



Appeal Decision

Site visit made on 6 February 2023

by Ann Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/R1038/W/22/3305176

Harper Hill House, Harper Hill, Wingerworth S42 6QS

- 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 Marcus Leverton, Leverton UK Ltd, against the decision of North East Derbyshire District Council.
 - The application Ref 20/01285/FL, dated 14 December 2020, was refused by notice dated 9 May 2022.
 - The development proposed is demolition of builders yard buildings and construction of 3 new dwellings and change of use of Coach House office building to a further dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No description of development was provided on the application form. However, I note that the proposal was amended during consideration of the planning application and full consultation carried out with a description agreed between the main parties. Therefore, I have taken the description of development in the banner heading above from the Council's decision notice, which is the same as that used on the appeal form, omitting wording that is unnecessary to describe the development.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including any harm to openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policy;
 - The effect of the proposal on the character and appearance of the area; and,
 - Whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

4. The site is located within the Green Belt and the surrounding area is rural in nature, defined primarily by open fields and wooded areas. The Policy SS10 of

the North East Derbyshire Local Plan 2014-2034 (the Local Plan) sets out how proposals within the Green Belt will be determined and is consistent with the Framework paragraphs relating to the Green Belt.

5. Policy SS10 of the Local Plan states that the construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to several exceptions including, as also stated at paragraph 149(g) of the Framework, the limited infilling or partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The site comprises former agricultural buildings now used for storage and other commercial uses. There is no dispute between the main parties that the site is PDL.
7. The Framework states that "the 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."
8. In terms of both footprint and volume, the total amount of buildings to be removed exceeds that of the proposed dwellings, therefore the amount of built form on the site would be reduced. There would also be a reduction in hardstanding. Domestic gardens would replace the existing Dutch barn and the proposed dwellings would not generally extend towards the site boundaries. However, the proposed garage and access road to Plot 3 would encroach onto undeveloped land to the rear of the current building E. This would result in the removal of several mature trees along this boundary, increasing views of the site. Similarly, the garage to Plot 2 would push the built form northwards. Nevertheless, the spatial impact of the proposal on surrounding openness would be less than that of the current development.
9. However, the consideration of openness also includes a visual aspect. Although lower than the imposing Harper Hill House, the proposed dwellings would be significantly taller than the buildings they would replace. Furthermore, the elevated position of the site would emphasise the height of the dwellings such that they would be more visually prominent in the rural surroundings. Their presence would be further highlighted by the introduction of a domestic curtilage, within which it is likely that domestic paraphernalia would be placed, further impacting on the openness of the vicinity. Whilst permitted development rights could be controlled or removed were the appeal to be allowed, this would have little effect on the use of gardens for day-to-day items such as bin storage, washing lines and play equipment, even if some items could be stored within the garages.
10. The layout of the proposal would allow for some views through the site. However, whilst the Dutch barn and Harper Hill House dominate the elevated position over the surrounding countryside, they provide a certain amount of screening to the other, lower buildings currently on the site. Furthermore, the visual presence of the Dutch barn and other former agricultural buildings are

typically found in rural areas and are therefore not at odds with the surroundings.

11. Even though the proposed dwellings on Plot 1 and Plot 2 would be set in from the boundary and could include landscaped gardens, they would incorporate large elements of glazing at first floor. The rear elevation of the dwelling on Plot 2 would include a large balcony. Due to the height of the dwellings and their elevated position, these elements of the proposal would be clearly noticeable, particularly from the east and during the months when trees would not be in full leaf and during hours of darkness when lighting from the extensive amount of glazing at height would be apparent. As such, the proposal would result in greater visual impacts on the Green Belt.
12. Consequently, while the spatial impact of the proposal on openness may be less than that of the current development, its visual impact would be notably greater. Overall, it would have a greater impact on openness than the existing development. While the harm would be moderate, it would be contrary to paragraph 149(g) of the Framework, such that it would not meet this exception.
13. Whilst I find the conversion of the former coach house to a dwelling would be acceptable in itself, there is no suggestion that the remainder of the proposal would meet any other exception in Policy SS10 or the Framework. The scheme would therefore represent inappropriate development, which by definition is harmful to the Green Belt. In this regard it would also fail to comply with Policy SS10 of the Local Plan.

Character and appearance

14. Policy SS9 of the Local Plan is supportive of development in the countryside, subject to identified criteria. The conversion of the former coach house to a dwelling would comply with criterion b. However, the only other criteria to which the proposed 3 new dwellings would be applicable is f. which requires the proposed development to have no greater impact on the character of the countryside than the existing development.
15. The site is located within the undulating countryside on the edge of Wingerworth and is not subject to any formal landscape designation. However, it lies within the Derbyshire Peak Fringe and Lower Derwent Character Area and an Area of Multiple Environmental Sensitivity. The Wingerworth Parish Neighbourhood Plan (NP) describes the area surrounding Wingerworth as the 'Gateway to the Peak and contains some of the highest quality and most sensitive landscapes surrounding the Peak District National Park.' Policy W1 of the NP and Policy SDC3 of the Local Plan seek, amongst other things, development that is sensitive to this high quality landscape setting.
16. From my observations on site and the evidence before me, the key landscape characteristics of the area include a mix of broadleaved wooded valleys, pastureland, hedgerows and scattered farmsteads and localised clusters of buildings nestled into the hillsides. Even if the area was not considered to be a 'valued landscape' for the purposes of Paragraph 174 of the Framework, the appearance of the Dutch barn and other former agricultural buildings in a tight and low level cluster adjacent to the commanding Harper Hill House does not detract from the key landscape characteristics.

17. The site is visible from numerous public viewpoints, including Harper Hill and a Public Right of Way (PROW) to the east of the site. Because of its elevated position on the valley side, there are views from the site across to Wingerworth and Chesterfield to the east and north. The vista is vast and includes fields, woodland and river valleys.
18. The removal of the Dutch barn would expose the site and in so doing, the scale, mass and appearance of the proposed dwellings would be highly prominent, even if landscaping were introduced along the eastern boundary. The existing buildings are functional in appearance, constructed of materials commonly found on modern farmsteads. They are located centrally within the site and are stepped in profile, following the slope of the site northwards. For these reasons, they are inconspicuous in the landscape. Furthermore, although the Dutch barn is large and utilitarian, it still forms part of the overall rural agricultural landscape.
19. In contrast, whilst the number of buildings across the site would reduce, the proposed dwellings, would be spaced apart and display a grand architectural style and height such that their appearance would be markedly different to the organic growth of clusters of roadside dwellings prevalent in the area. The detached garage blocks incorporating a first-floor would result in a contrived urban incursion into the countryside. Although the buildings would be constructed using appropriate materials, I find the proposed layout would be regimented and suburban in character.
20. Moreover, although located at a lower land level, the scale of the appeal proposal would inappropriately compete with Harper Hill House as the focal point of the locality and would not therefore respect the context of the area in which it sits.
21. The retention of the former coach house facing Harper Hill would retain a link to the origins of the site and the proposed conversion would be appropriately designed. Nonetheless, the overall proposal would be incongruously visible in both near and longer distance views and would erode the prevailing rural qualities of the countryside's landscape. It would undoubtedly and fundamentally alter the appearance of the site from what is currently a large but typical collection of former agricultural buildings that assimilates into the wider landscape.
22. Although new boundary treatments and landscaping could be incorporated, they would not overcome the suburbanising effect of the proposal on the rural character of the area. I therefore find that the development would result in harm to the character and appearance of the area. This includes landscape harm which would be significantly adverse.
23. For the reasons given above, I conclude that the development would conflict with Policies SS9, SDC3 and Policy SDC12 of the Local Plan and Policies W2 and W12 of the NP which together, amongst other things, seek development that makes a positive contribution to the quality of the local environment and respects its context. These requirements are consistent with the aims to protect landscape setting in the Framework.

Other considerations

24. A pair of Grade II listed gate piers are located to the south of the appeal site, on the opposite side of Harper Hill. The significance of the gate posts is derived from their age and historical association with the former parcel of land to which they relate. Although the gate posts are visible from the Harper Hill, the appeal site is physically and visually separate from this designated asset and its setting due to the intervening road, layby and vegetation. Accordingly, the proposal would have no effect on the setting of the listed building and there would be no conflict with section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. I am satisfied that the proposal complies with the heritage protection policies of the Framework.
25. The conversion and construction of the proposed dwellings would provide a boost to housing supply, on a windfall site and at a location close to the settlement of Wingerworth. However, no clear evidence has been provided to indicate the council are unable to demonstrate a 5 year supply of housing land nor is there any mechanism before me to secure the conversion of the former coach house as a starter home. As such, I attribute limited weight to the benefits that would arise from the proposal in this regard.
26. Wingerworth has a range of services and facilities and although they would be accessible by bicycle and to a more limited extent by foot, given the distance and lack of a lit footpath, it is likely that most future occupants would access these services and facilities by private vehicle. Nevertheless, the scheme would result in economic and social benefits during construction and in subsequent occupation, although I give this minimal weight as the benefits would be likely to be no greater than if the dwellings were to be constructed elsewhere, outside the Green Belt.
27. It has been put to me that the current use of the site attracts a large number of daily vehicle movements, including HGV's. I note that the Council's Highway team recognise the proposed traffic movements would be low in comparison. I attribute this moderate weight.
28. There is the potential for the site to deliver a net gain in biodiversity. No detailed landscape scheme has been provided and any planting would take time to mature and effectively screen the proposal. It has not been shown that this scheme represents the only way of achieving this aim. As such, I give this matter little weight.
29. While the Framework gives support for designs which promote high levels of energy and water efficiency as well as broadband communication, there is no detailed information regarding these aspects or how this would be achieved. Therefore, I afford this little weight.
30. Whilst permitted development rights could be removed for further extensions and alterations to the dwellings, this would not reduce the identified harm I have found.
31. Even if I were to agree that there was no harm with regard to flood risk, biodiversity, parking and to occupiers of the neighbouring dwelling, the absence of harm is neutral and does not weigh in favour of the proposal.

32. The scheme has been amended in an attempt to overcome issues raised by the Council at that time. However, I have assessed the scheme before me and found it would result in harm.
33. I appreciate that the Framework seeks to ensure that, in general, a more positive approach should be taken to development although in this particular case I give this limited weight bearing in mind that it is a core principle of the Framework that Green Belts are protected.

Planning Balance and Conclusion

34. I have identified that the scheme would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would lead to a modest loss of openness to the Green Belt and there is further harm with regard to the character and appearance of the proposal. The other considerations in this case do not clearly outweigh the harm that I have identified.
35. Consequently, the very special circumstances necessary to justify the development do not exist. The development is contrary to Policies SS9, SS10, SDC3 and SDC12 of the Local Plan as well as Policies W2 and W12 of the NP and the Framework. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
36. Therefore, for the reasons given I conclude that the appeal is dismissed.

Ann Veevers

INSPECTOR