



Appeal Decision

Site visit made on 11 April 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/M9496/W/22/3311757

Land South of Peaslow Lane, Sparrowpit, Buxton SK17 8EX

- 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 J A Moorcroft against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/1021/1120, dated 19 October 2021, was refused by notice dated 25 July 2022.
 - The development proposed is described as 'proposed agricultural building to house, feed, handle and lamb sheep and to store fodder'.
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Decision

1. The appeal is allowed and planning permission is granted for agricultural building to house, feed, handle and lamb sheep and to store fodder at land south of Peaslow Lane, Sparrowpit, Buxton SK17 8EX in accordance with the terms of the application, Ref NP/HPK/1021/1120, dated 19 October 2021, subject to the following 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: 1451-001, 1451-002 and 1451-003.
 - 3) The development hereby permitted shall not be brought into use until a detailed landscape and planting strategy is submitted to and approved in writing the National Park Authority. The approved strategy shall be implemented in the first planting season following construction of the agricultural building. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the use of the building hereby permitted shall be restricted to agriculture only (as defined in section 336 of the Town and Country Planning Act 1990) and for no other purpose.
 - 5) When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled and removed from the site and the site restored to its original condition.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Peak District National Park.
3. The description of development given in my formal decision omits a word from the description provided on the planning application form. The omitted word, 'proposed', does not describe acts of development.

Reasons

4. The appeal site is the end of a long, narrow field, one of many fields bounded by stone walls in the area. It is within the enclosed gritstone upland area of the Dark Peak, which is within the Peak District National Park. Paragraph 176 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
5. The landscape is characterised by, amongst other things, high rolling upland with some steep slopes, permanent pasture and rough grazing enclosed by gritstone walls, and regular patterns of medium to large fields.
6. The Council accepts that the need for the additional floorspace within the proposed agricultural building has been demonstrated. Based on the information provided I agree that the proposal would accord with the requirements of Policy DME1A of the Core Strategy¹ (CS).
7. The appeal site is located adjoining a stone wall, on high ground at the end of a gated track, some distance from Peaslow Lane. Close to the site is a tall lattice telecommunications mast and 3 associated pitched roof buildings and ground-based equipment. Therefore, whilst the proposed agricultural building would be separate from the farmstead it would not be in an isolated position devoid of buildings. Furthermore, it would not require any obtrusive access tracks given that one already exists.
8. The proposed building is relatively modest in scale, albeit larger than the 3 adjacent buildings combined. It would have the appearance of a typical agricultural building, although not in the traditional materials and design of the local vernacular. The use of treated Yorkshire boarding for the walls and fibre cement sheeting for the roof, in a deep brown, would be unobtrusive in this landscape. It would relate well to the buildings associated with the mast and would not introduce an urbanising feature that would appear out of place in this rural setting.
9. The National Park Authority are critical of the appellant's landscape assessment, considering that the supporting photographs are from viewpoints purposefully selected to show that the development would not impact the valued characteristics of the landscape. From my observations of the site and surroundings on my visit I noted that the proposal would be visible at a distance on the ridge of a hill from many public vantage points, including nearby public footpaths and from the public highway.

¹ Peak District National Park Local Development Framework - Core Strategy Development Plan Document (Adopted October 2011)

10. The building as proposed, however, would be seen in the context of the mast and the associated buildings and equipment. The mast, given its considerable height, bulk and appearance would remain a strident and prominent feature in this setting. Even with the proposed building in situ, the mast would continue to draw the eye. The introduction of the proposed building would therefore not attract further attention to the site. As such, by virtue of its position next to the mast, the proposed building would be visible, but not conspicuous, in the wider landscape and would not exacerbate the harm arising from the mast and the associated buildings.
11. Furthermore, the retention of the stone wall and the implementation of a native planting scheme adjoining the building, as proposed, would assist in its assimilation into the landscape. Thus, any adverse effects on the area's valued characteristics would be avoided and the landscape and scenic beauty of the National Park would be conserved.
12. Accordingly, the proposed development would not harm the character and appearance of the Peak District National Park. It would not, therefore, conflict with CS Policies GSP1, GSP3 and L1 and Policies DMC1 and DME1 of the Development Management Policies document². Such policies seek to ensure that development would be consistent with the statutory purposes of the National Park and avoid an adverse effect on the area's valued characteristics.

Conditions

13. The Authority have suggested several conditions which I have considered alongside the advice in the National Planning Policy Framework and Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case for the reasons below. However, some have been edited for precision and clarity.
14. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the approved plans as this provides certainty.
15. If the building becomes redundant for agricultural purposes the Authority proposes its removal and the subsequent reinstatement of the land. I consider that such a condition is necessary to avoid any harmful effect that a redundant building could have on the natural beauty of the National Park. The approval and implementation of a planting scheme is also required to minimise the effect of the development on the landscape as set out above. I have, however, amended the wording of the suggested condition to specify the replacement of trees or plants within a five year period from the completion of the development
16. The Framework in paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case the proposal has been justified on the basis of a specific agricultural need in a countryside location in the National Park, where the development plan applies strict control over the uses of land. It is therefore reasonable to attach a condition restricting its use for that purpose.

² Peak District National Park Development Management Policies – Part 2 of the Local Plan for the Peak District National Park (Adopted May 2019)

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR