



Appeal Decision

Site visit made on 15 June 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2021

Appeal Ref: APP/M1005/W/21/3269825

Bonnie View, 91 Old Road, Heage, Belper, Derbyshire DE56 2BN

- 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 David Killingworth against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/0877, dated 26 September 2020, was refused by notice dated 21 January 2021.
 - The development proposed is the erection of an agricultural building for the storage of tools, machinery, animal feeds and agricultural materials.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building for the storage of tools, machinery, animal feeds and agricultural materials at Bonnie View, 91 Old Road, Heage, Belper, Derbyshire DE56 2BN in accordance with the terms of the application, Ref AVA/2020/0877, dated 26 September 2020, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Location Plan drawing number A16-021-001; Base Plan drawing number SCN1561-01; Roof Plan drawing number SCN1561-02; Gable Elevations drawing number SCN1561-03; Front & Back Elevations drawing number SCN1561-04; Cross Section drawing number SCN1561-05; Front & Back Elevations drawing number SCN1561-06; and Gable Elevations drawing number SC1561-07.
 - 3) The agricultural building hereby permitted shall only be used for purposes ancillary to 91 Old Road, Heage, Belper DE56 2BN.

Application for costs

2. An application for costs was made by Mr David Killingworth against Amber Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. At the time of my visit there were two metal containers on the area where the building is proposed. However, I have considered the appeal on the basis of the proposed development as shown on the submitted drawings before me.

Background and Main Issue

4. The site is within the Green Belt. The Council's report refers to the building being proposed for agriculture and concludes that the proposal would represent 'appropriate' development in the Green Belt on that basis.
5. The submissions state that the site is part of a smallholding and that the proposed building would be used to store tools, machinery, hay bales and animal feeds and include a small workshop area for the maintenance of equipment. On that basis and given its size, the Council's agricultural consultant accepted that the building was reasonably necessary for the stated purposes. In the absence of any substantive evidence to the contrary, I am also satisfied that it would be a building for agriculture in association with the existing use of the site and would thus meet the exception in paragraph 145a) of the National Planning Policy Framework (the Framework). Accordingly, I conclude that the proposal would not comprise inappropriate development in the Green Belt.
6. The Council's report considers the effects of the development on the openness of the Green Belt. However, as I have found that the development would not be inappropriate development within the Green Belt, it is not necessary for me to consider its effects on the openness of the Green Belt.
7. Therefore, the main issue is the effect of the proposed development on the character and appearance of the appeal site, its surroundings and the wider landscape.

Reasons

8. The appeal relates to an area of land within the grounds of a property known as Bonnie View, 91 Old Road. Parts of the land around it are used in association with the dwelling on the site and are domestic in their appearance. However, the site is also part of a smallholding and, at the time of my visit there were animals in paddocks, and a timber field shelter and chicken coops close to the site of the proposed building. The building would be located in the corner of a large, flat, grassed area, referred to in the submissions as an orchard, which contains a number of what appear to be recently-planted trees. The grounds of Bonnie View, including the areas around the proposed building, are therefore partly domestic and partly agricultural in their use, character and appearance.
9. The building's appearance and materials would be consistent with its intended purpose as an agricultural storage building. As such, it would not appear incongruous within the partly agricultural context of its surroundings within the Bonnie View site.
10. The building would be set well back into the site and largely screened in public views by houses on the surrounding road frontages. It would be visible from the rear of houses on Old Road and to the north of the site. However, it would be some distance from those neighbouring properties and, because of its relatively modest size and height, it would not appear unduly dominant in views from within or outside the site. Grass embankments rise steeply uphill from the corner of the grassed area, adjacent to the side and rear of the proposed building. Together with the dense tree cover on the site's southern boundary, those embankments would also screen the proposed single storey building from wider views from outside the site.

11. Given the above, I conclude that the development would not have an adverse effect on the character or appearance of the appeal site, its surroundings or the wider landscape. It would not conflict with Policy EN11(b) of the Amber Valley Borough Local Plan or Policy EE1 of the Ripley Neighbourhood Plan 2014-2028, which require development to take into account the character and quality of the area's landscape and state that planning permission will be granted for agricultural development provided that it would not have a significant adverse impact on the character of the locality. Nor would it conflict with the Framework, which requires development to be sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

12. Reference has been made to an implement shed which formerly stood on an adjacent area of land and to the appearance of the land which was left following its demolition. It has been suggested that the proposed building should be located on that land rather than on a previously undeveloped area. However, I must consider the proposal before me on its own planning merits and, having done so, I find it acceptable for the reasons given.
13. I have been referred to an appeal decision which found Policy EN11 out of date on the basis that it is inconsistent with the Framework's emphasis on protecting valued landscapes. However, as I have not been provided with details of the circumstances in that particular case I cannot be certain that they were directly comparable in all respects to those in the appeal before me. In any event, I have considered this appeal on its own planning merits and found it acceptable and in accordance with relevant development plan policies and the Framework. Therefore, I have not needed to consider whether the policies most important for determining the application are out of date or whether the 'tilted balance' in paragraph 11d) ii. of the Framework would be engaged.

Conditions

14. I attach a condition specifying the approved plans, for certainty. The effects of the development on highway safety have only been considered based on the building's proposed use in association with agricultural operations at Bonnie View, 91 Old Road. Its use separately from that existing property could give rise to additional highway safety implications. Therefore, and as I do not have substantive evidence before me regarding the implications which may arise in that eventuality, a condition restricting its use to purposes ancillary to the property at 91 Old Road is necessary and reasonable, in the interests of highway safety.

Conclusion

15. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. Therefore, and for the reasons given, I conclude that the appeal should be allowed.

Jillian Rann
INSPECTOR