



Appeal Decision

Site visit made on 11 January 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/M9496/W/22/3300766

**Broad Roods Farm, Ashford Lane, Ashford in the Water, Derbyshire
DE45 1NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Neil Brocklehurst against the Peak District National Park Authority (the Authority).
 - The application Ref NP/DDD/0422/0532, is dated 12 April 2022.
 - The development proposed is described as 'Erection of farm manager's house'.
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Decision

1. The appeal is dismissed and planning permission for the erection of farm manager's house is refused.

Preliminary Matters

2. The Authority failed to determine the application within the prescribed period. Following the submission of the appeal, the Authority prepared an appeal statement which advises that had the Authority determined the application, planning permission would have been refused. The reasoning identifies five issues.
3. During the appeal, financial information for the farm business has been provided. Subsequently, the Authority has confirmed that this financial information has addressed their first issue and having reviewed the information, I see no reason to disagree.
4. An executed section 106 agreement by Unilateral Undertaking (UU) was also provided during the appeal process, which ties any sale of the proposed dwelling to the identified land ownership of the farm business and restricts occupancy to those working, or last working, in agriculture. The Authority has engaged in reviewing this document, and the correspondence indicates that their outstanding concerns have been resolved in the version received on the 13 December 2022. This document has addressed the second issue identified by the Authority and given that I am dismissing the appeal for other reasons, it has not been necessary for me to consider the UU in any further detail.

Main Issues

5. Having regard to the above, the main issues are (a) whether the proposed development would conserve and enhance the landscape and scenic beauty of the Peak District National Park (PDNP); (b) the effect of the proposed

development on heritage assets, and (c) whether the proposal would use and supply energy efficiently.

Reasons

Landscape and scenic beauty

6. The appeal site comprises a grassed field contained by dry stone walling. It is positioned forward of a large group of modern farm buildings and a farmyard, which are separated from the appeal site by a band of mature trees. Whilst the appeal site itself and the existing farm buildings, are located on gently rising land, Ashford Lane itself is steeper, rising steadily up from the village of Ashford in the Water. As a result, the appeal site is in a prominent and open position on rising land and is visible from surrounding footpaths and Ashford Lane. The surrounding landscape is characterised largely by fields defined by walling, interspersed with woodland, and the occasional house or farmstead.
7. Located within the PDNP, the proposal has the potential to affect the designated landscape. I have a statutory duty to have regard to the purposes of this designation, which includes conserving and enhancing its natural beauty.
8. The proposed dwelling is a double fronted design, two-storeys in height, with a substantial rear projection that maintains the height to the front section of the building. The block plan indicates that the garden associated with the proposed dwelling would be large, utilising the full size of the enclosed field, with the exception of the separated strip of land to the east.
9. Whilst set back from the road, the proposed dwelling and garden would sit forward of the farmyard, which is largely screened by the intervening trees. Due to this forward position, the proposal would appear detached in the landscape. I accept that in some views, the landform and other vegetation would provide some screening. Even so, such screening would be limited in views from the east, south and southwest, where a dwelling of the scale proposed, on rising land, would form a substantial and prominent man-made feature, encroaching into, and incongruous in the natural landscape. As such, it would fail to conserve and enhance the natural beauty of the designated area at this location. Whilst the design of the dwelling has had regard to the local vernacular, this would not be sufficient to address the harm identified.
10. I acknowledge that some tree planting is proposed, however, this would take time to mature, and it would not be sufficient to soften or screen the impact of the proposal on the wider area, particularly from the south and east. Even though reference is made to the proposal being dug in, the plans suggest this would only be slight, and so it would not minimise the harmful visual prominence of the building in the landscape.
11. The parties agree that there is an established functional need for a dwelling in association with this farm business. I note the appellants' intentions to diversify and for the proposal to provide accommodation for meetings, and facilities following inclement weather, as well as providing additional security. However, the information available has not demonstrated that the proposed siting, scale, and design of the dwelling is the only option available to provide the necessary accommodation on the farm holding. The appellant indicates that an alternative location suggested by the Authority would not be possible, but I have little

substantive evidence on this matter. Even if such evidence was available, this would not address the harm I have identified.

12. I have been referred to examples of agricultural workers dwelling approved by the Authority in the area, including at Caskinlow. However, only limited details have been provided, which are not sufficient for me to determine whether these schemes are comparable to that proposed. In any case, they differ in location and so, they are unlikely to provide justification for this scheme.
13. Overall, the proposal would not conserve and enhance the landscape and scenic beauty of the PDNP. It would conflict with Policy L1 of the Core Strategy Development Plan Document – Adopted October 2011 (CS), and Policy DMC3 of Development Management Policies Part 2 of the Local Plan for the Peak District National Park, Adopted May 2019, (DMP), which collectively and amongst other matters, seek to ensure that development conserves and enhances valued landscape character, including through its scale, form, mass, levels and height.
14. Furthermore, the requirements of the National Planning Policy Framework (the NPPF) are not met in terms of conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection, and where great weight should be given to conserving and enhancing landscape and scenic beauty.

Heritage assets

15. The archaeologist for the Authority highlights a number of designated heritage assets within the locality of the site, along with a number of features that suggest the potential for possible archaeological interest in the area.
16. The appellant has referred to several historic environment records and provides some commentary in relation to these documents. This does not amount to a desk-based assessment for the appeal site and does not appear to include any input from a professional in the field. The appellant's evidence is not sufficient to enable a proportionate judgement to be made on the significance of heritage assets and the potential impact. Further, given the stage of submission of some of this information (final comments stage), the archaeologist for the Authority has not reviewed all of this information. I am not convinced that the conclusions reached as to the archaeological interest of the site robustly demonstrate that the proposal would not lead to an unacceptable impact on archaeology.
17. The proximity of the appeal scheme to Thornbridge Hall and gardens has also been raised. I have been provided with little evidence of the significance of these heritage assets or their setting, as required by the NPPF, in order to understand the potential impact of the proposal on their significance. Given the duty under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am unable to conclude that there would be no harm to the setting of these heritage assets.
18. As such, the proposal fails to provide sufficient evidence to demonstrate that the appeal scheme would not lead to an unacceptable impact on heritage assets. The proposal would conflict with DMP Policy DMC5, insofar as it requires adequate detailed information to assess the impact of development on the significance of any heritage assets. Further, the proposal would not meet the requirements of the NPPF, where it requires the significance of any heritage

assets affected, to be described and where it sets out that for sites with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.

19. I am advised that when considering an agricultural building to the north of the appeal site, no information with regard to heritage assets was required. However, the Authority has clarified the reasons for this. In any case, I must determine this appeal based on the information before me. The proposal has highlighted the potential for effects on heritage assets, which need to be appropriately considered having regard to relevant duties, policies and guidance.

Use and supply of energy

20. CS Policy CC1 seeks to build in resilience and mitigate the causes of climate change through a number of measures. The appellant references the use of locally sourced, traditional materials and Drawing BR/06c includes details of an air source heat pump to provide heating and hot water, incorporating renewable energy into the scheme. Reference is made to solar gain, through a southerly orientation. The site is not identified as being at risk of flooding.
21. The policy also requires the highest possible standards of carbon reductions and water efficiency in all developments. Further, it requires that all new housing be built to a sustainability standard, equivalent to that required by the government for affordable housing. I have not been provided with the standard referred to, or how it relates to current building regulation standards. However, I note the agreement of the appellant to the imposition of a condition suggested by the Authority requiring a scheme of climate change mitigation measures.
22. Therefore, I am satisfied that with the air source heat pump and the imposition of a condition for climate change mitigation measures, the proposal would use and supply energy efficiently. Therefore, the requirements of CS Policy CC1 would be satisfactorily addressed.

Other Matters

23. I note support for the proposal from the Parish Council and that the proposal has the potential to reduce fossil fuel consumption by reducing the need to travel to and from the site. However, these matters do not outweigh the harm identified.

Conclusion

24. For the reasons given above, having regard to the development plan as a whole and any other relevant material considerations including the NPPF, I conclude that the appeal should be dismissed and planning permission refused.

S Brook

INSPECTOR