



Appeal Decision

Site visit made on 5 July 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/R1038/W/22/3294467

Bonny Brook, Horsleygate Lane, Holmesfield S18 7WD

- 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 Phil Hurley against the decision of North East Derbyshire District Council.
 - The application Ref 21/00841/FL, dated 28 June 2021, was refused by notice dated 29 November 2021.
 - The development proposed is the erection of a single storey outbuilding to provide 2no. stables and a tack room/store.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey outbuilding to provide 2 no. stables and a tack room/store at Bonny Brook, Holmesfield S18 7WD in accordance with the terms of application Ref 21/00841/FL, dated 28 June 2021, subject to the conditions set out in a Schedule attached to this decision.

Preliminary Matters

2. Since the time of the Council's decision, it has adopted the North East Derbyshire Local Plan 2014-2034 [Nov 2021] (the LP). This supersedes the Policies in the North East Derbyshire Local Plan and the North East Derbyshire Local Plan (2014-2034) Publication Draft referred to in the Council's Decision Notice. The Council have subsequently referred me to Policies SS1: Sustainable Development, SS9: Development in the Countryside, SS10: North East Derbyshire Green Belt, SDC3: Landscape Character and SDC5: Development within Conservation Areas as the most important policies for the determination of the appeal. I have had regard to these in coming to my decision.
3. Since the time of the Council's decision, the appellant has provided additional plans 499/SK106 and 499/SK107 showing elevations of the proposed building in its immediate context. They do not change the proposal for which planning permission was sought. As the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the additional plans into account. I have proceeded on that basis.

Main Issues

4. The main issues are:

- whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
- the effect of the proposed building on the character and appearance of the locality, including the Horsley Gate & Cordwell Conservation Area (the CA) and the setting of the Peak District National Park (the PDNP)
- if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

5. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. Policy SS10 of the North East Derbyshire Local Plan reflects the Framework's provision, including the exception at Paragraph 149b) relating to appropriate facilities for outdoor sport and recreation.
7. There is no dispute between the main parties that the proposed building would relate to outdoor sport and recreation on the site. It would provide accommodation for the appellant's 2 horses which are currently liveried elsewhere. The scale of the building would provide a suitable amount of space to achieve reasonable standards of animal welfare and a modest amount of associated storage. As a building of a scale and design commensurate with its proposed use, I find it would constitute an appropriate facility in the context of Paragraph 149 b).
8. The building would be located immediately adjacent to a levelled riding arena on a site with an extensive history of equine use. It would be set in an area previously excavated to facilitate access to the fenced manège where it would hunker low in the landscape. Although it would be visible along the site's frontage on Horsleygate Lane and a nearby footpath immediately to the west of the site, the location and scale would ensure that the building would have a clear association with the area of existing development on the site. Given its appropriate scale, it would not unduly affect the visual or spatial openness of this part of the Green Belt.

9. For the above reasons, I conclude that the development would comprise 'appropriate facilities' for outdoor sport or recreation. It would preserve the openness of the Green Belt and would not conflict with the purposes for including land within it. As a development consistent with the exception stated in Paragraph 149 b) of the Framework, it would not constitute an inappropriate form of development in the Green Belt. For the same reasons the proposal would comply with Policy SS9 of the LP and very special circumstances are not required to justify the development.

Character and appearance

10. The site lies on an undulating hillside of open fields. These are predominantly divided by stone walls and often augmented with mature tree lines. Increased tree cover is present towards the valley bottom where the lower part of the site meets the B6051 Horsleygate Road. This forms part of the boundary to the Peak District National Park lying to the south. The site lies within the CA which is an area of farming heritage characterised by the open rural landscape and fine examples of vernacular stone houses and farm buildings.
11. The buildings within the CA and landscape area are sparse and dispersed as isolated buildings or clustered groups. These include both former and active historic farmsteads. The traditional buildings, often with stone roofs, feature chimneys and stone mullioned windows and surrounds, are supplemented by later phases of development. These include modern farm sheds, converted rural buildings and stables.
12. The proposed building would be externally finished in timber with a metal roof. This would echo the materials used in the elevations of the residential property on the site. It would also reflect those used in some nearby modern agricultural buildings and stable buildings located in the southern part of the CA. As a modest scale of building designed for rural purposes the design and external appearance of the building would not appear incongruous in its countryside setting. Moreover, as a proposal sitting alongside existing equine development and close to the group of buildings about this part of Horsleygate Lane, the building would not appear isolated or read as a notable form of encroachment into a previously undeveloped area.
13. I note the Council's contention that the proposal would be widely visible from the National Park. However, whilst there is little detail of the vantage points from where it might be viewed, I saw that views in the medium distance were generally filtered by the large extent of tree cover on the rising land of the PDNP on the opposite side of the valley. Moreover, in this and further views, the proposal would be seen against the backdrop of the hillside and other development within and above the site. It would be read as part of the cluster of buildings on this section of the lane and, notwithstanding its limited size, would be further moderated by the wider scope of those views.
14. Furthermore, a proposal to increase landscape planting close to the southern side of the building would increase the degree of filtering to limit any perception of prominence. Whilst I recognise that the mitigating effects of the trees on the site and in the wider landscape will vary over time, the extent of coverage and the limitations otherwise imposed by the local topography would cause the building to be inconspicuous in the landscape.

15. Taken together, I find the siting, scale and design of the stable would be sensitive to the character and appearance of the locality. It would minimise the effect on the local landscape and avoid any adverse impacts on the designated landscape of the PDNP.
16. For the above reasons, and having regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I find that the proposal would preserve the character and appearance of the CA. It would conserve the special value of the local landscape character and the setting of the PDNP. This would meet the requirements of Policies SDC5, SDC3 and SDC12 of the LP as they seek to preserve or enhance the character of Conservation Areas, avoid significant harm to the character, quality, distinctiveness or sensitivity of the landscape, and, be designed to respond positively to their surroundings, respectively. For similar reasons, the proposal would comply with the requirements of the Framework read as a whole.

Conditions

17. The Council have suggested conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of the case. However, some have been edited for precision and clarity. I have re-ordered the conditions to reflect the likely order in which they will need to be satisfied.
18. In addition to the standard time condition, I have specified the relevant plans as this provides certainty.
19. To protect and/or enhance the recognised character and appearance of the locality and wider landscape, conditions controlling the external materials of the building, restricting external storage, lighting and the management of waste, and the implementation of a landscaping scheme are necessary.
20. To meet requirements for biodiversity net gain in conjunction with new development, a requirement for the implementation of measures to achieve this is reasonable. Due to the scale of the proposal and nature of the site, a condition requiring details of the disposal of excavation arisings is not necessary in the particular circumstances of the case.

Conclusion

21. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref 21/00841/FL

- 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: Site location plan ID: BW1-00898384, Proposed site plan 499/SK102A, Proposed plans 499/SK103A and Proposed elevations 499/SK104B.
- 3) Before the installation of the external materials to be utilised in the construction of the building, details of the materials and any colour finishes to be used in the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.
- 4) The building hereby permitted shall be used only for the purposes of keeping and stabling horses belonging to the occupiers of Bonny Brook for their private enjoyment only. The building shall not be used in association with any riding school or other commercial or business activity and neither shall it be used for livery or for the stabling of horses belonging to any other party.
- 5) There shall be no outside storage of any items or vehicles associated with the equestrian use hereby permitted and no parking on the land of horse boxes except temporarily when in use for the purposes of transporting horses.
- 6) No external lighting shall be installed on the site.
- 7) Before the use of the building for the keeping of horses commences a scheme for the management of waste and manure shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation and for ongoing management arrangements. The scheme shall thereafter be implemented and operated in accordance with the approved details and timetable.
- 8) Before the use of the building for the keeping of horses commences a scheme of measures for biodiversity enhancement shall have been submitted to and approved in writing by the local planning authority. The scheme shall provide for biodiversity rich planting in the vicinity of the building, bird boxes and/or nest cups and shall include a timetable for implementation. The scheme shall thereafter be implemented in accordance with the approved details and timetable.
- 9) The building shall not be brought into use until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall provide for new planting and shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the building being brought into use and any trees or plants which within a period of 5 years from the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END.