
Appeal Decision

Site visit made on 8 February 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/M9496/C/21/3279503

'The Stone Yard', on the junction of Stanedge Road and Sheldon Lane, Bakewell, in the County of Derbyshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Joe Oldfield against an enforcement notice issued by Peak District National Park Authority.
- The enforcement notice was issued on 9 June 2021.
- The breach of planning control as alleged in the notice is the material change of use of the Land and buildings on it from an architectural salvage and storage yard falling within the B8 Use Class, to a use for the importation, processing and sale of stone falling within the B2 Use Class, ("the Unauthorised Use") and the deposit on the Land of waste materials generated by the Unauthorised Use.
- The requirements of the notice are:
 - a) Cease the Unauthorised Use of the Land and buildings for the importation, processing, storage and sales of stone falling within the B2 Use Class.
 - b) Remove from the Land all plant and machinery, stone processing and cutting equipment, temporary portacabins, shipping containers, generators, and any other items and equipment brought on to the Land for the purposes of carrying out the Unauthorised Use and remove all unprocessed and processed stone material from the Land other than architectural salvage material.
 - c) Remove from the Land any deposited waste stone and silt material that has been generated by the Unauthorised Use and return the Land to the original levels and condition before the Unauthorised Use commenced.
- The period for compliance with the requirements a) and b) is six months and the period for compliance with requirement c) is eight months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations.

The Appeal on Ground (a)

1. The ground of appeal is that permission should be granted. The main issues are:
 - whether the principle of the development is acceptable in this location;
 - the effect on the local environment with particular reference to noise and disturbance; and
 - the effect on the character and appearance of the area.
2. The appeal site is situated to the west of the settlement boundary of Bakewell, approximately 150 metres from the nearest residential property and adjoins

some other business premises. The site is approximately 0.3 hectares in area and comprises three main buildings around a central courtyard. The buildings within the site are constructed of various materials including blockwork and timber cladding walls with dual pitched corrugated roofs. To the north of the buildings is an open yard area which hosts two large wire saws and an area for storing material to be processed, stock and other processed material, vehicles, storage containers and general building and commercial related paraphernalia.

3. The northern boundary of the site comprises a bund of around 0.5 metres in height and a tree/landscape belt. The western boundary is formed by a hedgerow and stone wall, the eastern is a dry stone wall with mature trees and shrubs and the southern boundary has the main vehicular access into the site, a double metal gate and dry stone wall.
4. The current use of the site involves importing stone from a local quarry and processing it into stone products for use in the construction industry. It is my understanding that stone is initially stored in the yard to the rear of the buildings and then initially processed using large wire saws which are situated outside. The more complex cutting is done by fixed saws which are located inside the buildings to produce the stone products. Off-cuts from the process are stored on site before being collected by local farmers for use in walling and gateways, for example.
5. Policy DS1 of the Peak District National Park Development Framework Core Strategy Development Plan Document – Adopted October 2011 (the CS) relates to the spatial strategy for the National Park, stating that on the edge of Bakewell new build development will be acceptable for small-scale business premises, among others. Policy E2 relates specifically to businesses in the countryside and states that where no suitable traditional building exists, the reuse of modern buildings may be acceptable. Proposals for the growth and intensification of existing businesses will be considered carefully in terms of the impact on the appearance and character of landscapes. Policy DMMW8 of the Development Management Policies - Part 2 of the Local Plan for the Peak District National Park Adopted May 2019 (the DMP) states that mineral related development will not be permitted on sites which are not operational mineral extraction sites.
6. The appeal site is outside the settlement of Bakewell and cannot be described as being on the edge of the settlement due to its physical separation and relative isolation in the countryside. Employment uses should normally be located within settlements rather than in the open countryside. The land is not identified as being an established industrial and employment site under Policy DME3 of the DMP and it is not a non-safeguarded, unoccupied employment site under Policy DME4 of the DMP due to its locational characteristics. The wider text of Policy DME4 clearly states that there is no in principle acceptance of changes between uses falling within Class B. This is due to the historical consequences of industrial and business uses being located in locations where they are already harmful to the landscape or built environment; the effects of which may be exacerbated should permission be granted for more harmful industrial activities.
7. The appellant contends that the development is not significantly different from the use as an architectural salvage and storage yard, but at my site visit I observed a range of industrial processes taking place that would not occur in a

B8 storage setting. These include cutting and processing stone using heavy machinery which generated levels of noise, disturbance and activity that are fundamentally different from the previous authorised use. Therefore, it cannot be reasonably argued that the proposal is merely the growth or intensification of an existing business in accordance with Policy E2. In the same way, Policy DME7 b) deals with existing established businesses and enables growth which does not cause harm to valued characteristics of the area.

8. It is my understanding that most of the stone processed comes from Dale View Quarry which is some 5 kilometres from the site. There is no suitable processing equipment at the quarry and, indeed, permission for a wire saw has been refused on grounds relating to the effect on the historic environment. The appellant states that without the appeal site the stone would be transported out of the Peak District National Park for processing and then transported back into the park for use. Clearly, this would not be a satisfactory set of circumstances which would conflict with sustainable development principles as set out in Policies GSP3 and CC1 of the CS. Policy MIN3 also sets out the aspiration to retain stone quarried in the National Park within the Park for building and other purposes.
9. Whilst I am aware that permission has previously been refused for stone processing machinery at Dale View Quarry, there is insufficient evidence before me to clearly demonstrate that there are no alternative solutions at the source of the stone or other locations that could process the stone quarried. Nor is there evidence that dismissing the current appeal would lead to a situation where stone is transported outside the National Park and then moved back into the area to be used.
10. The buildings on the appeal site are not of historic or vernacular merit and it has not been demonstrated that alternative modern buildings exist and there are no proposals for replacement buildings in this case. Although the buildings on site are of a general traditional form and incorporate some traditional building materials, in my judgement they fall outside the scope of Policy E2. In addition, much of the site the subject of the current appeal is open and significant operations and storage occurs outside the buildings. Therefore, even if I found that the buildings are suitable for use in principle, the use of outdoor space would fall outside the clear objective of Policy E2 which is to located business in buildings.
11. I have taken account of the appellant's suggested condition relating to the sale of 70% of the stone for onward use in the National Park but this does not overcome the in principle objections to the development in the light of the development plan. Therefore, taking account of the evidence presented I conclude that the principle of the development is not acceptable in this location and would conflict with Policies DS1, E2, GSP3, CC1, MIN3 of the CS, Policies DME3, DME4, DME7 and DMMW8 of the DMP and the National Planning Policy Framework.
12. The Noise Assessment submitted by the appellant concludes that noise from the site is well below ambient noise levels at the receptors and does not influence the noise climate at residential locations. Therefore, based on this evidence, it is not unreasonable to conclude that the development is acceptable in terms of its effect on the living conditions of the occupants of residential properties in the area. However, at my site I noted the considerable noise

from the range of industrial activities taking place at the site, including stone cutting, processing, vehicle movements, importing stone and moving stone around the site. The levels of noise are as would be expected from a noisy industrial processing site and are very different in character from general noise on this relatively quiet part of the National Park. The site is relatively close to Bakewell and close to local roads and cannot be described as being relatively undisturbed by human sources that undermine the intrinsic character of the area. However, the levels of noise and general disturbance generated by the unauthorised processing of stone and associated activities are significant in the locality and materially change the overall noise character of the area.

13. I do not dispute the findings of the Noise Assessment, but the reality of the situation I found at my site visit and the evidence provided by the Council is that the noise effects of the development cause significant disruption to the local environment. The appellant suggests a number of conditions to mitigate any adverse effect on amenity, including a noise assessment, noise attenuation scheme to include installing roller doors and changing reversing warning alerts on vehicles from beeping to white noise, limiting the hours of operation and restricting the number of vehicle movements. Although these would go some way to mitigating the harm caused by noise and disturbance, I do not consider they are sufficient to satisfactorily mitigate the harm I have found.
14. Therefore, on this issue I conclude that the development has an unacceptable harmful effect on the local environment with particular reference to noise and disturbance. As such it conflicts with Policy GSP1 of the CS, Policy DMC14 of the DMP and the Framework. Among other objectives these seek to ensure that all development is consistent with the wider National Park objectives and development that presents a risk of disturbance, including noise pollution will not be permitted unless adequate control measures are put in place.
15. The Peak District National Park has the highest level of landscape designation in the UK and National Parks have two statutory purposes as set out in the Environment Act 1958. These are to conserve and enhance the natural beauty, wildlife and cultural heritage and to promote opportunities for understanding and enjoyment of the special qualities by the public. Paragraph 176 of the Framework states that great weight should be given to conserving the landscape and scenic beauty in National Parks and the conservation of wildlife and cultural heritage. This objective is reflected in Policy GSP1 of the CS which states that development should conserve and enhance the valued characteristics of the National Park. Policy GSP2 states that design should respect the character of the area and GSP3 states that all development should be consistent with the statutory purposes of the National Park. In addition, Policy DMC3 of the DMP states that where development is acceptable in principle, it will be permitted where it protects and where possible enhances the natural beauty, quality and visual amenity of the landscape.
16. The appeal site is situated within the White Peak: Limestone Village Farmlands according to the landscape assessment for the area. It is within an area which is characterised by pastoral farmland enclosed by hedgerows and limestone walls.
17. There is some screening around the site, including rising land to the south and north, a tree belt and established hedges to the east and west. Existing nearby buildings also screen parts of the appeal site from the wider area. However,

the outdoor yard area to the north of the buildings is clearly visible from nearby through the obvious gaps in the hedge and tree belts. The attempts to screen the machinery, stored goods and activities that are taking place are not particularly successful as the landscaping is not dense or well-established. Over time the landscaping may mature and provide additional screening from the surrounding area. However, given the degree of protection afforded by national guidance and development plan policies the development does not demonstrate high quality design or that adequate consideration has been given to conserving the local landscape. It is also important to reiterate that some of the policies relating to the character and appearance of the landscape are dependent upon the principle of the development being acceptable. Since the principle of the development is not acceptable, some policies relating to the landscape do not even need to be considered in this case.

18. The buildings on site are of a moderate scale and massing and as a consequence of the use of materials such as timber Yorkshire boarding give the overall appearance of being agricultural buildings. Some of the stone processing machinery is situated within the buildings, but others are situated outside along with other stored equipment, vehicles and material. The appellant argues that allowing the appeal would give certainty to the business and would lead to improvements to the buildings. However the overall appearance of the wider site is of greater concern than the buildings themselves. I do not agree that the site's character and appearance is identical to the approved architectural salvage yard, but instead it has the appearance of an industrial site with associated machinery, equipment, storage and activities.
19. In considering this issue I have had regard to the authorised use of the site for architectural salvage and storage but conclude that the current use results in greater levels of outdoor activity, storage and processing than would occur with a storage use in an area of open countryside. Therefore, on this issue I conclude that the development has a harmful effect on the character and appearance of the area. As such it conflicts with Policies GSP1, GSP2, GSP3 and L1 of the CS, Policies DMC3 and DME8 of the DMP and the Framework.

The Appeal on Ground (g)

20. The ground of appeal is that the time given to comply with the requirements is too short. Six months would be adequate to cease the unauthorised use of the land and to remove all plant and machinery, processing equipment, portacabins, containers and other items from the land and eight months would be sufficient to remove from the land deposited stone waste and silt material. The appellant's suggestions of twelve and eighteen months would be too long given the ongoing harm caused by the development. However, I consider the period should be extended to enable the appellant to find an alternative site and move plant and machinery. In this respect I consider nine months for steps a) and b) and twelve months for Step 5c) would strike the appropriate balance and would not place a disproportionate burden on the appellant. To this limited extent the appeal on ground (g) succeeds.

Formal Decision

21. The enforcement notice is varied by:

- a) the deletion from paragraphs 5a) and 5b) of the notice of the words "six months" and the substitution therefor of the words "nine months" as the time for compliance the requirements; and
 - b) the deletion from paragraph 5c) of the notice of the words "eight months" and the substitution therefor of the words "twelve months" as the time for compliance with the requirement.
22. Subject to these variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

A A Phillips

INSPECTOR