



Appeal Decision

Site visit made on 23 February 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/H1033/W/21/3286181

Crossgate Farm, Crossgate Lane, Tintwistle SK13 1HP

- 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 Ms Deborah Cooper against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0308, dated 30 July 2020, was refused by notice dated 1 November 2021.
 - The development proposed is 'Existing cow and silage shed to be changed to a kennel, playroom and hydrotherapy centre with reception and office'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Deborah Cooper against High Peak Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site comprises a collection of linked farm buildings associated with the adjoining Crossgate Farm. They occupy an elevated position above Tintwistle and are surrounded by the adjacent farmhouse and a vast expanse of fields. The site is sloping, particularly to the side and rear of the appeal buildings.
5. Policy EQ 4 of the High Peak Local Plan (April 2016) (the LP) states that within the Green Belt planning permission will not be granted for development unless it is in accordance with national planning policy. The National Planning Policy Framework (the Framework) states that inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. At paragraph 150, the Framework states certain forms of development that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The exception at paragraph 150 d) of the Framework is the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The existing buildings are constructed of block and brickwork, concrete, fibre sheeting and a metal framework. The evidence suggests they have been around for many years. The sheeting on the elevations of some parts of the buildings is piecemeal in areas and there are some parts of the block and brickwork that is damaged. Notably, within the middle building, higher sections of the wall appear to be missing and open to the adjacent buildings. It also has a more temporary appearance. Notwithstanding this however, I consider the buildings in their current form and as a collective are overall capable of being converted, subject to some minor upgrades and repair work. There is no evidence to suggest the existing structures could not support the proposed alterations. As such, they are of permanent and substantial construction.
8. The Council consider that, as the middle building would be rebuilt to a different design, namely the footprint and roof form, the proposed development would not fall within exception 150 d) of the Framework as it would not constitute a re-use. Whilst I note that the middle building would indeed be altered somewhat, the extent of this would be relatively minor and would see its overall footprint reduced slightly. The scale of the works would be similar to the alterations that would be required to re-use the adjacent buildings for the proposed purpose.
9. The exception in paragraph 150 d) of the Framework also requires the proposal to preserve the openness of the Green Belt and not to conflict with the purposes of including land within it. Therefore, to ascertain whether or not the proposal would be inappropriate development, an assessment of its effect on the openness and purposes is required.
10. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
11. The proposed plans indicate that the front entrance to all sections of the building would be on one level, along with the proposed parking area. This level arrangement does not correlate with the existing sloping topography of the appeal site. Although the appellant states that no excavation would take place, I am unconvinced that the proposal could be implemented without the lowering or indeed raising of part of the appeal site. This would in turn significantly change the spatial and visual openness of this part of the Green Belt.
12. Even if the proposal does not require any alterations to the land, the proposed use would involve customers coming and going to and from the appeal site. These vehicle movements and the subsequent parking of vehicles within the site would be significantly greater than what would currently be expected of the

farmhouse and associated farming business, thus resulting in an intensification of use at the appeal site.

13. Whilst parking and comings and goings may be on a limited basis and could be controlled via providing set-times for drop-off and pick-ups, the presence of more vehicles would nevertheless be readily apparent given the sites elevated position and largely unobstructed views across the vast expanse of open fields. The site would have a more domestic and urbanised appearance, thus contrasting sharply with its current agricultural use. This would reduce the openness of the Green Belt in both spatial and visual terms.
14. Furthermore, as part of the car parking and turning area would extend into a currently undeveloped, natural and open part of the countryside, this would be contrary to one of the purposes of the Green Belt set out at paragraph 138 c) of the Framework. I acknowledge this would be to a limited degree.
15. Therefore, even setting aside the ambiguity with the land levels of the site and the submitted plans, by virtue of the more intensive use of the appeal site and the extent of the development, the proposal would not preserve openness and would conflict with one of the purposes of the Green Belt. As such, the proposal would be inappropriate development in the Green Belt.

Character and appearance

16. The appeal site is located within an area designated as settled valley pastures. The Landscape Character Supplementary Planning Document (March 2006) (the SPD) notes that the area has a pastoral landscape with scattered farmsteads and the underlying geology is gritstone and shale. The SPD goes on to state that buildings should respond to the landscape character and it sets out design principles. For conversions of farm buildings, their simple function and form should be maintained with minimal detailing. All in all, the guidance within the SPD seeks to ensure that alterations are discreet and reflect the buildings original characteristics.
17. The proposed development would see the introduction of a considerable amount of glazing on the front and rear elevation of the buildings. The windows and doors on the front would be overly large in proportion to the elevations, and those to the rear would be of a circular design. Brick is also proposed to vast sections of the elevations, the texture, bond and size of which would be in stark contrast to the materials characteristic in this locality. Collectively, these features would fail to respond or be sympathetic to the traditional and functional aesthetic qualities of the existing buildings. From up close and at a distance across the open landscape, the proposed development would therefore appear overly urban, thus harming the intrinsic rural character and visual qualities of the landscape.
18. Consequently, the proposed development would harm the character and appearance of the area and would conflict with Policies EQ 2, EQ 3 and EQ 6 of the LP and the guidance in the SPD and the Framework. Collectively, these seek to ensure that proposals are well designed so as to respect and protect the character of the area.

Other considerations

19. I note that the appellant seeks to diversify the existing farm businesses. Support is afforded to facilitating economic development in rural areas,

including the Green Belt, and for proposals for farm diversification through Policy EQ 3 of the LP. There is no conclusive evidence before me however to establish to what extent the proposal would assist in terms of the ongoing viability of the existing farm business here. Moreover, LP Policy EQ 3 also states that proposals should not have an adverse impact upon the character and appearance of the surrounding area, to which I have found harm above. I therefore afford limited weight to this matter as a benefit of the proposed development.

Whether very special circumstances exist

20. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The proposal would constitute inappropriate development in the Green Belt, would cause harm to its openness and would conflict with one of the purposes of the Green Belt. I afford this harm substantial weight. The proposal would also result in harm to the character and appearance of the area, to which I also afford substantial weight.
22. The advanced considerations in support of the appeal do not therefore clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. For this reason, the proposal therefore conflicts with Policy EQ 4 of the LP and the Framework.

Other Matter

23. I acknowledge the concerns raised regarding the Council's handling of the planning application however these are not relevant matters for the appeal process. In determining the appeal, I have only had regard to the planning merits of the proposal.

Conclusion

24. The proposal conflicts with the development plan when read as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. The appeal should therefore be dismissed.

H Ellison
INSPECTOR