



Appeal Decision

Site visit made on 30 January 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/R1038/W/22/3305109

Pecklant Farm, Matlock Road, Ashover, Chesterfield S45 0DD

- 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 Vincent against the decision of North East Derbyshire District Council.
 - The application Ref 22/00252/FL, dated 10 March 2022, was refused by notice dated 27 July 2022.
 - The development proposed is the demolition of two agricultural buildings and the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the location of the proposed house complies with the spatial strategy of the development plan; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

3. The development plan for the area includes the North East Derbyshire Local Plan ('Local Plan') adopted in 2021 and the Ashover Parish Neighbourhood Plan ('Neighbourhood Plan') made in 2018. Although both plans pre-date publication of the current version of the National Planning Policy Framework ('the Framework') the policies cited by the Council in its reasons for refusal are consistent with the Framework.

Location of development

4. The appeal site is located within the countryside where development is strictly controlled by policy SS9 of the Local Plan and policy AP2 of the Neighbourhood Plan.
5. Policy SS9 of the Local Plan is supportive of a replacement building, so long as it is for the same use and is not significantly larger than the building it replaces. In relation to the first part of this policy test, as the proposed house would replace two existing agricultural buildings it would not constitute a replacement building for the same use as supported by policy SS9. However, a fallback position exists in the form of permitted development consent for residential conversion of both agricultural buildings. There is no reason to believe that the appellant would not carry out these conversions. Once the conversions are completed a planning application to replace them with a new dwelling would then relate to the same use and so would comply with policy SS9 in this regard. The fallback position therefore

overcomes the policy objection to the existing buildings and proposed building being in different uses.

6. Turning to the second part of this policy test, the proposed replacement dwelling would have a slightly larger footprint than the combined footprints of the buildings it would replace. However, unlike the existing buildings, the dwelling would have two storeys rather than one and so would have a much larger floor area and volume. The proposed replacement building when considered in three dimensions would therefore be considerably larger than the existing buildings.
7. Taking all these matters into account, the proposed development would therefore be contrary to policy SS9 of the Local Plan. Given that the proposed house would be a market dwelling located away from Ashover's Limits to Development it would also be contrary to policy AP2 of the Neighbourhood Plan.

Character and appearance

8. The appeal site is located within an undulating landscape of fields of pasture enclosed by drystone walls, rising ground and occasional trees and copses. The Derbyshire Landscape Assessment has categorised the locality as a 'Wooded Slopes and Valleys' character type within the Peak Fringe and Lower Derwent Landscape Area. In addition, the locality has been identified as an area of 'Primary Sensitivity' which is considered to be the most sensitive area of landscape most likely to be negatively affected by change or development.
9. At present the appeal site is occupied by two single storey, rectangular, wooden framed, gable ended agricultural buildings with corrugated roofs. Owing to their modest size and lapped timber cladding, they are attractive functional buildings that make a positive contribution to the character and appearance of the area. The buildings are arranged in an L shape and enclose two wooden stable buildings of similar design. In public views from Matlock Road on the approach from the south, only the long rear wall of the southern building is visible and in public views from the public footpath to the north the western building can primarily be seen.
10. Owing to their low height and modest size the two buildings nestle in the landscape and are subservient in height to nearby trees and the house at Pecklant Farm. As a result, both buildings do not stand out and compete with the landscape for attention.
11. The proposed house would be rectangular in shape and would occupy a similar footprint to the two agricultural buildings combined. Located partly overlapping the footprint of the existing southern agricultural building it would be wider and deeper than the individual buildings it would replace. At two storeys in height it would also be a whole storey taller, although the setting down of the house into the site would reduce its perceived height slightly. As a result, in public views the proposed three bedroom house would visually intrude into the landscape to a significantly greater extent than the existing buildings. Together with the domestic paraphernalia that its garden could accommodate the proposed development would therefore have an urbanising effect on Pecklant Farm and its surroundings.
12. In terms of its appearance, the house would reflect the local vernacular and constructed from gritstone with well defined windows and a symmetrical front elevation it would have the appearance of a traditional farmhouse. Nevertheless, these positive features regarding the proposal do not outweigh the significant harm that would be caused to the landscape by a larger, more prominent building and its urbanising effects. As a result, the proposed development would be contrary to

policies SDC3 and SDC12 of the Local Plan and policies AP11 and AP13 of the Neighbourhood Plan. These policies require the protection of the character of the landscape by, amongst other matters, avoiding visual intrusion and the protection of its appearance through high quality design that respects local features.

13. As I earlier mentioned, a fallback position exists in the form of permitted development consent for residential conversion of both agricultural buildings.
14. In relation to the southern building, other than for the insertion of four windows in its south facing elevation and a new corrugated roof to match the existing roof, this building would remain unchanged in public views from Matlock Road. In views of the western building from the public right of way to the north west, no change would be apparent other than for a new corrugated roof. In combination with the limited curtilages that would be provided to both dwellings, which would be no larger than the footprint of these buildings and far smaller than that which would serve the proposed house, the urbanising effect of both developments would be limited. As a result, both buildings would continue to be read in the landscape as modest buildings of agricultural origin that cluster around, and are subservient in size to, the existing house at Pecklant Farm.
15. For the reasons given I therefore find that the fallback position would be significantly less harmful to the character and appearance of the area than the appeal proposal. As a result, it is a consideration of little weight in favour of the appeal.
16. The case of *Mansell v Tonbridge and Malling Borough Council* has been referred to by the appellant. In that case, based on the real prospect that under permitted development rights residential conversion of a large agricultural building could occur, it appears that the Council granted planning permission for the replacement of agricultural buildings by housing. As is clear from my reasoning, I have also taken these permitted development rights into account as a fallback position in this appeal. In character and appearance terms, the large agricultural building in the case referred to is quite different to the ones involved in this appeal. Whilst the agricultural buildings in this appeal are modest, attractive buildings the photograph that has been provided of the agricultural building at the centre of the case was particularly large, utilitarian and ugly. As a result, reference to this judgement and the buildings involved has not altered my findings in relation to this issue or this appeal.
17. Reference has been made to a recent planning application allowed on appeal in the District where a fallback position in the form of the conversion of an agricultural building to a dwelling house was also taken into account. In that appeal the proposal was to retain the existing steel frame of the building and create more substantial walls than would be allowed under permitted development rights. As a result, it is not directly comparable to the appeal proposal which proposes to replace agricultural buildings with a dwelling that would be noticeably larger.

Other Matters

18. Consent for two replacement dwellings larger than the ones that they replace have been referred to in support of the appeal. One relates to Peglant Cottage close by to the south of the appeal site, which is currently under construction, and the other relates to Slack Farm which is further away.
19. It is an established principle that each application is assessed on its merits. Beyond the decision notice and plans for both cases I have not been provided with further

information regarding these schemes. The Council in determining these applications exercised its judgement on the evidence in relation to each, as have I in relation to the appeal scheme.

20. In this case the context of the appeal site and the buildings on it is quite different to the two schemes referred to. In those schemes consent was granted for large bungalows on commensurately sized plots to be replaced by larger two storey houses. Those sites therefore were already residential in character. In contrast, the appeal scheme is for the replacement of two agricultural buildings which, even if converted to dwellings, would still retain their agricultural character and appearance. As a result, the appeal scheme would have a markedly greater urbanising effect on its surroundings than the two schemes that have been referred to. For the reasons given, reference to these permissions is a consideration of limited weight in favour of the scheme.
21. I recognise that the proposed house would be more thermally efficient than the two agricultural buildings converted to dwellings and that, unlike the conversions, the garden to the proposed house would be large enough to allow a ground source heat pump to be fitted. However, the lower thermal efficiency of the converted buildings would be offset to an extent by the fact that they would be significantly smaller than the proposed dwelling. In addition, air source heat pumps are an alternative to ground source heat pumps which require minimal outdoor space. The inclusion of an external socket for the charging of electrical vehicles is also a feature that could be provided in relation to the residential conversions. I therefore only attach little weight to the lower carbon benefits of the scheme in favour of the appeal.
22. The proposed house would allow multigenerational living and allow care to be provided in the future for elderly family members living in the existing farmhouse. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find this consideration to be a factor of limited weight in favour of the proposal.
23. The landscaping that would take place as part of the proposed development includes a wildflower meadow and native hedge planting. These features would help to enhance biodiversity. I attach a small amount of weight to this consideration in favour of the scheme.

Conclusion

24. I have found that the proposed development would be contrary to the spatial strategy for the area and would cause demonstrable harm to its character and appearance, contrary to policies SS9, SDC3 and SDC12 of the Local Plan and policies AP2, AP11 and AP13 of the Neighbourhood Plan. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.
25. The other considerations that have been put forward in favour of the proposal, which include the fallback position, examples of nearby replacement dwellings, sustainable energy benefits, biodiversity enhancement and the personal

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

circumstances of the appellant, are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan.

26. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector