



Appeal Decision

Site visit made on 30 October 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2023

Appeal Ref: APP/R1038/W/23/3318160

The Old Smithy Barn, Land off Quarry Lane, Quarry Lane, Woolley Moor, Alfreton DE55 6FN

- 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 Ady Bailey against the decision of North East Derbyshire District Council.
 - The application Ref 22/00944/FL, dated 26 September 2022, was refused by notice dated 6 January 2023.
 - The development proposed is demolition of dilapidated cottage and rebuild to same footprint, using salvaged materials from original structure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Based on the evidence before me, prior to the planning application having been submitted, the appeal building had partially collapsed. The appellant subsequently demolished the remains of the building.
3. At the time of my site visit the proposed replacement building was under construction, with substantial parts of blockwork completed and stone facing partially carried out. I have had regard to the works which have been carried out, however, for the avoidance of doubt I have based my decision on the submitted plans.

Main Issue

4. Whether the site represents a suitable location for a dwelling, having regard to the spatial strategy and the landscape character of the area.

Reasons

5. Policy SS1 of the North East Derbyshire Local Plan 2014-2034 (November 2021) (the LP) seeks to promote sustainable development through various requirements; including directing new development to defined settlements and other allocated areas, having regard to the settlement hierarchy to provide homes in the most accessible locations; as well as ensuring the character of the district's local landscapes and wider countryside are protected and/or enhanced.
6. The appeal site is located outside of settlement development limits and is a very substantial distance from everyday shops, services and facilities. Future residents would therefore have high reliance on private motor vehicle to access basic shops and services for their day-to-day needs and for job opportunities.

7. For development within the countryside however, Policy SS9 of the LP sets out categories of which development proposals must meet one or more of. The appeal proposal does not fall within any of the listed categories.
8. This policy also notes that, even where development is considered acceptable in a countryside location, it will be required to respect the form, scale and character of the landscape through careful siting, scale, design and use of materials. This is reflective of a similar requirement in Policy SS1 of the LP.
9. The appeal site falls within the Wooded Slopes and Valleys landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area. The key characteristics of this area include the undulating land with steep slopes, vast pastures and scattered woodlands.
10. The former building at the appeal site appeared to be a modest, characterful property which was clearly discernible as a typical agricultural building in this locality. I note the appellant's re-use of the stone from the former building, an approach to the construction of the development which is laudable. However, this choice of material is only one element of the design of the proposal.
11. The proposed dwelling would have an extended linear footprint and increased height. The evidence also suggests that it would occupy a slightly different position in the site. Additional openings would also feature on the proposed elevations. The small footprint and differentiation between the two sections of the former building assisted in giving it a quaint, unassuming appearance. These features would be diluted in the proposed dwelling and, overall, the proposal would be of a poor quality and uninspiring design which fails to respond positively to its rural context.
12. I observed that the appeal site sits at the brow of a hill, beyond a large, open field. A public footpath also runs along the northern boundary of the site. The proposed dwelling would therefore be readily apparent from public vantage points. By virtue of the above factors, it would be an obtrusive domestic addition which would not be informed by the locality and which would noticeably fail to assimilate well into its landscape.
13. I acknowledge the dwelling adjacent to the appeal site which was recently granted planning permission. However, it seems to me that the Council determined that it met the criteria of paragraph 80 e) of the National Planning Policy Framework. For the reasons given, the proposal does not meet this exception to isolated homes in the countryside. The use of the former stone in this case is not sufficient in itself to constitute design of exceptional quality that is truly outstanding.
14. Taking all of the above together, I conclude that the countryside location of the site makes it inappropriate for a new dwelling by virtue of its poor levels of accessibility and the harm to the landscape character of the area. It therefore conflicts with Policies SS1, SS9, SDC3 and SDC12 of the LP and Policy CH2 of the Brackenfield Neighbourhood Plan 2017-2034 (September 2019) in their collective aims for sustainable development, and for proposals to be of a high-quality design which protects local character.

Other Matters

15. I acknowledge that planning permission was granted for the conversion of the former building to a residential dwelling¹ (the previous permission) as the Council found its conversion to comply with relevant development plan policies, namely the re-use and conversion of buildings in the countryside. This permission was subject to no works of repair, reconstruction or rebuilding to be undertaken.
16. Based on the evidence before me however, it seems that the original building was not suitable for conversion as, following approval of the previous permission it became apparent that it was structurally unsound and required extending in order to comply with building regulations.
17. Accordingly, even though a residential use has previously been permitted at the appeal site, I consider that the previous permission does not represent a fallback as the building has since been removed thus its conversion is no longer possible. Even if it were to be rebuilt like-for-like, it seems as though there is no real prospect that it could be converted to habitable accommodation given its size limitations.
18. Whilst I note the references by interested parties to a nearby barn which was rebuilt and converted, I have very limited details before me. Thus, I cannot ascertain whether it is directly comparable to this appeal and cannot afford it any positive weight in my decision.
19. It is suggested that the public footpath is more usable and safer following the demolition of the previous building. Be that as it may, this matter does not justify the proposed dwelling.

Conclusion

20. The proposed development would provide one additional dwelling which would make a contribution to local housing supply, create jobs during construction and generate economic benefits on subsequent occupation. However, the extent of these benefits would be very limited due to the small scale of the proposal.
21. I therefore conclude that the proposed development conflicts with the development plan as a whole and there are no other considerations of sufficient weight which indicate a decision should be made other than in accordance with it. The appeal should therefore be dismissed.

H Ellison
INSPECTOR

¹ Council ref: 15/01299/FL