The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/P1045/W/21/3268843
Oak Tree Farm, Nether Lane, Biggin, Ashbourne

- 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 & Mrs A & H Marshall against the decision of Derbyshire Dales District Council.
- The application Ref 20/01137/FUL, dated 12 November 2020, was refused by notice dated 6 January 2021.
- The development proposed is change of use and conversion of a barn to a dwellinghouse.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
- whether the appeal site is a suitable location for residential development having regard to the accessibility of services and facilities; and
- the effect of the proposed development on the rural character and appearance of the area.

Reasons

3. The appeal property is located within an open agricultural field next to a country road. The existing building is visible from the highway. There are red-brick buildings and dwellings in the nearby hamlet of Biggin. There are also three other dwellings near the appeal property, two at the other side of the field adjacent to it which have a white rendered exterior finish, and one on the opposite side of the road to the front of it, which has a grey/brown stone clad exterior finish. There is also a large field in between the appeal property and the nearby white rendered dwellings. Whilst these dwellings are near the appeal site, given that they and it are surrounded by open agricultural fields with trees, hedgerows, and narrow country roads, I consider the character and appearance of the area to be intrinsically rural.

Whether a suitable location

4. Both parties agree that the appeal site is located outside of any settlement boundary as defined in the adopted Derbyshire Dales Local Plan (LP) and that as a result it is in the open countryside. They also agree that the appeal site is in an isolated location. Based on the evidence before me I concur that the appeal site is in an isolated location in the open countryside. Consequently, paragraph 79 of the National Planning Policy Framework (the Framework) is relevant in this case.

5. Policies S1, S4, PD1 and HC8 of the LP aim to ensure that developments: make a positive contribution towards the achievement of sustainable development; protects and where possible, enhances the landscape's intrinsic character and distinctiveness; create well designed places; and that the conversion of a building outside a defined settlement does not have a detrimental impact upon the character and appearance of the building and its surroundings, amongst other considerations. Consequently, the proposal would have to meet the requirements of policies S1, S4, PD1 and HC8 of the LP for it to be acceptable in principle.

6. The appeal site is located near to the hamlet of Biggin, and according to the appellant's statement is also less than a mile from the larger village of Hulland Ward. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. In relation to economic and community benefits, the proposed dwelling would provide a limited boost to the local economy and businesses which would potentially help to sustain services within the village.

7. However, these potential economic and community benefits would be dependent on residents being able to meet many of their service needs within the village. From the evidence before me, the existing services, and facilities within the village of Hulland Ward comprise a primary school, medical centre, public house, bus service and local shop. Furthermore, whilst these services and facilities would be within a relatively short distance of the proposed development, the route is not paved or lit making it unlikely that the proposal's future occupiers would travel there by means other than the private car.

8. Whilst Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Consequently, given the isolated location of the appeal site it would be highly likely that future occupiers of the proposed dwelling would access services by private car. This would not achieve the social sustainability objective set out in the Framework as services would not be accessible by means of transport other than the private car.

9. Accordingly, taking into account all of the factors discussed above, and being mindful of paragraph 103 of the Framework, I am not satisfied that the appeal site is a suitable location for residential development having regard to the accessibility of services and facilities. I therefore conclude that the proposed development would fail to meet the requirements of policy S1 of the LP. It would also conflict with paragraphs 8 and 78 of the Framework which aim to achieve sustainable development and to promote it in rural areas.

Character and Appearance

10. The proposal would change the use of the existing agricultural building to a residential dwelling making internal alterations and minor exterior alterations. While I acknowledge that the existing building has a somewhat utilitarian appearance, to my mind, given its design, scale and material finish it does not resemble a traditional agricultural or rural building but a small red-brick dwelling with it being visually read as such within the landscape.

11. Its external material finish also does not blend-in with the more open landscape it sits within as readily as the nearby dwellings do, given their more traditional rural appearance. Accordingly, and given its visually prominent location, in my view the form, bulk and general design of the existing building does not make a positive contribution to the character and appearance of its surroundings in conflict with criterion b) of policy HC8 of the LP.

12. Furthermore, given its design the proposal would be similarly visually read meaning that it would also not make a positive contribution to the character and appearance of its surroundings. Therefore, while I note that this does not necessarily mean that it would have a more harmful visual impact on the landscape than the existing building, this does not mean that it would not have a detrimental impact upon the character and appearance of its surroundings at all. As a result, I find that the proposal would have an inherently harmful visual impact on the rural landscape of the area, nonetheless.

13. In any event, even if the proposal's visual effect on the landscape was neutral, while it would re-use the existing building, given its design and material finish, it would not enhance its immediate setting thereby failing to meet criterion d) of paragraph 79 of the Framework. Moreover, for similar reasons I consider the proposal's design not to be of exceptional quality thereby also failing to meet the requirements of criterion e) of paragraph 79 of the Framework.

14. Consequently, taking into account all of the factors discussed above, I conclude that the proposed dwelling would by virtue of its form, bulk, general design and location materially harm the rural character and appearance of the area. It would therefore fail to meet the requirements of policies S4, PD1 and HC8 of the LP. It would also conflict with paragraphs 79 and 170 of the Framework which aim to avoid the development of isolated homes in the countryside and recognise the intrinsic character and beauty of the countryside.

Other considerations

15. Turning to the benefits, the proposed development would potentially provide an additional dwelling and a social benefit. There would also be some economic investment from its subsequent occupation. However, these benefits would be outweighed by the proposal's unsuitable location and harmful impact on the rural character and appearance of the area. As a result, I afford this consideration little weight.

16. In support of the appeal proposal the appellant has cited similar proposals that were granted planning permission: Ref APP/P1045/W/19/3229075; Ref 18/01433/FUL; Ref 18/00628/FUL; and Ref 12/00087/FUL. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken.

17. Furthermore, in the first case the proposed dwelling was considered to not be in an isolated countryside location; in the second case, the proposal was considered to represent a visual improvement to the building being converted; in the third case, the building to be converted had a traditional style and material finish; and in the fourth case the proposal was for a new agricultural/storage building not a dwelling. As a result, I consider that the circumstances applicable to these other schemes are not exactly the same as those presented in this case, which I have determined on its own merits. I therefore afford this consideration limited weight.

18. The appellant has cited a potential 'fallback' position that they could pursue should the appeal be dismissed which is the conversion of the building to residential use under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, whilst this option could be pursued, given that the location and design of the building would likely be the same, I consider that it would not be more harmful than if the appeal scheme itself were permitted in conflict with the development plan. Accordingly, I afford this consideration limited weight.

Other Matter

19. In support of the proposal the appellant has also cited positive pre-application advice that was given by the Council (Ref. 19/01364/PREAPP). However, this is not binding, and it is clearly unfortunate if proposals are adjusted to suit but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh. Consequently, the positive feedback given on that scheme does not warrant allowing the appeal scheme before me.

Planning balance

20. In relation to the adverse impacts of the proposal, these are the location of new housing development in an unsuitable and unsustainable countryside location outside of a defined settlement which would harm the intrinsic rural character and appearance of the area in conflict with policies S1, S4, PD1 and HC8 of the LP. It would also conflict with paragraphs 8, 78, 79 and 170 of the Framework.

21. With regards to the potential benefits of the proposal, it would provide social, and economic benefits carrying limited weight in favour of the appeal scheme. However, given the conflict with the development plan and those policies of the Framework identified above I find that, the proposal therefore cannot be considered sustainable development in accordance with the Framework.

22. Therefore, given the substantial harm I have identified, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the development plan and the Framework when read as a whole.

Conclusion

23. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. There are also no material considerations which indicate a decision otherwise than in accordance with the development plan.

24. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR