



Appeal Decision

Site visit made on 30 November 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2022

Appeal Ref: APP/R1038/W/21/3280256

**Fanshawe Gate Barn, Fanshawe Gate Lane, Holmesfield, Dronfield
S18 7WA**

- 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 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Nick Lee against the decision of North East Derbyshire District Council.
 - The application Ref 21/00330/AFULD, dated 11 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is a Machinery store and implement shed.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A, Paragraph A.2. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a Machinery store and implement shed at Fanshawe Gate Barn, Fanshawe Gate Lane, Holmesfield, Dronfield S18 7WA, in accordance with the application Ref 21/00330/AFULD, dated 11 March 2021, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.(2) and subject to the following additional condition:
 1. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority (LPA) of a scheme of landscaping. The details shall include all existing trees and hedgerows on the appeal site which are to be retained and measures for their protection during development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; 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 planning season with similar trees or plants as those approved by the LPA.

Preliminary Matters

2. The appeal site is variously referenced as 'Fanshawe Gate Barn' as well as 'Fanshaw Gate Barn'. There are further references to both 'Fanshawe Gate Lane' and 'Fanshaw Gate Lane'. I have for consistency in this decision utilised the spellings 'Fanshawe Gate Barn' and 'Fanshawe Gate Lane'. I have also used the full address from the appeal form.

3. The Council considers that the proposal accords with the requirements set out in Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), so is permitted development, subject to conditions imposed by A.2 of the GPDO. One of the conditions is that where development consists of the erection, extension or alteration of a building, as in this case, the developer must apply to the local planning authority for a determination as to whether prior approval is required as to the siting, design and external appearance of the building. The Council has determined that prior approval is required and has refused to grant the application.
4. The appeal site is situated within the Woodthorpe Hall and Fanshawe Gate Conservation Area (Conservation Area). Although not referenced in the Council's decision notice, I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and I have had special regard to the desirability of preserving the setting of Fanshaw Gate Barn.
5. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 6, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to policies of the North East Derbyshire Local Plan 2014-2034¹ (Local Plan), the National Planning Policy Framework (Framework) and to the Historic England Planning Advice Note 3 'The Setting of Heritage Assets' (HE Advice Note) in so far as they are a material consideration relevant to matters of siting, design and external appearance.

Main Issue

6. The main issue is the effect of the siting, design and external appearance of the proposed development on the character and appearance of the area, having regard to its conservation area location, and on the setting of a nearby listed building.

Reasons

7. The appeal site is situated in a rural landscape. The undulating land provides expansive views over open fields that are interspersed with small groups of buildings. The appeal site is located close to one such cluster of buildings, the nearest of which is Fanshawe Gate Barn. This is a grade II listed building, which is said to have been listed for its group value. A number of other listed buildings are situated nearby including Fanshawe Gate Hall where the listing description refers to its seventeenth century origins as a farmhouse and restoration in the twentieth century. It is evident that this group of traditional buildings have evolved over time, including the recent conversion of Fanshawe Gate Barn to residential use. The traditional form and design of these buildings, their materials and fenestration all contribute to their significance as heritage assets. In addition, their countryside location makes an important contribution to their setting.
8. The appeal site, along with Fanshawe Gate Barn and other listed buildings are situated within a Conservation Area. I have been provided with little information on the Conservation Area, but from my site observations, its

¹ Superseding the North East Derbyshire Local Plan (November 2005) which was referenced in the decision notice

significance lies in the interaction of this scattered groups of buildings which have agricultural origins, and open spaces on hillside locations.

9. The proposed building and associated hardstanding areas would be situated to the north-east of Fanshawe Gate Barn. Although the Council has raised concerns regarding the siting of the proposal being within the most sensitive part of Fanshawe Gate Barn's setting, due to the change in levels, the proposed building and hardstanding areas would be at a significantly lower level than the Barn. Whilst noting the height of the proposed structure, which would be seen from views towards the north-east including from public footpaths, its lower level as well as its offset positioning from the existing nearby buildings, would ensure that it would not draw the eye or unduly affect views of the Barn against the skyline. It is relevant to note that the organic layout of the existing buildings already results in partial obscuring of some buildings in this cluster, and I do not consider the proposal partially overlapping the Barn from certain vantage points would have a harmful effect on its setting.
10. I appreciate the introduction of the proposal would result in some change to the setting of Fanshawe Gate Barn, but I do not find in this instance that it would be harmful. The proposal is for an agricultural building, which albeit being of a modern form, would be set in a prevailing agricultural landscape. The Council has stated that the proposed building would be located some distance from the group of listed buildings, but I do not consider it would be significantly separated to the extent that the new building would appear isolated in the landscape. Furthermore, the proposal is for a modern structure, finished in dark green sheeting, which would mean that it is read separately from the existing buildings. It would not in this location detract from their intrinsic architectural and historic merit or harm their setting. The traditional buildings would continue to be appreciated in the open rural landscape. The Council further acknowledge that the building would be well screened in the landscape and I note the proposal seeks to provide further screening that will assimilate it into the rural landscape. The hardstanding areas would mainly be located between the proposed building and the nearby group of listed buildings and would therefore not be prominent in views from the north east.
11. My attention has been drawn to the HE Advice Note which states that the settings of heritage assets which closely resemble the setting at the time of construction contribute strongly towards significance. I was able to see the conversion to a residential use of the former agricultural barn has been undertaken sympathetically to the character of the listed building. However, as well as changes to the fabric of the building, the functional association of the barn with the open rural areas has changed following the residential conversion. The proposed development would not unduly detract from the significance of the listed barn which the Council state is appreciated in a farming context. Rather, through the introduction of an agricultural building, it would have a positive effect on its setting by reinforcing the agricultural character.
12. In conclusion, the proposal would not unduly harm the character and appearance of the area, would preserve the character and appearance of the Conservation Area and the setting and significance of the listed building. As such, the proposal would not conflict with Policy SDC6 of the Local Plan or with relevant advice in the Framework. Although the relevance of this Local Plan Policy has been raised, part 3 of the policy is not limited to changes of use or

alterations to listed buildings and sets out that proposals that are compatible with the conservation of the fabric of the building and its setting will generally be supported. Consequently, I consider the siting, design and external appearance of the proposal would be acceptable.

Other Matter

13. I note that the Council has made reference to a new access/farm gate, although provide no specific details. The application before me is however for a new agricultural building. I have therefore confined my consideration to the proposed building and those matters for which prior approval are required.

Conditions

14. I have considered the conditions proposed by the Council. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO is subject to conditions set out in Paragraph A.2(2). Although the Council have suggested a time limit condition and a condition requiring the development to be carried out in accordance with the plans, these are unnecessary as conditions in the GPDO address these matters.
15. I do not consider a condition requiring existing and proposed levels to be necessary as the submitted section drawings identify the existing floor level of the barn and the level of the proposed building. They also provide details of the external materials and a condition in this regard is also not necessary as the development must be carried out in accordance with the details submitted.
16. The submitted plans also provide some details of landscaping but I consider a condition is required to ensure a full scheme is secured, including ensuring that damaged or diseased trees and planting are replaced. For the sake of clarity and enforceability, I have amended the wording of the Council's conditions as appropriate. I note the appellant's concerns in relation to a delay in the development proceeding, but it is necessary for this condition to be pre-commencement as it includes details of protecting existing trees and planting.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted.

F Rafiq

INSPECTOR