



Appeal Decisions

Site visit made on 12 May 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2023

Appeal A Ref: APP/R1038/W/23/3314173

Carr Barn Farm, Moorwood Moor Lane, Wessington, Derbyshire DE55 6DU

- 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 Smith against the decision of North East Derbyshire District Council.
 - The application Ref 22/01031/FL, dated 25 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is an agricultural implement store.
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Appeal B Ref: APP/R1038/W/23/3314083

Carr Barn Farm, Moorwood Moor Lane, Wessington, Derbyshire DE55 6DU

- 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 Smith against the decision of North East Derbyshire District Council.
 - The application Ref 22/01032/FLH, dated 25 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is a log store and kennel.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. On site, a building is in situ which appears to match that shown on the plans submitted in respect of Appeal A. I also note that the application form states that the development had been completed prior to the application for planning permission being made. As the development has already been carried out, I have determined Appeal A on a retrospective basis.
4. A log store and kennel building is also on site. Although the building is largely reflective of that depicted on the plans submitted in respect of Appeal B, on site, the north elevation includes sections of stone not indicated on the plans. For the avoidance of doubt, I have determined Appeal B on the basis of the plans submitted.

Main Issues

5. The main issues in respect of both appeals are:
 - Whether the developments comply with the relevant development plan policies relating to development within the countryside inclusive of their effects upon the character and appearance of the area.

Reasons

6. Carr Barn Farm is located within the countryside to the south of the settlement of Wessington. It is accessed via a lengthy track from Moorwood Moor Lane. Upon arrival, at the southern end of this access track, the main Carr Barn Farm building (the farmhouse) is directly ahead, identified by a stone naming plaque. It is laid out in an L-shape and is a traditionally designed building constructed principally of stone with a slate roof. These materials together with some design elements it incorporates, such as projecting gable features, provides for a building of a high quality of design. Other buildings are located to the west and south. This includes but is not limited to, two large metal clad buildings of a broadly agricultural appearance, together with another stone-built, L-shaped building named The Stables. The Stables and the metal clad buildings are separated from the farmhouse via further sections of access track and areas of hardstanding.
7. The surrounding area is characterised by rolling fields which are generally bound by hedgerows and are heavily wooded in places. The local rural landscape is interspersed by farmsteads and groups of buildings. The North East Derbyshire Local Plan 2014-2034, adopted November 2021 (LP) identifies that the site is within a Primary Area of Multiple Environmental Sensitivity.
8. The appellant submits that the agricultural implement store the subject of Appeal A is required to securely house agricultural machinery and equipment used on an agricultural holding of 9ha. The appellant references two large agricultural buildings on the site, which I understand to be those with the metal cladding, and it is put to me that they are both used for agriculture and authorised. However, the Council contest this and I have no substantive evidence before me that those buildings either have or did not require, planning permission. This therefore significantly limits the weight which I can attribute to their presence.
9. Furthermore, I have no substantive evidence before me of what agricultural activities currently may take place on the land, how any existing buildings within the complex at Carr Barn Farm may be being used for the purposes of agriculture, nor why this development is necessary in order to further support any such activities.
10. The appellant submits that equestrian activities take place at the site and I noted during my visit some stables, whilst a horse was within the fields to the south of the site. Whilst the evidence before me does not demonstrate to me that The Stables benefits from, or did not need planning permission, regardless, the appellant has stated that it is being used for the purposes of a holiday cottage. Such holiday accommodation and equestrian use demonstrates to me that, at the least, some of the existing Carr Barn Farm site is not in agricultural use.
11. The implement store, with its domestic design detailing, does not exude the appearance of a building being built for the purposes of supporting agriculture. So as to explain this appearance, the appellant makes a comparison between the implement store and a residential garage but I find the function of a residential garage and a building to support the functioning of agricultural operations to be quite different. I noted during my site visit that a pair of garage doors were fitted to the building which the Council have submitted was not the case when they undertook their visit. Whilst the inclusion of these

doors does mean the building will store items more securely, their presence does not provide any further evidence that the building is necessary for agriculture nor alter its domestic appearance. The appellant puts to me that a more utilitarian design may not be appropriate within this landscape. Owing to its location within the Primary Area of Multiple Environmental Sensitivity, the site is within a locally sensitive landscape. However, within this countryside setting and with the surrounding area containing functional farm buildings, I see no reason why this particular domestic design is necessary and it has not been shown to me that an alternative design would not be appropriate.

12. Policy SS9 of the LP relates to development within the countryside. The policy stipulates that a building sought for agricultural purposes must be demonstrated as being necessary for the efficient or viable operation of agriculture. I note that the appellant considers it should not be necessary for them to provide detailed evidence of agricultural activities at the site whilst it may be the case that Council Officers did not view the whole of the agricultural holding. However, policy SS9 clearly requires adequate demonstrations of need to be made. Having regard to the combination of factors outlined above, I have no substantive evidence before me which demonstrates that the building the subject of Appeal A is necessary for the efficient or viable operation of agriculture.
13. Policy LC5 of the LP relates to residential extensions. There is no disagreement between the main parties that the policy applies to this site, within the countryside and, I have no reason to come to a different conclusion. Amongst other matters, policy LC5 states that where extensions and alterations to dwellings or outbuildings are ancillary to the main residential use, they shall be permitted, subject to certain criteria being met. There is, therefore, no requirement under the policy for such an extension or alteration to be within the curtilage of the property. Provided that such extensions, alterations or outbuildings were ancillary to the main residential use I see no reason why they could not be out-with of a curtilage yet remain compliant with the policy. Consequently, irrespective of whether or not the proposed log store and kennel the subject of Appeal B is within a residential curtilage, I find no conflict, in principle, with policy LC5.
14. I accept that the two buildings with the agricultural type appearance and The Stables, in combination, extend farther north, south and west than the implement store does and the proposed log store and kennel would. Both buildings would therefore be located in a space between other buildings within the Carr Barn Farm complex. However, for the reasons given above regarding their planning status, I can only attribute very limited weight to the presence of both The Stables and the buildings with the agricultural type appearance.
15. In this context, the implement store is separated from the farmhouse by areas of boundary wall, access track and hardstanding. The log store and kennel would be situated closer but nevertheless still set away from the farmhouse and, indeed, The Stables.
16. Owing to this positioning and the detail of its design, the implement store has introduced a building with a domestic appearance into a location that is divorced from the farmhouse. It forms an unsympathetic incursion into the land to the south-west. I accept that the implement store would not be an especially

large building but together with its siting and design it nevertheless would cause harm to the character and appearance of the area.

17. The log store and kennel would also represent an incursion though to a lesser extent. However, it would be a predominately timber clad structure and this would be at odds with the largely stone-built farmhouse. Given this appearance it would form an unsympathetic addition to the site and would fail to exhibit the design quality of the farmhouse. In combination, this appearance and siting in this particular context would be harmful to the character and appearance of the area even though it would not be a particularly large building and timber may, in other circumstances, be an appropriate building material.
18. Therefore, whilst in respect of Appeal B I have identified that whether the log store and kennel is within a curtilage is not determinative, I have nevertheless found that the building would be harmful to the character and appearance of the area. The implement store the subject of Appeal A has not been demonstrated as being necessary for the efficient or viable operation of agriculture. For the reasons given above, the implement store is also harmful to the character and appearance of the area.
19. Consequently, the implement store the subject of Appeal A is contrary to policies SS9, SDC3 and SDC12 of the LP and policy 2 of the Wessington Neighbourhood Plan 2017-2034 (NP). The log store and kennel the subject of Appeal B would be contrary to policies SS9, SDC3 and SDC12 of the LP. In summary, and amongst other matters, these policies require, where agricultural development is proposed, a demonstration that the development is necessary for the efficient or viable operation of agriculture, that development be respectful of and sympathetic to, the character of the landscape and that development be of a high quality of design, well related to its site and surroundings.

Other Matters

20. The appellant submits that it was understood that the log store and kennel would be permitted development, hence a building being erected. However, I have no substantive evidence before me that the proposal does not require planning permission.
21. No loss of boundary features, harm to the living conditions of neighbouring residents nor harmful highway impacts has, or would, result from either development. However, this lack of harm is neutral in the planning balance and does not outweigh the harms I have identified in the main issues.

Conclusion

22. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, Appeal A and Appeal B are dismissed.

H Jones

INSPECTOR