



Appeal Decision

Site visit made on 19 July 2023

by **L Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/R1038/W/22/3304735

Park House Farm, Pilsley Road, Lower Pilsley S45 8DL

- 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 Neil Bestwick against the decision of North East Derbyshire District Council.
- The application Ref 21/01242/FL, dated 12 October 2021, was refused by notice dated 16 February 2022.
- The development proposed is the residential development of four dwellings including the demolition of existing barn and ancillary farm buildings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties disagree whether the landscaping buffer identified on the plans has already been approved under a condition discharge application for the adjacent 5 dwelling approval¹. If already approved, then that planting would be part of the visual baseline for my assessment.
3. Plan references 18-005 A(90)-23 Rev D and Landscape Buffer Planting Plan PHF-01 were submitted as part of the discharge application. The discharge decision notice does not specify approved plans, simply stating that the submitted details are acceptable. However, the accompanying officer report only identifies plan 18-005 A(90)-23 Rev D. It describes in some detail the planting details shown within it, concluding that the details provided are acceptable. It is clear that the Council's decision was made on this basis. Furthermore, PHF-01 shows planting details fully outside of the red line. While that wider land is within the appellant's ownership, the plan shows details beyond that required by condition 4, whereby details should follow the general outline scheme shown on approved drawing P1058-05 Rev 03². I therefore find that when taken as a whole, the condition 4 discharge did not approve PHF-01. I have thus assessed the proposed scheme in its entirety, including the proposed landscape buffer.

Main Issue

4. The main issue is whether the proposed development is in a suitable location for housing having regard to the spatial strategy for the area, with particular regard to the effect of the proposed development on the character and appearance of the countryside.

¹ Condition discharge 21/00402/DISCON, relating to condition 4 of 20/00094/FL.

² Both parties agree that the plan reference cited under condition 4 is erroneous, and should be P1058-05 Rev 03.

Reasons

5. The appeal site is a former farm and lies adjacent to fields at the end of a ribbon of development along Pilsley Road. It is accessed from Pilsley Road off an existing access in connection with other recent conversions and replacement or new dwellings. The proposal is to demolish some brick agricultural buildings and erect 4 detached dwellings, 2 being single storey and 2 being 2-storey.
6. The North East Derbyshire Local Plan 2014-2032 (LP) (2021) sets the spatial strategy and Settlement Hierarchy for the District, and identifies Lower Pilsley as a level 3 settlement with limited sustainability. The LP Proposals Map and Policy SS2 designate the site as countryside, as it is located outside of a Settlement Development Limit (SDL). Although relatively substantial residential development has taken place between the nearest SDL and the appeal site, including an extant planning permission, this was allowed in the context of the previous development plan, and for specific reasons relating to acting as infill and historic consents. These reasons do not apply to the appeal site. The presence of neighbouring existing built form therefore does not outweigh that the site is some distance outside of the relatively recently adopted SDL, and should be assessed against policy SS2.
7. Policy SS2 further states that development in the countryside is only permitted in accordance with Policies SS1 and SS9. Policy SS1 is wide ranging and covers numerous elements of sustainable development, referring in turn to the more detailed specific policies for each element.
8. Policy SS9 criterion (1)(b) allows development proposals that involve the re-use of vacant, derelict, or previously developed land. While the site is in currently used as a site compound, this is only temporary and with a timescale restricted by condition. The site's principal use is agriculture, and it is already a vacant farm, and so in principle it accords with this Policy SS9 definition. I also note in this regard therefore that the storage compound is not a part of the visual baseline for my assessment.
9. Policy SS9(1)(b) further requires proposals to accord with Policy SDC1, which relates to providing high quality design and place-making, and SS9 criterion (2) also requires development to respect the form, scale, and character of the landscape, including through careful siting, scale, and design.
10. The appellant's Landscape and Visual Impact Assessment concludes that the proposal would result in extremely limited change at a very local level. However, it would elongate further the ribbon of development along Pilsley Road. The layout would also create an untoward sense of enclosure to what is currently a partly open transition to the surrounding open fields. It would extend the built massing across the site and appear as an encroachment further into the countryside, and so affect its character and appearance. This is in contrast with the site's existing buildings, which are clearly identifiable as farm buildings despite not all having particular aesthetic merit.
11. The appeal site is relatively prominent in close-range and medium-range views, including from Pilsley Road and from the public right of way running alongside the wider site and through the fields beyond for some distance. This projection into the countryside and the enclosure it forms would therefore be readily apparent. The proposed landscape buffer would substantially mask this in some views, but this would be seasonal, and would not restrict views from the north.

It would also to some extent be a contrived feature introduced into the landscape which would block the existing views across the site of open fields.

12. Although the form and materials of the proposed dwellings would be generally appropriate and characteristic for dwellings in this broad location, this would not outweigh their negative impact. As such, the proposal would not meet the requirements of the LP Policy SDC1. It follows therefore that it would also not comply with Policy SS9(1)(b).
13. The proposed development would therefore overall not be in a suitable location for housing having regard to the spatial strategy for the area, and would cause harm to the character and appearance of the countryside. This would conflict with the LP Policies SS1, SS2, SS9, and SDC1. The proposal would also conflict with paragraph 130 of the Framework whereby development should add to the overall quality of an area, and be sympathetic to local character and landscape setting.

Other Matters

14. The development would provide an additional 4 dwellings to the District's housing requirement, but the Council identifies that it has 6.94 years of housing supply, which is not disputed by the appellant. I have no evidence that there is a local area housing undersupply, or that the types of dwellings would meet any specific local housing requirement. Therefore, 4 new dwellings would only be a limited benefit. There would also be a short-term economic benefit from construction work and business for local supply companies, and an economic benefit from the spending from new occupants, but again this would be limited.
15. The proposed landscape buffer would provide increased biodiversity across the site, which is a minor benefit. I note that although this was originally requested by the Council, the email trails suggest this to be attempted mitigation for the impact of the wider scheme. Officer advice given in this regard is not binding to the outcome of an application, nor to my determination.
16. The support for the proposal from adjacent residents is noted, but does not outweigh the issues I have identified above.

Conclusion

17. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR