



Appeal Decision

Site visit made on 10 May 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal A Ref: APP/M1005/W/21/3269295

Barn, Farnah Green Road, Farnah Green, Belper, Derbyshire DE56 2UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Josh Hallas against the decision of the Amber Valley Borough Council.
- The application Ref PDR/2020/0048, dated 24 June 2020, was refused by notice dated 20 August 2020.
- The development proposed was originally described as: 'The conversion of the disused agricultural barn to a one-bedroomed dwelling (C3), the provision of a new pedestrian link to the highway and the improvement of the existing vehicular access to meet the requirements of the Highway Authority, the provision of two car parking spaces, the provision for a garden area and the repair of existing boundary features and creation of new boundaries where necessary as shown on the plans accompanying the application.'

Appeal B Ref: APP/M1005/W/20/3265035

Barn, Farnah Green Road, Farnah Green, Belper, Derbyshire DE56 2UP

- 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 Josh Hallas against the decision of Amber Valley Borough Council.
- The application Ref AVA/2020/0274, dated 13 March 2020, was refused by notice dated 15 June 2020.
- The development proposed was originally described as: 'Application to convert and extend a barn used for agricultural purposes into a single dwellinghouse.'

Appeal C Ref: APP/M1005/W/21/3269377

The Barn, Farnah Green Road, Farnah Green, Belper, Derbyshire DE56 2UP

- 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 Josh Hallas against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/0846, dated 11 September 2020, was refused by notice dated 13 January 2021.
 - The development proposed is the conversion of a barn used for agricultural purposes into a dwelling house (CS) and parking provision on-site for one vehicle.
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Decision

1. Appeal A is allowed, and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO) for the conversion of a disused agricultural barn to a one-bedroomed dwelling (C3), at Barn, Farnah Green Road, Farnah Green, Belper, Derbyshire DE56 2UP, in accordance with the terms of application Ref: PDR/2020/0048, dated 24 June 2020. The prior approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the 2015 GPDO.
2. Appeal B is dismissed.
3. Appeal C is allowed and planning permission is granted for the conversion of a barn for agricultural purposes into a dwelling house (C3) and parking provision on-site for one vehicle, at the Barn, Farnah Green Road, Farnah Green, Belper, Derbyshire DE56 2UP, in accordance with the terms of application Ref: AVA/2020/0846, dated 11 September 2020, and subject to the conditions in the attached schedule.

Procedural Matter

4. In allowing Appeal A, I have amended the description of development to make it more concise and in doing so, I am satisfied that the interests of the main parties have not been compromised.

Main Issues

5. The main issues in relation to Appeal A are:
 - i) whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the 2015 GPDO; and
 - ii) the effect of the proposal on the character and appearance of the area.
6. The main issue in relation to Appeals B and C is the effect of the proposal on the character and appearance of the area.

Reasons

Appeal A – The 2015 GPDO

7. Class Q (a) of the 2015 GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use as a dwellinghouse. Class Q (b) permits building operations reasonably necessary to convert the building referred to in paragraph (a).
8. The existing building is a modest structure that is rectangular in form with its widest span fronting the main road. The walls are constructed from stone and it has a traditional pitched roof. The evidence before me includes two structural appraisals, one dated April 2016, and the other dated May 2019. The latter report confirms that the condition of the building has slightly deteriorated since 2016 and identifies work that would be necessary to enable the conversion of the building. Specifically, it recommends that the roof structure should be rebuilt due to its dangerous condition, and that due to movement caused by

the failure of the roof structure, the rear elevation also requires some rebuilding. Additionally, a new floor structure would be required to provide suitable levels of insulation. Despite this, the appraisals also confirm that the front and side walls are in a serviceable condition and would only require limited work such as repointing, a replacement lintel, and the introduction of wall ties between the front elevation and an internal wall.

9. The Planning Practice Guidance (PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance, and which would otherwise require planning permission. The PPG clarifies that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Consequently, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
10. The works that would be necessary to facilitate the conversion represent large interventions into the fabric of the building. However, much of the existing structure would also be retained. Indeed, three of the four walls would need very little work as part of the conversion, and internally, much of the structure could be retained, including the timber king post truss. Although the roof structure would need to be replaced, based on the extent of the building that is in a perfectly serviceable condition, in my judgement, the proposal would not be tantamount to a new build. Much of the original building fabric would be retained and perform a structural function for the new roof structure.
11. Consequently, I am satisfied that the agricultural building is capable of functioning as a dwelling without rebuilding work which would go beyond what is 'reasonably necessary'. Accordingly, I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the 2015 GPDO.

Character and appearance

12. The appeal site is located within the Buffer Zone of the Derwent Valley Mills World Heritage Site (WHS), approximately 750m from the WHS itself. For the purposes of the National Planning Policy Framework (the Framework), the WHS is a designated heritage asset.
13. Based on the evidence before me, the significance of the WHS lies in its relationship with technological developments to allow for large-scale industrial production in a hitherto rural landscape. That said, the WHS has a demonstrably rural setting. The setting of the WHS is not a heritage asset, and neither is it a heritage designation. However, Paragraph 194 of the Framework confirms that harm to the significance of a designated heritage asset can derive from development within its setting. In addition, Paragraph 193 states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
14. The appeal building is a modest agricultural structure that is situated within an open setting, at the foot of a rising field. The rural landscape rises beyond the

building, providing it with an established rural setting. The structure is faced in stone with a pitched roof and is entirely consistent with the local vernacular. As a consequence, in its current form, the appeal site sits quietly within the setting of the WHS.

15. Opposite the site is a public house which, when travelling from south to north, acts as a gateway into the modest settlement beyond. This primarily consists of a ribbon form of development which fronts onto Farnah Green Road and which includes a mixture of house types. Together, the collection of houses generates an established residential environment which includes the provision of driveways, cars, outbuildings, and other domestic paraphernalia. However, this is intrinsically connected with, and sensitive to, the surrounding rural landscape. Although physically separated from the nearest house, there is a clear visual link between the appeal site and the houses beyond. Accordingly, the more domestic environment identified above is entirely perceptible from the appeal site. Moreover, the presence of the public house opposite strengthens the connection between the site and the adjacent settlement.
16. The proposals in Appeals A and C would result in the domestication of the appeal site. However, this would be experienced in the context identified above. Accordingly, it would not create a dwelling that would be substantially removed from comparable forms of development. Instead, the new dwelling would complement the residential character of the nearby settlement whilst retaining the architectural qualities of the existing building. In my judgement therefore, Appeals A and C would result in a new dwelling that would be visually well connected to an established residential environment, whilst remaining sensitive to the rural setting of the WHS. Accordingly, the proposal would not cause harm.
17. Despite the quiet and unassuming nature of Appeals A and C, Appeal B would seek to enlarge the existing structure with the provision of a rear extension. The proposal would introduce a timber clad gable-ended addition as well as a glazed structure. Due to the location of the site at the foot of the rising fields, the rear elevation of the building is very prominent and generally, the building occupies a prominent position when viewed from the road, including clear views of the sides of the structure. Consequently, the building is seen 'in the round' and therefore, the proposed extensions would be entirely visible. Although the additions seek to provide a modern enlargement to the structure, due to the use of the proposed materials, and particularly the extent of glazing, they would be in stark contrast to the simple vernacular appearance of the building. Moreover, the resultant increase in building mass would be at odds with the traditional and simple form of the building. Accordingly, the extensions would fail to complement the unassuming structure and would detract from its presence within the landscape.
18. The harm that would be caused would be less than substantial. Accordingly, Paragraph 196 of the Framework requires this harm to be weighed against the public benefits of the proposal. In this regard, the proposal would make a small contribution to local housing supply, and it would also provide some economic benefits during construction and through future occupation of the building. Nevertheless, due to the small scale of the proposal, the weight I afford to these matters is limited. It would also bring a derelict structure back into active

use, however, I have already identified reservations regarding the proposal and accordingly, this matter attracts very little weight.

19. Paragraph 193 of the Framework requires that great weight should be given to the conservation of a heritage asset. Accordingly, when conducting the necessary balancing act and giving great weight to the effect on the setting of the WHS, my judgement is that the benefits of Appeal B do not outweigh the harm.
20. I therefore conclude that Appeal B would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policy EN29 of the Amber Valley Borough Local Plan (2006), and Policy NPP3 of the emerging Belper Neighbourhood Plan. Taken together, these policies seek amongst other things, development which preserves or enhances the character and appearance of the setting of the WHS. Appeal B would also fail to accord with the requirements of the Framework when taken as a whole.
21. However, for the reasons identified above, I conclude that Appeals A and C would not harm the character and appearance of the surrounding area. Accordingly, these proposals would comply with the aforementioned policies and Framework.

Conditions

22. In light of my findings in relation to Appeal C, conditions 1 and 2 are necessary in the interests of precision to establish the time limit for commencing development, as well as to list the approved drawing numbers, and condition 3 is necessary to ensure that the development would be sensitive to the landscape in which it would sit. Conditions 4, 5, 6, and 7 are necessary in the interests of highway safety.
23. Condition 8 is necessary to ensure that control can be retained in relation to potential future alterations and enlargements. In light of my concerns identified above in relation to the sensitivities of the site, I am satisfied that there is clear justification to remove such permitted development rights. Conditions 9, 10, and 11 are necessary to ensure a high-quality form of development, and condition 12 is necessary to safeguard the ecological sensitivities on the site.
24. Where the conditions require actions prior to the commencement of development, the appellant has confirmed their acceptance of this in writing.

Conclusion

25. For the reasons identified above, Appeals A and C should be allowed. However, Appeal B should be dismissed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL C

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent: Site Location Plan received 15/09/2020 Proposed Layout Plan received 16/09/2020 drawing FG0085 Proposed Floor Plan received 16/09/2020 drawing FG0034 Proposed Elevations received 16/09/2020 drawing F60081
- 3) Prior to occupation of the hereby approved dwelling, a hard and soft landscaping scheme shall be submitted to and be approved by the Local Planning Authority. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 4) The hereby approved dwelling shall not be occupied until such time as the access arrangements shown on Proposed Plan drawing number FG0085 have been implemented in full.
- 5) The hereby approved dwelling shall not be occupied until such time as the parking and turning facilities have been implemented fully in accordance with Proposed Plan drawing number FG0085. Thereafter the onsite parking provision shall be so maintained in perpetuity for the life of the development.
- 6) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with a hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity for the life of the development.
- 7) There shall be no gates or other barriers within 5 metres of the nearside highway boundary and any gates shall open inwards only.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D, E of Part 1 of Schedule 2 (erection of extensions, porches, roof alterations and outbuildings) shall be undertaken without the prior written approval of the Local Planning Authority.
- 9) No development shall take place to the external elevations or roof of the development until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

- 10) Precise details of all new windows/doors to be installed shall be agreed in writing with the Local Planning Authority before installation.
- 11) Prior to occupation of the hereby approved dwelling, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.
- 12) Prior to the commencement of development, a detailed bat mitigation and compensation strategy shall be submitted to and approved in writing by the Local Planning Authority. The agreed mitigation and compensation strategy shall then be implemented on site fully in accordance with the approved details prior to occupation of the dwelling.