



Appeal Decision

Site visit made on 18 July 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/N1025/W/23/3316040

Flourish Farm, Spondon Road, Dale Abbey, Derbyshire DE7 4PQ

- 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 Ms White against the decision of Erewash Borough Council.
 - The application Ref ERE/0822/0025, dated 14 June 2022, was refused by notice dated 4 October 2022.
 - The development proposed is change of use and alterations to an agricultural building to form three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior approval was granted in 2021 (Ref: APP/N1025/W/21/3277013) under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to change the use of the building and some of the surrounding land to 3 dwellings.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the proposal would result in the loss of an employment generating use;
 - the effect of the proposal on living conditions of future occupiers; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or Not Inappropriate Development and Green Belt Openness

4. The fundamental aim of Green Belt policy in the National Planning Policy Framework (Framework) is to prevent urban sprawl by keeping land permanently open.
5. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 150 of the Framework lists forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at paragraph 150 d) the re-use of buildings, provided that the buildings are of permanent and substantial construction.
7. Saved Policy GB5 of the Erewash Borough Saved Policies Document (2008) similarly supports the conversion or change of use of existing rural buildings provided that the building is of permanent and substantial construction. This policy also includes a number of design criteria, some of which could affect the openness including the building is capable of conversion without the need for significant rebuilding or alteration.
8. The original building comprises a large, rectangular shaped agricultural barn. Permission is sought to convert the barn into 3 two-storey dwellings. The site forms part of Flourish farm complex located off Spondon Road.
9. The proposal would involve alterations to the structure to make it liveable including the new walls, and extensive glazed fenestration and new roof lights and solar panels. The proposal would also replace the existing roof with new roof materials.
10. The appellant's Structural Report (SR), dated September 2019, states that the existing timber purlins would need to be replaced to be able to support a new roof. It also states that a major structural alteration required would be the provision of a new insulated floor slab and that ground conditions are unknown. Furthermore, the SR is silent on whether the appeal building would be capable of supporting the proposal's new and altered loadings that would be placed upon the existing frame and foundation.
11. Therefore, the proposal would involve a considerable amount of reconstruction to the original building, particularly with regard to the completely new roof structure, the insulated floor slab, and the construction of a new front elevation. The external skin of the building would be almost entirely of new construction. Thus, the degree of addition and alteration required for habitable use would be substantial.
12. I appreciate that the Inspector for the previous appeal¹ found that the SR appropriately demonstrated that the building was capable of being converted to 3 dwellings, and the SR was the same as the one submitted for this appeal. However, there are differences between this appeal and the previous one, the most significant being the previous appeal would retain the building's roof and

¹ APP/N1025/W/21/3277013

cladding. In contrast, the works for the current appeal would go beyond that allowed in Class Q of the GPDO.

13. Consequently, the extent and nature of the proposed works would constitute excessive rebuilding and alterations to the original building. Therefore, I conclude that the original building is not of a substantial construction that would be suitable for the proposed development. Accordingly, the proposal would not comply with the exception in Framework paragraph 150 d).
14. I therefore turn to the effect of the proposal on the openness of the Green Belt. Openness in terms of the Green Belt has a spatial and visual aspect and therefore relates both to considerations of the amount of built form and also a professional judgement on the effect of this on the perception of openness.
15. The proposed dwellings would be formed within the existing barn with no extensions to the footprint of the building and therefore would not affect the openness of the Green Belt. However, the proposal would create a driveway and parking area in hardstanding material. It would also create 3 garden areas with patios. The enclosure of these garden areas by fencing combined with the use of hardstanding materials would result in the area around the appeal building being less open than it is at present, which would inevitably reduce the openness of the Green Belt in both visual and spatial terms.
16. Furthermore, the activity in the spaces around the building for car parking and garden activities would likely be much more intensive than that arising from the existing agricultural use. It would also result in parked cars and domestic paraphernalia that would be associated with the proposed dwellings, such as garden furniture, being located in these areas which would impinge on the visual openness compared to the existing situation. The reduced openness would be readily experienced by those driving or walking along the nearby track and public right of way and in the wider landscape views.
17. This domestication of the building and the land around it would have a harmful effect on the openness of the Green Belt and this harm could not be overcome or be controlled by conditions.
18. For the reasons given, the proposal would not preserve the openness of the Green Belt in both visual and spatial terms and would fail to safeguard the countryside from encroachment. The proposal therefore does not fall within the forms of development at paragraph 150 of the Framework and as such is inappropriate development in the Green Belt. For the same reasons, the proposal conflicts with Policy GB5 of the Erewash Borough Saved Policies Document (2008).

Character and Appearance

19. The appeal building is an agricultural barn, with a simple utilitarian appearance that is open sided at one end. The barn is sited adjacent to the existing farm complex and is surrounded by open countryside. The barn's agricultural design along with the openness of the surrounding fields, contributes positively to the rural character and appearance of the area.
20. The proposal would use similar materials to the original building, such as the timber cladding. However, the proposal would also include a number of new openings, such as glazed doors and windows, and several roof lights and solar panels on both roof slopes. This would introduce modern features that would

detract from the plain, simple and utilitarian character of the original building. The proposed windows and doors are also large vertical features that would not be in keeping with the local vernacular architectural style of rural buildings within the local area.

21. Furthermore, the proposed standing seam metal cladding on the building's external roof and walls would not be consistent with the rural character of the original building or the traditional farm buildings found in the local area. The proposal would appear unsympathetic and out of keeping next to the existing farm buildings, which have a traditional appearance. As such, the proposal would not respond positively to the character of the surrounding area or reflect the design of the original building.
22. The garden paraphernalia that would likely be associated with the proposed dwellings, such as garden furniture, would result in a domestic appearance that would diminish the rural qualities of the site and its surroundings. In addition, the proposed use of fencing and hardstanding material to create the driveway and parking area would reduce the open grassy appearance of the site.
23. Consequently, the proposal would result in an urbanising change to the appeal site harming its existing rural qualities and thereby would harm the character and appearance of the area.
24. As such, the proposal would fail to accord with Policy 10 of the Erewash Core Strategy (2014), which amongst other things, seeks to ensure development outside of settlements protects, conserves or where appropriate, enhances landscape character. The proposal would also fail to accord with Saved Policies H12 and GB5 of the Erewash Borough Saved Policies Document (2008). These policies, amongst other things, seeks to ensure development of farm buildings does not adversely affect the character of the building or its surroundings. In addition, the proposal would not accord with the design objectives of the Framework.

Employment Generating Use

25. The appeal building forms part of an active farm and therefore the building's current use for agricultural is an employment generating use. Part 2 of Saved Policy GB5 states that the 'conversion to residential use will only be permitted where the building and its location are not suited for employment generating purposes, due to either the proximity of existing residential property, poor access, difficulty of providing services, or it can be demonstrated that there is no proven market demand for such a use.'
26. There is no evidence before me to indicate that the agricultural building is no longer suitable for agricultural purposes and therefore surplus to its original need. Furthermore, there is no submitted marketing evidence to demonstrate that the appeal building could not be used for any other viable employment generating purpose suitable for its rural location, and that there is no proven market demand for such uses within the local area.
27. Consequently, the appellant has not demonstrated that every reasonable attempt has been made to secure a suitable employment generating re-use for the existing building. As such, the proposal would result in the loss of an employment generating use and would therefore fail to accord with Saved Policy GD5 of the Erewash Borough Saved Policies Document (2008).

Living Conditions of Future Occupiers

28. The proposal's unit 2 would contain 2 bedrooms at first floor level. Although these 2 bedrooms would have rooflights providing natural daylight, they would not contain any windows on the building's external elevations. As there would be no windows to the proposed bedrooms there would be no external outlook from the room. As bedrooms are a habitable space used frequently in a dwelling, this would cause harm to the future occupiers living conditions.
29. Consequently, the proposal would fail to accord with Policy 10 of the Core Strategy and Saved Policy H12 of the Erewash Borough Saved Policy Document. Collectively, these policies amongst other things, seek to ensure that the design of developments provide adequate amenity space for each dwelling. In addition, the proposal would fail to accord with the Framework design objectives, in particular paragraph 130, where it seeks to promote health and well-being and a high standard of amenity for existing and future users.

Other Considerations

30. The provision of three dwellings would contribute to the housing land supply. However, this does not outweigh the harm identified.
31. The appeal building already has planning permission to change the use of the building to residential following the granting of a Prior Approval application under Class Q of the General Permitted Development Order (Ref: APP/N1025/W/21/3277013). This development was not completed at the time of my site visit. Nonetheless, I am satisfied that there is a reasonable prospect that this previous approval would be built. Consequently, this previous approval represents a viable fallback position for the appellant. However, the degree of weight to be given to the fallback position depends on whether or not the fallback position would be equally or more harmful than the scheme proposed.
32. The fallback position differs from the appeal proposal in that the form of development would comprise vertical timber cladding to match existing, and the building's existing metal roof would be retained and the existing blockwork would be re-painted. In contrast, the proposal would use standing seam metal cladding on its walls and would include substantially more glazing on its elevations and roof slope, and would also include solar panels. It would also completely replace the building's roof which would require the existing timber purlins to be replaced to support the new roof structure. Thus, the development that would be constructed under the appeal proposal would be more extensive than the fallback position.
33. The proposal's impact on Green Belt openness is likely to be similar to the fallback position. Nevertheless, the proposal would cause significantly greater harm to the character and appearance of the original building and the surrounding area than the fallback position.
34. I acknowledge that the fallback position would result in the loss of an employment generating building, but the same would be true of the proposal before me.
35. The proposal would be of sustainable design, providing solar gain and sustainable cladding materials that would allow for greater thermal efficiency

compared to the fallback option, however overall, the proposal would be harmful for the reasons explained.

36. Consequently, the fallback position carries limited weight in favour of the proposal.
37. It appears that a public right of way runs through the appeal building. However, given that I am dismissing the appeal, the proposed development would not result in a change to the way in which this public right of way is experienced. Therefore, I do not need to give this matter further consideration.

Green Belt Balance

38. The proposal would be inappropriate development and would cause harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to this identified harm. In addition, harm has also been identified to the character and appearance of the area, to which I also attach substantial weight.
39. The total weight of the other considerations does not clearly outweigh the harm by reason of inappropriateness, and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.
40. As a result, the proposal conflicts with the Framework and Saved Policy GB5 of the Erewash Borough Saved Policies Document (2008), which, amongst other things, seeks to protect the Green Belt and its openness in line with national policy.
41. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Conclusion

42. For the reasons given, the appeal is therefore dismissed.

H Smith

INSPECTOR