



Appeal Decision

Site Visit made on 8 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/R1038/W/21/3270199

Barn adjacent Walnut Barn, Ashover Hay, Ashover S45 0HN

- 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 and Mrs J Bedford against the decision of North East Derbyshire District Council.
 - The application Ref 20/00484/FL, dated 8 June 2020, was refused by notice dated 15 January 2021.
 - The development proposed was originally described as 'mixed use building for tractor store, implement store and stable/tack room'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that Walnut Barn is a separate property. I have therefore used the address on the Council's decision notice in my banner heading which refers to 'Barn adjacent...'.
3. The scale of the proposed building was reduced during the planning application process including the removal of a stable and tack room. I have therefore considered the proposals on the basis of the revised drawings on which the Council made its decision which propose a building incorporating a log store and a secure machinery store.
4. An amended site location plan (Rev C 1:1250 @A3) has been included with the appellant's appeal submission. This updates the site location plan to correspond with the revised footprint of the proposed building that was before the Council when it made its decision. Therefore, I am satisfied no party would be prejudiced by me taking this revised plan into account.
5. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.
6. The Council's decision refers to Policies SS9 (Development in the Countryside), SDC12 (High Quality Design and Place Making), and SDC3 (Landscape Character) of the emerging North East Derbyshire Local Plan (2014- 2034) Publication Draft (ELP). Since the application which led to this appeal was determined consultations on the main modifications have been completed and the consultation statement submitted with the Inspector's report awaited. Given I am unaware of any unresolved objections or requirements for further modifications, I attach moderate weight to the policies of the ELP.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, including landscape character.

Reasons

8. The appeal site is located at Ashover Hay, a small hamlet in the countryside. There is an existing barn on the site with planning permission in place for its conversion to a dwelling¹. This building and the immediate land associated with it sit between and on a similar alignment to neighbouring residential properties and their curtilages. Fields sit beyond these curtilages extending east towards Stonerows Lane. Buildings in the area are predominantly of a simple traditional form.
9. The site sits within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area with a 'Wooded Slopes and Valleys' landscape character type as described in the Derbyshire County Council Landscape Character Assessment (2013) (LCA). Here the key characteristics include an undulating landscape with moderate to steep slopes, permanent pasture, densely scattered woodland and hedgerow trees, dry-stone walls are widespread and there is a network of winding lanes. The value of the landscape is recognised by its designation as a Special Landscape Area (SLA) in the North East Derbyshire Local Plan (2005).
10. The SLA designation is not being carried forward in the ELP. However, it remains part of the development plan in place and so is material. Even if I accept the appellant's argument that the SLA designation should be disregarded, Policy SDC3 of the ELP identifies that development proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified within the LCA and the 'Areas of Multiple Environmental Sensitivity', a new methodology which informs this emerging policy. In that respect the information before me indicates that the site falls within an area of primary sensitivity. Therefore, whether I assess the proposal against the existing or emerging local plan, the site falls within a valued landscape.
11. Moreover, the Policies relating to landscape character in the LP, the Ashover Parish Neighbourhood Plan (2018) (NP) and the ELP all require me to, amongst other things, have regard to distinctive landscape character including that it should be conserved and enhanced. These requirements are consistent with Paragraph 170 of the National Planning Policy Framework (the Framework) which states amongst other things that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside.
12. The asymmetric dual-purpose design would be at odds with the simple built form of the local vernacular. The building would straddle the established boundary with the field. In doing so it would disrupt appreciation of the natural fall in the landform and the established line between curtilages and fields along The Hay. Consequently, the distinct field pattern would become less obvious in surrounding views within the landscape. In addition, Policy AP16 (Dry Stone Walls) of the NP requires that development proposals are designed to retain or enhance such features. The development would necessitate the removal of a

¹ LPA Ref 20/0044/FL

significant section of the dry-stone wall which demarcates the field boundary. Therefore, as a result of the above factors, the development would result in an unacceptable visual intrusion into the landscape and erosion of its distinctive features.

13. I acknowledge that the building would be likely to be beneficial to the appellant in terms of log storage for heating of the approved dwelling and storage of machinery associated with the upkeep of the wider land holding. The appellant also contends that the remaining section of the dry-stone wall would be repaired. However, these matters do not overcome the design concerns identified. Furthermore, the section of dry-stone wall that has been erected to the boundary with the residential curtilage serving Walnut Barn has also been topped with a timber domestic fence and does not perform the same function as the field boundary wall. Therefore, this does not compensate for the harm identified.
14. I conclude, the development would be harmful to the character and appearance of the countryside, including landscape character. In that regard, the development would not accord with the character, appearance and landscape character requirements of Policies GS6 (New Development in the Countryside), BE1 (General Design Principles), NE1 (Landscape Character) and NE2 (Special Landscape Areas) of the North East Derbyshire Local Plan (2005), Policies AP2 (Development Proposals outside the Limits to Development), AP11 (Design), AP13 (Landscape Character) and AP16 (Dry Stone Walls) of the NP and the Framework.
15. The proposal would also conflict with Policies SS9 (Development in the Countryside), SDC3 (Landscape Character) and SDC12 (High Quality Design and Place Making) of the ELP.

Conclusion

16. The proposal would harm the character and appearance of the countryside, including its landscape character and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR