



Appeal Decision

Site visit made on 16 August 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/R1038/W/23/3317681

Croft Farm, Overton Lane, Ashover S45 0EG

- 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 B Taylor against the decision of North East Derbyshire District Council.
 - The application Ref 22/00359/FL, dated 4 April 2022, was refused by notice dated 23 September 2022.
 - The development proposed is for engineering works and installation of access tracks and planning consent for solar panel installation on an agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have utilised the description of development from the application form but have removed reference to 'retrospective consent' as this does not refer to a form of development.
3. At the time of my visit, the development had been undertaken other than the solar panels. For clarity, I have considered the appeal based on the submitted plans.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is situated in a rural landscape that comprises of undulating land which provides for expansive views of open fields and areas of woodland. These characteristics, along with traditional stone boundary walls and hedgerows contribute positively to the distinctly rural character of the area.
6. The appeal development is situated in a prominent position, elevated from the road level and seen from a public footpath. It includes a raised area of hardstanding and embankment around the agricultural building. The large area of hardstanding and the exposed embankment contrasts with the naturally sloping topography in the area which comprises of grass fields and wooded slopes.
7. Reference has been made to various landscaping and I was able to see some planting had been undertaken at the time of my visit. This landscaping, once matured will reduce visibility of the development. However, even when

established, given the elevated, prominent location of the development, I cannot be sure that it could realistically screen all the development. As such, given the hard engineered form of the raised hardstanding area and it appearing, along with the embankment as a protruding feature into the sloping hillside, I consider it is a harmful intrusion into the landscape.

8. Concerns have also been raised in relation to the access tracks being seen as stark and visually intrusive. However, from the road, one of the access tracks rises following the hill slope with the second access track broadly following the contour of the land. The centre of the access tracks have also been seeded and have the appearance of traditional farm tracks and I therefore do not consider they are visually harmful.
9. The appeal development also proposes solar panels on the roof of the building, as well as the retention of the agricultural building on the appeal site. The Council do not raise any concerns on these aspects of the appeal development, and I have no reason to disagree. There are other structures such as the concrete retaining panels and external lights but given the size and position of these on and around the agricultural building, I do not consider they appear incongruous.
10. Nevertheless, I conclude that the development has a significantly adverse effect on the character and appearance of the area. As such, it would be contrary to Policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan 2014-2034 and Policies AP2, AP11 and AP13 of the Ashover Parish Neighbourhood Plan 2016-2033, which seek, amongst other matters, high quality design and development that respects the character of the landscape. It would also be contrary to Paragraphs 130 of the National Planning Policy Framework, which seeks development to be sympathetic to local character, including landscape setting.

Other Matters

11. The appellant has set out that the hardstanding area is required to provide access to the agricultural building and a turning area. It has further been stated that the embankment is needed to provide support to the building, which would otherwise be susceptible to subsidence or even collapse. Whilst this rationale for the development is noted, I am required to determine the effect of the appeal development on the character and appearance of the area. Having done so, and in view of the degree of harm I have identified, these factors do not alter my conclusion.
12. The appeal development has recycled rock and spoil that was excavated from the site rather than it being removed off-site. Reference has also been made to biodiversity benefits. Whilst these matters weigh in favour of the development, they would not outweigh the harm that I have identified.

Conclusion

13. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, including the provisions of the Framework, I conclude the appeal should be dismissed.

F Rafiq INSPECTOR