



Appeal Decision

Site visit made on 1 March 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/M9496/W/21/3285395

Oulds Barn, Greenlow, Alsop En Le Dale DE6 1QQ

- 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 H Bradbury against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/1220/1171, dated 13 November 2020, was refused by notice dated 22 April 2021.
 - The development proposed is the change of use from agricultural use (sui generis) to a residential dwelling (C3).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from agricultural use (sui generis) to a residential dwelling (C3) at Oulds Barn, Greenlow, Alsop En Le Dale DE6 1QQ in accordance with the terms of the application, Ref NP/DDD/1220/1171, dated 13 November 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The Authority has referred to Policy DMC8 of the DMP which relates to developments located within or which would affect Conservation Areas (CA). The Council's evidence indicates the proposed development would not be situated within or adjacent to a CA, nor would it impact on any views into, out of, across, or through a CA. As such, Policy DMC8 is not relevant to the appeal proposal and I have not considered it further in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area having regard to Oulds Barn, a non-designated heritage asset;
 - highway safety having regard to visibility

Reasons

Character and Appearance

4. The appeal building is a disused agricultural barn located in open countryside with the adjoining fields marked by limestone rubble walls. The building is of simple rectangular form and is constructed of limestone walls with a pitched clay tile roof. A drystone wall encloses a courtyard area to the front of the barn. Although set back from the road it is clearly visible from it, and also from

the Tissington Trail cycle route that passes to the west curving as it passes north of the site.

5. The building has been identified as a non-designated heritage asset. The Planning Practice Guidance on the Historic Environment (PPG) advises at paragraph 040 that decisions to identify non-designated heritage assets are based on sound evidence. The PPG also indicates that information on the criteria used to select non-designated heritage assets should be made clear and that it is important that all non-designated heritage assets are clearly identified as such. However, it also acknowledges that some non-designated heritage assets may be identified as part of the decision making process. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that when determining applications that affect the significance of a non-designated heritage asset a balanced judgement is required, having regard to the scale of any harm, and the significance of the asset.
6. The appellant has provided a comprehensive heritage statement dated April 2021 which outlines that the significance of the barn is derived from its architectural interest as a purpose outfarm of early 19th century date that is a good quality and well-preserved example of a regionally distinct building type, with the external elevations of the building in particular being largely unaltered. The heritage statement also highlights that part of its significance is also derived from its historic interest in relation to its value as an example of an outfarm of the White Peak of upland Derbyshire, and its archaeological interest regarding the potential for the fabric of the building to preserve evidence of its previous use.
7. The appeal proposal is to convert the barn into a two-bedroom dwelling. With the exception of the insertion of a new rooflight on the rear elevation and the reinstatement of two ground floor windows of the rear elevation, the conversion would only utilise existing openings in the building. The proposal would also see the refurbishment of the property including the repair and reinstatement of the roof using tiles to match the existing.
8. The refurbishment of the building and reinstatement of the roof using traditional materials would be a significant benefit of the proposal, and whilst the addition of a roof light would be domestic in character, I consider that the proposed external alterations to the building would have a limited effect upon its agricultural character and appearance. The form and external appearance of the building would remain largely unchanged thereby preserving the character of the building and its wider setting.
9. The appeal proposal would also see a small car parking area and bin store created to the front of the barn. This area is already enclosed by a dry stone wall; however, the proposal would also see this wall raised to a height of 1.5 metres to reduce the visibility of this area in the wider landscape setting. The raised wall would not harm the significance of the non-designated heritage asset and would remain in keeping with other drystone walls in the vicinity. Additional planting of native shrubs and a tree to the south and east of the barn would further screen this external area from wider views of the site thus mitigating any harm.
10. During night time hours it is likely that internal lighting from the proposed dwelling would be visible on approach from both the north and south along the highway. I consider however that by virtue of the proposed external screening,

the likely use of curtains or blinds during night time hours, and the relatively short period of time that the property would be in view by road users, the harm arising from internal lighting would be limited. The provision of external lighting on the site would result in far greater harm to the wider landscape setting, however this can be controlled through a planning condition.

11. Whilst the proposed development would inevitably result in some domestication of the building and the surrounding area, I consider that by virtue of the very minor external alterations to the building, the agricultural character of the building would still be retained. Furthermore, the raising of the existing dry stone walls around the courtyard, additional planting and the imposition of planning conditions to control domestic paraphernalia will all contribute to mitigating the impact of the proposed development on the surrounding area. Consequently, I find that the harm caused to the significance of the building and its setting, and on the wider landscape setting would be limited.
12. It is clear from both the submitted heritage statement and from my own observations that the well-preserved barn makes a positive contribution to the landscape and the special qualities of the Peak District National Park. The retention and preservation of the building is therefore important and given that it is no longer in agricultural use and is slowly falling into a state of disrepair I consider that its long term survival is currently at risk.
13. The appeal proposal would provide a new use for the barn and consequently secure the long term future of the non-designated heritage asset. The proposal would also provide a modest and short term economic benefit through the construction of the development, as well as the provision of housing. Overall, I find that these benefits would significantly outweigh the limited harm that would be caused to character and appearance of the host building and surrounding landscape.
14. Paragraph 176 of the Framework requires me to give great weight to conserving and enhancing landscape and scenic beauty in National Parks, and that the scale and extent of developments within National Parks should be limited and sensitively designed to avoid or mitigate adverse impacts. For the reasons set out above, I do not consider that the proposed development would result in any unacceptable adverse impacts on the special qualities of the National Park.
15. As a result, I conclude that the proposed development would not unacceptably harm the character and appearance of the area having regard to Oulds Barn, a non-designated heritage asset. Accordingly, I find no conflict with Policies L1 and L3 of the Peak District National Park Core Strategy Development Plan (adopted October 2011) (CS) and Policies DMC3, DMC5 and DMC10 of the Peak District National Park Development Management Policies (adopted May 2019) (DMP) which, amongst other things, seek to ensure that developments conserve and where possible enhance valued landscape character and that any conversion of a heritage asset does not compromise the assets character or setting.

Highway Safety

16. The appeal site benefits from an existing vehicular access onto a stretch of highway which is subject of a 50mph speed limit. A metal field gate is set back from the edge of the carriageway, with a low stone wall running parallel to the

highway to the north and south of the access. The Local Highway Authority (LHA) raised concerns that the visibility splays in each direction were insufficient, and that vehicles approaching from the south would not have sufficient visibility of any vehicles turning right into the site.

17. It is apparent however that the most recent highways information and amended plans, which includes demonstrating visibility sightlines of 160m exceeding the recommended distance, were not considered or sent to the LHA for consultation. The LHA also make clear that they did not specifically recommend the refusal of the application.
18. I am satisfied that the amended plans show that sufficient visibility can be achieved, and that any required alterations to the visibility splays and existing stone wall relates to land under the applicant's control. Furthermore, during my site visit I entered and exited the site in a forward gear and turned right into the site and did not encounter any difficulties in doing so. This seems to be further supported by traffic data which shows no recorded incidents at the site in the past 22 years. The alterations to the visibility splay proposed as part of the development will only further improve the safety of the existing access.
19. As a result, I conclude that the proposed development would not result in harm to highway safety having regard to visibility. It would comply with paragraph 111 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

20. The Authority's fifth reason for refusal cites conflict with the need to make the most efficient and sustainable use of land, and the carbon reduction and water efficiency aims of Policy CC1. The appellant has provided details on how they consider that this will be achieved which includes the use of an existing building results in carbon emissions being greatly reduced, the insulation of the building and the use of energy efficient lighting and use of high quality and accredited doors and windows.
21. As such, I am satisfied that the proposed development would make the most efficient and sustainable use of the land and resources, and that there would be no undue environmental impact from the development.

Conditions

22. I have had regard to the conditions suggested by the Authority and have assessed them against the tests set out in paragraph 56 of the Framework. Where necessary and in the interests of precision and enforceability I have altered the wording of the suggested conditions. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.
23. In addition to the standard time limit condition, I have also imposed a condition concerning the approved plans for the purposes of clarity. Given the sites archaeological potential a condition is necessary requiring the submission and approval of a written scheme of investigation for archaeological work and monitoring off groundworks. This condition must apply before the development

hereby permitted takes place to ensure that any archaeological remains are not disturbed or lost and are recorded.

24. Further pre-commencement conditions are also imposed which require the submission of drainage and service provision details, and construction management details. These are necessary in order to ensure adequate drainage for the site and the proper functioning of the development, and to ensure that the construction period does not impact upon highway safety.
25. In order to mitigate the external effects of the development, a condition is also imposed requiring that prior to the first occupation of the property, the planting scheme will be carried out in full. Similarly in the interests of highway safety, a condition is also imposed requiring that the parking spaces are provided prior to the first occupation of the development.
26. The Planning Practice Guidance indicates that permitted development rights should only be removed in exceptional circumstances. As the Framework states, great weight must be given to conserving and enhancing the landscape and natural beauty of the National Park, and therefore a condition is necessary removing permitted development rights for a number of developments in the interests of the character and appearance of the host building and wider area.
27. Also in the interests of the character and appearance of the building and the area conditions are also required to; ensure the pointing to all new external stonework is bag or brush rubbed and slightly recessed from the external face of the brickwork; ensure window and door frames are recessed a minimum of 100mm from the external face of the wall and are of timber construction with a painted finish; ensure rainwater goods are black and fixed appropriately to the stonework; ensure roof verges are flush pointed; require that all pipework other than rainwater goods are internal within the building; and prevent the erection of any external lighting.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be allowed.

David Jones

INSPECTOR

SCHEDULE OF 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; 20-681-P01 Rev A, 20-681-P02 Rev A, 20-681-P05 Rev A, 9992-L-01 Rev A, 20-678-E01 Rev A, 20-678-P03 Rev B.
- 3) a) No development shall take place until a Written Scheme of Investigation for archaeological work comprising a Level 3 building record and archaeological monitoring of groundworks has been submitted to and approved by the National Park Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the National Park Authority. The scheme shall include an assessment of significance and research questions; and
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 3(a).
c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 3(a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 4) No development shall take place until full details of drainage proposals and surface provision (including power, water and communications) has been submitted to and approved in writing by the Authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles have been submitted to and approved in writing by the Authority. The development shall be carried out in accordance with approved details and

- maintained throughout the construction period free from any impediment to its designated use.
- 6) Prior to the first occupation of the development, the planting shown on plan 9992-L-01A shall be carried out in full. Any plants or trees dying or becoming diseased within 5 years shall be replaced with equivalent specimens.
 - 7) Prior to the first occupation of the development, the parking spaces (each space measuring a minimum of 2.4m x 5.5m) shown on plan 9992-L-01A shall be provided and maintained throughout the lifetime of the development free of any impediment to its designated use.
 - 8) There shall be no gates or other barriers within 5 metres of the nearside highway boundary and any gates shall open inwards.
 - 9) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that order) no alterations to the external appearance of the building shall be carried out and no extensions, porches, outbuildings or free standing structures, satellite antenna, gates, fences, walls or other means of enclosure shall be erected on site without first obtaining the express written consent of the National Park Authority.
 - 10) The pointing to all new external stonework shall be bag or brush-rubbed and slightly recessed from the external face of the stonework.
 - 11) All window and door frames shall be recessed a minimum of 100mm from the external face of the wall.
 - 12) The external doors and windows shall be of timber construction with a painted finish.
 - 13) The rainwater goods shall be black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
 - 14) The roof verges shall be flush pointed, with no barge boards or projecting timberwork.
 - 15) The rooflights shall be fitted flush with the roof slope.
 - 16) All pipework, other than rainwater goods, shall be completely internal within the building.
 - 17) No external lighting shall be affixed to the building or installed within the application site area.