



Appeal Decision

Site visit made on 12 May 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/R1038/W/22/3312857

Greenacre Farm, Walton Back Lane, Walton S42 7LW

- 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 C Hepworth against the decision of North East Derbyshire District Council.
 - The application Ref 22/00833/FL, dated 18 August 2022, was refused by notice dated 2 November 2022.
 - The development proposed is demolition of existing building and construction of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and construction of a new dwelling at Greenacre Farm, Walton Back Lane, Walton S42 7LW in accordance with the terms of the application, Ref 22/00833/FL, dated 18 August 2022, subject to the conditions set out in the attached Schedule of Conditions.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application albeit I have removed a reference to the application being a resubmission as this is not an act of development.

Main Issues

3. The main issues are:
 - Whether the development amounts to inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - The effects of the development upon the local landscape.

Reasons

Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes

on to state that inappropriate development is, by definition, harmful to the Green Belt. Both the Framework, and policy SS10 of the North East Derbyshire Local Plan 2014-2034, adopted November 2021 (LP), establish that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to a number of exceptions and that inappropriate development should not be approved except in very special circumstances.

5. The proposed development would involve the redevelopment of previously developed land. The Framework sets out at paragraph 149 g) that such development would not amount to inappropriate development provided it would not have a greater impact on the openness of the Green Belt than the existing development. Amongst other matters, this is also set out by policy SS10 of the LP.
6. Openness has spatial as well as visual aspects. Although the proposed house would project farther forwards in an easterly direction than the existing equestrian building it would replace, it would be shorter in length overall. The proposed house would have a footprint which would amount to 42% less than that of the existing building. This would constitute a considerable footprint reduction. The proposed building would also be smaller in volumetric terms by around 20%. Therefore, areas of the site presently occupied by the solid mass of the existing building would, in the proposal, form areas of garden with more open characteristics.
7. Visually these differences in the scale of the existing and proposed buildings would be apparent from some public vantage points. The Council have drawn my attention to the public footpath identified as footpath 30. In some views from this footpath the considerable length of the existing building's north facing elevation is evident. In the proposal, the shorter north facing elevation of the house together with the more open garden land to the west would be apparent. In views from Cotton Mill Hill, again, owing to the building's smaller footprint, the proposed house would noticeably project less in a westerly direction than the existing building.
8. The proposed house would be of greater height than the existing building at both its ridge and eaves. The taller of the two ranges of the house would be adjacent to the sloping embankment to the north. This would differ from the existing building which is lower where it is next to the embankment. In some views, including elsewhere along the route of footpath 30, this greater height and the design of the roofscape would result in the house appearing more prominent than the lower-slung equestrian building. I also accept that the proposed house would incorporate a substantial amount of glazing which the existing building would not. Being reflective, this glazing may, particularly in sunny conditions, draw the eye whilst, at night, light within the rooms would be visible in some views. Therefore, there would be circumstances whereby the specific detailed design characteristics of the house would make it more prominent than the solid and utilitarian appearance of the equestrian building.
9. Whilst I accept that the proposed blackened timber cladding may not be common in the area, it would, by reason of its dark colouring, be of a recessive appearance. Therefore, this cladding would not be conspicuous and would not contribute to any meaningful extent to the building's impact upon openness.
10. Therefore, there would be differences between the effects of the proposed development upon the openness of the Green Belt and that which would be

redeveloped. For the reasons set out above, the proposal would have specific impacts upon the openness of the Green Belt that would be reduced in comparison to the existing development but, in other specific respects, greater impacts. In the round and, in overall terms, the effects upon openness between the proposed and existing developments would be comparable and, therefore, no greater impact on the openness of the Green Belt would arise as a result of the proposal. Furthermore, I have no reason to conclude that the proposed development would conflict with any of the purposes of including land within the Green Belt.

11. Consequently, the development would not amount to inappropriate development within the Green Belt in compliance with policy SS10 of the LP and advice contained within the Framework. It follows that, the development would not harm the Green Belt and there is, therefore, no need for other considerations to exist, including any fallback development, so as to amount to the very special circumstances required to justify the proposal.

The effects upon the local landscape

12. The appeal site is located within an undulating landscape. Close-by is the settlement of Holymoorside which is surrounded by fields and woodland. Within these fields and dispersed amongst the landscape there are individual and small groups of buildings, including residential properties. Reflective of this, the host property together with the neighbouring Moorside Grange, form a small group of buildings on the fringes of Holymoorside. Properties within the area are constructed of a variety of building materials. Many properties have stone walling and slate covered roofs but other materials are also well represented and this includes lightly coloured render. The LP identifies that the site is within a Primary Area of Multiple Environmental Sensitivity.
13. Although Holymoorside itself is generally nestled within the landscape on lower ground, that the many smaller groups of buildings dispersed around its edges include those situated on higher ground is also characteristic of the area. Therefore, that in the proposal, a new dwelling would be formed, situated close-by to another dwelling on rising ground to the outskirts of Holymoorside would be in keeping with the character of the area.
14. I accept that having particular regard to its feature gables, the proportions of glazing and, the particular combination of materials proposed, there would be an individuality to the design of the proposed house. Together with the site's visibility from certain vantage points, this would provide for a property that would, to a degree, be attention drawing. However, given properties within the local area incorporate much stone and slate but, given that other materials are also well represented, that the proposed house would be constructed of a combination of stone, slate and other materials is reflective of the local area. Amongst these other materials would be the blackened timber which I have already concluded would itself be a more visually recessive material.
15. At neighbouring Moorside Grange, gable ends form a prominent part of the design of that property. During my site visit I noted that, elsewhere along Walton Back Lane, there are existing properties that incorporate an amalgamation of connected pitched roofed elements. That the proposed house would comprise of two asymmetrical feature gabled ranges connected by a more subservient element would not be at odds with other development in the area. Furthermore, such a design would contribute to breaking down the mass

of the property than might otherwise be the case without the incorporation of the connected ranges.

16. Policy NE2 of the Holymoorside and Walton Parish Neighbourhood Plan 2016-2033, adopted November 2017 (NP) identifies a series of important views within the local area. The Council have stated that the proposed development would be visible within some of those views although they have not specifically referenced which. During my site visit, I familiarised myself with the locations of these important views. Given the design, scale and materials of the proposed house, together with the distances involved and extent of intervening landscaping between the site and the important view locations, I am satisfied that the proposal has taken suitable account of these views and the character of the landscape within them.
17. Having regard to all of the above, I find that the proposal would represent high quality design and would introduce a development which would represent a contemporary interpretation of local character in sympathy with and, with no harmful effects upon, the local landscape. The development would therefore comply with policies SDC3 and SDC12 of the LP and policies NE1 and NE2 of the NP. In summary, and amongst other matters, these policies state that development proposals will be permitted where they would be of a high quality of design, would not cause significant harm to the character or sensitivity of the landscape, are sympathetic to designated Areas of Multiple Environmental Sensitivity and, ensure that their visual impact on important views would be carefully controlled.
18. The Council's second reason for refusal also references policy BE2 of the NP. Policy BE2 relates to important sites of archaeological interest and, as such I find that it is not relevant to landscape impact. For the avoidance of doubt, I do find that the proposal would comply with policy BE3 of the NP, referenced within the Council's Officer Report and Appeal Statement which requires new development to enhance and reinforce the local distinctiveness of the area. Finally, I also find that the proposal would be compliant with advice contained within the Framework including paragraph 174. This paragraph states, amongst other matters, that planning decisions should contribute to and enhance the natural and local environment including through recognising the intrinsic character and beauty of the countryside and protecting and enhancing valued landscapes.

Conditions

19. I have imposed the standard condition in respect of time limitation and a plans condition in the interests of certainty. The Council have suggested removing a suite of permitted development rights and their reasoning clearly relates to the site being within the Green Belt and the sensitivity of the local landscape. The Planning Practice Guidance advises that the imprecise or unjustified removal of freedoms to carry out domestic alterations to properties will unlikely meet the tests for imposing conditions. I am also mindful that, the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) does not incorporate the blanket withdrawal of permitted development rights for residential properties within the Green Belt or locally designated landscapes. However, given the Green Belt and locally designated landscape setting, together with the relatively bespoke design of the proposed property and its degree of visibility from public vantage points, I do find that

the site would be sensitive to change from more significant property enlargements and additions. In such circumstances, I find the removal of some permitted development rights is justified in this case but, I have limited this removal to those forms of development with the most likelihood to result in more significant effects upon the character and appearance of the area. I have therefore removed permitted development rights for the GPDO Schedule 2 Part 1 Classes A and E developments.

20. Furthermore, I have removed permitted development rights for the erection of means of enclosure in the interests of highway safety as the erection of such a feature in close proximity to Walton Back Lane could result in a vehicle overhanging the road to the detriment of highway safety. A further condition is necessary, also in the interests of highway safety, to ensure that the access drive surface is suitable for safe access and egress.
21. Although broad details of the materials to be utilised in the construction of the proposed house are included within the submitted plans, in order to ensure that the precise material choices are appropriate to the character and appearance of the area, full details of those materials should be submitted and agreed. I have imposed a condition to this end. I have imposed landscaping scheme conditions also for the reason of ensuring that the development is appropriate to the character and appearance of the area. One of these conditions is a pre-commencement condition. This is because details of all existing trees and hedgerows to be retained and, any measures necessary to ensure this, must be agreed prior to works commencing.
22. I have imposed conditions in order to minimise the pollution and health risks which could arise from site contamination, one of which is a pre-commencement condition. This is necessary as a full understanding of the risks posed by site contamination must be known at the outset of the development. So as to minimise the land instability risks posed to the development by past shallow coal mining activity, I have imposed condition 7.
23. Finally, the Council suggested a condition so as to agree existing and proposed site and finished floor levels. The submitted plans and documents include adequate detail in this regard already and, I have imposed a condition requiring that the development be carried out in accordance with those plans. I find that such a condition would not be necessary and, I have therefore not imposed it.

Conclusion

24. For the above reasons, I conclude that the appeal is allowed subject to the conditions within the following schedule.

H Jones

INSPECTOR

Schedule of 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: 21-012 S.01, 21-012 S.02, 21-012 S.03, 21-012 S.04, 21-012 S.05, 21-012 GA.01, 21-012 GA.02, 21-012 GA.03, 21-012 GA.04, 21-012 GA.05 and 21-012 GA.06
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include:
details of all existing trees and hedgerows to be retained and the measures for their protection throughout the course of development; and
details of proposed planting including the species, plant supply sizes, planting locations and plant numbers/densities

Development shall be carried out in accordance with the approved details.

- 4) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescales, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescales. A verification report shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 6) If, during the course of development, any contamination is found which has not been previously identified, it shall be reported immediately to the local planning authority, work shall be suspended and, a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, updated remediation measures including timescales of their implementation shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescales. A verification report shall be submitted to and approved

in writing by the local planning authority before the development is occupied.

- 7) No development other than demolition shall take place until a scheme of intrusive site investigation has been carried out on site to establish the land instability risks posed to the development by past shallow coal mining activity. Should risks be identified, no development shall take place until remedial works to render the site suitable for the development hereby permitted have been carried out.

The building hereby permitted shall not be occupied until a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development to be occupied has been submitted to and approved in writing by the local planning authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past shallow coal mining activity.

- 8) No development involving the erection of any sections of the external walls or roof of the development hereby permitted shall take place until details of the materials to be used in the construction of the external walls and roof have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) The building hereby permitted shall not be occupied until, commencing from its meeting point with Walton Back Lane, a 5m length section of the access drive is surfaced in a solid and bound hard surface material, free of loose stone/gravel/material. The upgraded section of the access shall be retained thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2 Part 1 Classes A and E and Part 2 Class A other than that expressly authorised by this permission, shall take place without express planning permission having first been granted by the local planning authority.

End of Schedule