. The turf should not be watered whilst rolled up as this will speed up degeneration.
 - Matting or other appropriate ground protection measures to be set out prior to excavation taking place.
 - Mechanical excavator to be stored on existing farm hard standing car park when not in use.
 - Turf to be replaced by hand once tank is in situ. Good practise on post turf laying to be followed to ensure the grass beds in.
 - All construction work to be carried outside of bird nesting season.