



Appeal Decision

Site visit made on 24 May 2021

by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd June 2021

Appeal Ref: APP/R1038/W/20/3265610

Land north of St Swithin's Church, Vicarage Close, Holmesfield

- 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 3rd Holmesfield Scout Group against the decision of North East Derbyshire District Council.
 - The application Ref 20/00185/FL, dated 21 February 2020, was refused by notice dated 3 July 2020.
 - The development proposed is new scout headquarters to include scout hut and use of land for outdoor recreation.
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Decision

1. The appeal is allowed and planning permission is granted for new scout headquarters to include scout hut and use of land for outdoor recreation at land north of St Swithin's Church, Vicarage Close, Holmesfield in accordance with the terms of application Ref 20/00185/FL, dated 21 February 2020, and subject to the conditions set out in the attached schedule.

Main Issues

2. The appeal site lies within the Green Belt, the Holmesfield Conservation Area and is within close proximity to the listed building, St Swithin's Church. The main issues in this case are therefore:
 - Whether the proposal would represent inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policy;
 - Whether the proposal would preserve or enhance the character or appearance of the Holmesfield Conservation Area;
 - Whether the proposal would preserve the setting of St Swithin's Church;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site comprises an area of land totalling some 1.5 hectares which wraps around the graveyard of St Swithin's Church and incorporates two fields and the church car park and extends to the boundary of a residential property, The Bungalow, on Park Avenue.

4. The proposal seeks to construct a new scout hut to be used in connection with the adjacent fields, and the provision of a car park with access off Park Avenue. The scout hut would be a substantial, simply designed rectangular building constructed in stone with a dark grey standing seam roof. The building would accommodate a hall, kitchen, meeting room, wc and storage facilities.
5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the National Planning Policy Framework (the Framework) advises that the construction of new buildings should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 set out various exceptions to this, including paragraph 145 (b) 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. Paragraph 146 (e) sets out that material changes in the use of land (such as changes for outdoor sport and recreation, or for cemeteries and burial grounds) are also not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it.
6. There is a fundamental disagreement between the main parties as to whether the scout hut is an appropriate facility for outdoor sport or recreation. It seems clear to me that scouting activities, particularly those involving traditional outdoor skills, camping and modern games, do occur outdoors. However, there is no specific evidence before me of how this scout group operates, the activities that would take place on the adjoining land or how often they would occur. Moreover, whilst the building has been designed to incorporate storage facilities for equipment to be used outdoors, a significant proportion of the floorspace of the building would be a sizeable 'main hall' to accommodate indoor activities. It seems to me therefore that a significant proportion of the group's activities could take place indoors. Based on the evidence before me, therefore, I am unconvinced the proposed scout hut constitutes an appropriate facility for outdoor recreation.
7. However, even if I were to consider the scout hut was an appropriate facility for outdoor recreation, the test in paragraph 145 (b) requires that the facility preserves the openness of the Green Belt. The site is currently an open area of land, free from built development. The scout hut would be a sizeable building with a significant footprint and, although it would have a low eaves height, would have a substantial roof that would significantly increase its overall height and bulk. The use of the car park would have an additional, albeit limited, impact in terms of openness. Accordingly, in spatial terms, the proposal would fail to preserve the openness of the Green Belt.
8. I recognise that the building would be screened in part by the existing vegetation along Park Avenue and that further planting could be secured by planning condition. I also accept that when viewed from the car park, the building would be sited at a low level due to the slope of the land. However, that would not sufficiently mitigate its impact. Consequently, in terms of its visual impact the proposal would also have some limited effect on the openness of the Green Belt.

9. On that basis, the proposal would not preserve the openness of the Green Belt and does not therefore fall within the exception set out in paragraph 145 (b). It is therefore inappropriate development in the Green Belt.

Conservation Area

10. The conservation area is centred around the historic core of the village and includes St Swithin's Church and the group of listed buildings associated with Holmesfield Hall as well as clusters of buildings around Main Road. The significance of the conservation area, from all I have seen and read, is primarily derived from the architectural detailing and history of the buildings which contribute to the evidential base of how the settlement originated and developed. The conservation area boundary also encompasses an area of open fields, including the appeal site, which provides a tranquil rural setting to the historic core of the settlement and reflects the agricultural origins of the village.
11. As set out above, the proposed building would be of substantial massing because of its footprint and height. Nevertheless, it would be set well away from the built form of the village and, coupled with that, being at a lower level, and well screened, it would not compete with or dominate the historic buildings. Whilst I acknowledge the Council's point that the building would have a functional appearance, it seems to me that the form and materials of the building would reflect those of a modern agricultural building common within rural areas and its colours would respect those of the stone and slate buildings within the settlement. As such, given its position away from the built-up part of the settlement, the building would not appear out of place. Moreover, a significant part of the open space would be retained thus preserving the open setting to the village.
12. The building would undoubtedly change the appearance of this part of the conservation area. However, for the above reasons it would preserve its character and significance. Therefore, I am satisfied that the proposal would meet the statutory requirements of s. 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. For the same reasons the proposal would accord with Policy BE11 of the North East Derbyshire Local Plan (the Local Plan) which requires that development within a conservation area should preserve or enhance the character of the conservation area.

Listed Buildings

13. The Framework advises that the setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. S.16 (1) of the Act requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. St Swithin's Church is a grade II listed building originally dating from 1727 rebuilt in 1826 and with later additions including a recent church hall extension.

15. The significance of St Swithin's Church as a listed building lies largely in its age, its external appearance and its historic significance as a focal point for the community. The building, which is constructed from sandstone with a slate roof, has a distinct two stage tower with an embattled parapet amongst other architectural features as set out in the list description. The listed building is largely screened from view from the appeal site but nevertheless can still be appreciated. The quiet character of the area provides a reflective quality that makes a limited but positive contribution to the significance of the listed building.
16. As set out above, the scout hut would be located at a distance from the church, set at a lower level following the topography of the landscape. Existing and proposed screening would mean that it would not be unduly prominent from the church or its immediate grounds, nor would it significantly interrupt views of the church from the wider public realm. Whilst I accept that the building would have a functional appearance it would neither visually compete with or distract from the architectural or historic interest of the heritage asset or the ability to appreciate it. As such its significance as a focal point would be preserved.
17. The proposal would introduce more movement and activity into the area, both by people and vehicles. Nevertheless, given that this would be sporadic rather than constant, the character of the setting and the experience of the listed building would be preserved.
18. Accordingly, I conclude that the proposal would have a neutral impact on the setting and thereby the significance of the listed building. In that respect the proposal would be in accordance with Policy BE9 of the Local Plan which states that development affecting the setting of a listed building will only be permitted if it preserves or enhances its setting and includes the retention of trees or other landscape features. For the same reasons it would meet the statutory requirements of the Act as set out above.
19. In addition to St Swithin's Church there are other listed buildings near to the site: Holmesfield Hall a grade II* listed building dating from the early 17th century and two former outbuildings, Castle Hill Barn a grade II listed building and The Granary a grade II* listed building. The significance of these buildings lies in their age, architectural detailing and historic interest as a farmstead. These buildings, which have not been referred to in the planning decision notice, cannot be readily seen or experienced from the appeal site. I therefore find that the site is not within the setting of these listed buildings. Accordingly, the buildings and their setting would be preserved.

Other considerations

20. Although it does not form part of the Council's reason for refusal, I note that some residents are concerned about the traffic implications of the proposal. I acknowledge that the facility would generate a degree of additional traffic on Park Avenue particularly at the start and end of the sessions. I noted at my site visit that Park Avenue is of restricted width and is a walking route. However, it already provides access to the church car park and there is no evidence before me that at busy times, including weddings and funerals, there has been any significant congestion or danger to highway safety on either Park Avenue or Main Road. I also noted the presence of the pub car park close to the entrance to Park Avenue, although I am unconvinced that its presence is likely to cause

undue congestion or confusion to drivers. Moreover, I note that no objection to the proposal was raised on technical highway safety grounds by the Highway Authority.

21. From all I have read, the 3rd Holmesfield Scout Group was originally based in the village until its premises were sold to make way for the new church hall. Since 2008 the group, which numbers more than 100 children from 6 to 18 years of age, have used premises in the settlement of Dronfield which is shared with several other groups. I understand that these premises are used to capacity and cannot accommodate additional children on the waiting list. In addition, storage facilities, which are a necessary component of the use and which are shared between the different groups, are inadequate.
22. The Framework advises at paragraph 92 that planning policy and decisions should plan positively for the provision and use of, amongst other things, community facilities such as meeting places and sports venues to enhance and sustain the sustainability of communities and residential environments.
23. It seems to me that there is a genuine need for local premises to serve the scout group and accommodate more children on the waiting list. In that regard I have taken into account the high level of local support for the proposal, including support from residents, local leaders, including the local MP, and the Parish Council who have been looking for an alternative site since the group moved out of Holmesfield.
24. The proposed facility would accommodate all the group's needs within purpose built premises in the local community and provide open space on which to conduct outdoor activities immediately adjacent to the premises as well as a safe place for parents to park and drop off children. This is a significant benefit of the proposal.
25. My attention has been drawn to the close proximity of the Village Hall and the Church Hall which could potentially be considered alternative venues. However, I understand that there is no capacity to accommodate the scout group at either venue in terms of both booking availability or the provision of storage space necessary for the group's equipment. I am not aware, on the basis of the evidence before me, that there are suitable alternative premises within Holmesfield.
26. The coronavirus pandemic has heightened the awareness and need for opportunities for children's social, physical and educational activity. Given the needs of the group for premises with capacity to expand and provide storage facilities, along with useable outdoor space and parking provision, and the lack of alternative options for the siting of the hut locally, the benefits of the proposal carry very substantial weight.

Planning Balance and Very Special Circumstances

27. The proposal would be inappropriate development in the Green Belt which is harmful by definition. In addition, there would be a limited reduction in openness. According to the Framework substantial weight has to be given to any harm to the Green Belt.
28. I have found that the character of the conservation area and the setting of the listed building, St Swithin's Church, would be preserved. This is therefore a neutral matter in the planning balance.

29. On the other side of the balance I have found that the proposal would provide a benefit in terms of the provision of a community facility for children which carries very substantial weight. On that basis these other considerations clearly outweigh the harm to the Green Belt. As such, considering the case as a whole, very special circumstances exist. For these reasons the proposal is acceptable, and the appeal should be allowed subject to the conditions set out in this decision.

Conditions

30. The Council has suggested conditions in the event of the appeal being allowed. I have considered these conditions in the light of advice in the Framework and the Planning Practice Guidance and varied the wording of some conditions accordingly. Some of the conditions are 'pre-commencement' conditions which I have sought the appellant's agreement on. It seems to me that given the nature of the development and its location, it is necessary that the details included in these particular conditions are submitted to and agreed by the Council before work starts on site.

31. In order to provide certainty and in the interests of proper planning the standard time limit and plans conditions are necessary. To protect the character and appearance of the area, including the setting of the listed building St Swithin's Church, the submission and agreement of the materials to be used in the development, boundary treatments and landscaping is necessary. In the interests of highway safety, it is necessary to ensure that a site compound and a car park are provided and that no gates or barriers should be placed within 5m of the highway boundary.

Conclusion

32. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

S Ashworth

INSPECTOR

Conditions

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on approved drawings: Location Plan, Drawings PA-102; PA-021, PA-120 rev 01. and PA-130 unless otherwise subsequently agreed by the Local Planning Authority.
3. Before above ground works begin, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the occupation of the building and shall be retained as approved unless otherwise agreed in writing by the

Local Planning Authority.

4. Before development starts details of the existing ground levels, proposed finished floor levels of the scout hut, and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
5. Before above ground works begin, precise specifications or samples of the walling and roofing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land.
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.
7. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 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.
8. At the commencement of work on site, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitor's vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
9. The premises, the subject of the application shall not be taken into use until space has been laid out within the site for the parking of vehicles and the provision of turning facilities so that they may enter and leave the site in forward gear, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use.
10. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing with the Local Planning Authority.

