



Appeal Decision

Site visit made on 21 November 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2024

Appeal Ref: APP/M9496/W/23/3319423

Land at Whitelow Lane, Sheffield S17 3AG

- 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 S Hussain against the decision of Peak District National Park Authority.
 - The application Ref NP/S/0722/0977, dated 27 July 2022, was refused by notice dated 30 September 2022.
 - The development proposed is the erection of a new agricultural building and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new agricultural building and associated works at Land at Whitelow Lane, Sheffield S17 3AG in accordance with the terms of the application Ref NP/S/0722/0977 dated 27 July 2022 subject to the conditions in the attached schedule.

Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Main Issues

3. The main issues are (i) whether a functional need for the proposal has been demonstrated to justify the development, and (ii) the effect of the proposal on the character and appearance of the rural area within the Peak District National Park.

Reasons

Agricultural Justification

4. The proposed development would involve the erection of a building on part of a field, which would be accessed from a new access track off Whitelow Lane. The building is intended to meet a range of storage requirements associated with maintaining the land and livestock, as well as housing livestock during certain periods.
5. The appellant farms some 3.56 ha of land at and around the appeal site which is currently used by 46 Hebridean sheep. The appellant also intends to introduce 10 bucket calves. Although the current agricultural enterprise comprises of a hardy breed that can be grazed in poor weather, this does not completely negate the need for shelter, such as in heavy snowfall. The

proposed building would also provide an indoor space during the lambing period. The Authority has set out their concerns regarding the justification for the size of the proposed building. The appellant has referred to standards¹ that set out the requirement for Ewes with lambs up to 2 weeks old to have a total area of between 1.95sqm to 2.7sqm per animal. Given the total number of sheep, I consider a building with a footprint of around 118sqm to be broadly commensurate with this existing need, setting aside the requirement to store equipment or to accommodate calves.

6. The Authority has stated that the sheep can be removed from site during the lambing season and returned when the lambs are old enough. They do however acknowledge that the appellant does not own any other agricultural buildings and thus cannot use alternative sites. I see no reason therefore to doubt that the proposal would be necessary for the purposes of agriculture.
7. I conclude that a functional need for the proposal has been demonstrated. As such, the proposed development would not conflict with Policy DME1 of the Development Management Policies (Part 2 of the Local Plan for the Peak District National Park) (DM Policies Document) or with the Agricultural Developments in the Peak District National Park Supplementary Planning Guidance, which seek, amongst other matters, for buildings at the scale proposed to be functionally required for agricultural purposes.

Character and Appearance

8. The appeal site falls within the Dark Peak Yorkshire Fringe character area, and the Enclosed Gritstone Upland landscape type which is characterised by farmsteads that are situated in a pastoral landscape. This was evident on my visit, with the appeal site set on a pastured hillslope and near other buildings. The open fields in the area around the appeal site, many of which are bounded by drystone walls, together with the presence of hedgerows and trees along boundaries, contribute to the landscape setting and the scenic beauty of the Peak District National Park.
9. The proposed building would be seen from various vantage points. Although the Authority has referred to the isolated location of the proposed agricultural building, in many of the surrounding views towards the appeal site, it would be seen in the context of nearby buildings along Whitelow Lane. The use of Yorkshire boarding and fibre cement roofing would ensure that it has the appearance of a functional agricultural building that is typical of the landscape in the National Park. As such, I do not consider the proposed building would detract from the rural landscape which is characterised by scattered farmsteads in an agricultural setting.
10. The access track would use an existing access point and for the most part, it would follow a boundary line. The hardstanding to two sides of the proposed building would also be limited in its size. As such, I do not consider these elements of the proposal would be unduly prominent in the landscape.
11. The proposed landscaping would take time to establish and would not fully screen the development. However, even without such screening, I do not consider the development would be visually harmful for the reasons set out, and the landscape and scenic beauty of the National Park would be conserved.

¹ RSPCA welfare standards Sheep

12. I therefore conclude that the proposal would not have an unacceptable adverse effect on the character and appearance of the rural area within the Peak District National Park. As such, it would not conflict with Policy L1 of the Authority's Core Strategy Development Plan Document and DME1 of the DM Policies Document, which seek development to, amongst other matters, conserve and enhance valued landscape character. It would also not be contrary to the Framework, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

Conditions

13. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity, conciseness and enforceability, I have amended the wording of some of the suggested conditions as appropriate.
14. I have attached materials and landscaping conditions in the interests of ensuring the development's acceptable appearance in order to conserve the landscape and scenic beauty of the National Park. A condition is also necessary for this reason to secure the removal of the building once it is no longer required for agricultural purposes.
15. The Framework in paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this instance the proposal has been justified on the basis of a specific agricultural need in the National Park. It is therefore reasonable to attach a condition restricting its use for that purpose.

Conclusion

16. I conclude, for the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, that the appeal should be allowed.

F Rafiq

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: Site Location Plan (Scale 1:1250), Block Plan (Drawing No: 1015-002), Elevation & Floor Plan (Drawing No: 1015-003 Rev: A) and Landscaping Plan (Drawing No: 1015-004).
- 3) The sheeting forming the external surface of the roof of the building hereby permitted shall be factory colour-coated to Ref. No. 18B29 finish (Slate Blue) in a matt finish. The sheeting shall thereafter be retained in this colour and finish.
- 4) The tree and hedgerow planting shown on drawing no: 1015-004 shall be carried out in the first planting and seeding seasons following the first use 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the use of the building hereby permitted shall be restricted to agriculture only (as defined in section 336 of the Town and Country Planning Act 1990) and for no other purpose.
- 6) When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled and removed from the site and the site restored to its original condition.

End