



Appeal Decision

Site visit made on 30 April 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/M9496/W/23/3325925

Land at Middle Hay, Long Lane, Cressbrook Dale, Buxton, Derbyshire SK17 8SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Natural England against the decision of the Peak District National Park Authority.
 - The application Ref is NP/GDO/0322/0431.
 - The development proposed is new building for mixed agricultural use.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a new building for mixed agricultural use at land at Middle Hay, Long Lane, Cressbrook Dale, Buxton, Derbyshire SK17 8SZ in accordance with the terms of application Ref: NP/GDO/0322/0431 and the details submitted with it (as amended by Drawing Nos. 6975 – LP; 6975 / 02; and 6975 / 03), and subject to the additional conditions included within the attached schedule.

Preliminary Matters

2. The description of development within the above banner heading and my formal decision is taken from the Council's decision notice and the appeal form as the application form did not contain a description of the proposal. I have however removed the words "GDO Notification" from the description as this does not form part of the proposed development.
3. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits works for the erection, extension or alteration of a building, which are reasonably necessary for the purposes of agriculture, on agricultural land comprised in an agricultural unit of 5 hectares or more in area. However, to be permitted under Part 6, Class A of the GPDO, the development must also accord with further limitations and conditions.
4. Paragraph A.1 sets out a list of criteria (a – l) by which development is not permitted by Class A. There is no dispute between the parties that the appeal proposal adheres to these criteria and thus is permitted under paragraph A.1. I agree and have determined the appeal on that basis.
5. Paragraph A.2 then sets out the conditions which development that is permitted by Class A is subject to. These include under (2)(i) the developer

must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, amongst other matters as the case may be.

6. The appellant applied for prior approval which was refused having regard to condition (2)(i). During the Authority's consideration of the application amended plans were submitted and I have determined the appeal on the basis of these. I have also had regard to details of potential alternative sites for the proposed building on land within the appellant's ownership.
7. Subsequent to the Authority issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties had an opportunity to comment on the revised Framework within their respective submissions and I have had regard to the Framework only insofar as it is relevant to the subject matter of siting, design and appearance. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

8. The main issue is the effect of the siting, design and external appearance of the proposed development on the character and appearance of the area.

Reasons

9. The appeal site relates to a section of land within the agricultural holding of Middle Hay, located within the open countryside, the Peak District National Park and the Derbyshire Dales National Nature Reserve (DDNNR). The appeal site represents a relatively flat plateau of land, within an otherwise largely undulating landscape, and is accessed via a sloping private track off Long Lane. The appeal site, and its surrounding land, is designated as open access land within the DDNNR.
10. The DDNNR is managed by Natural England, the appellant, who are responsible for maintaining, improving and protecting its biodiversity. At present the grassland within the DDNNR is managed partly by a grazing herd of belted Galloway cattle.
11. The appeal site is currently used for informal storage of materials and equipment associated with the management of the wider holding. These include trailers, animal transporters, logs, wrapped bales and timber pallets all on the site. On land immediately to the north of the appeal site is a group of livestock pens and a cattle corral used by the herd, and further to the north are the remains of a former stone barn which has partially collapsed. When viewing the appeal site from various long-distance points, I observed a small number of other buildings and farmsteads within the wider landscape.
12. The undulating area surrounding the site is a visually pleasing and expansive agricultural landscape of fields and woodlands, with a significant characteristic being the distinctive limestone walls defining many field boundaries. The site is designated as being within the Limestone Hills and Slopes landscape character type in the Authority's Landscape Character Assessment¹ (LCA).

¹ Peak District Landscape Character Assessment 2: White Peak – July 2009

13. The LCA describes this character type as *"...a remote, sparsely populated landscape with a regular pattern of mostly medium to large walled fields interspersed in places with extensive patches of rough ground and elsewhere by smaller regular fields"*. The LCA also details how this is a visually prominent, and for the most part, pastoral landscape. In terms of settlements and building the LCA states that this is a sparsely settled landscape with only occasional, large, isolated stone farmstead, many of which were established in the 18th or 19th Centuries.
14. In respect of its siting, due to the undulating topography of the surrounding land and the plateau upon which it would be located, the appeal building would be visible from various nearby points within the surrounding open access land. Furthermore, it would be visible from longer distances including sections of the B6465 which runs on higher ground to the east, and a number of Public Rights of Way which connect to this highway.
15. The proposed building would be positioned on land directly to the south of the existing livestock pens and cattle corral. Although these existing features are relatively low-level developments, they are still visible within the landscape, as are the other items and equipment currently stored on the site and the existing track that provides access to the site. Additionally, the partially collapsed stone barn to the north of the appeal site is also visible on the landscape within the vicinity of the appeal site. In this context although the appeal building would be a larger and more prominent structure on the landscape it would not appear as isolated or incongruous in association with these other man-made features.
16. In respect of scale and mass, the appellant has detailed how the height of the building was reduced during the application process and is the lowest it can be to accommodate its purpose of housing equipment and cattle. Directly to the south of the site are three semi-mature trees which would, along with other trees further to the south, provide some screening of the proposed building when viewed from this direction.
17. In the wider landscape there are mature woodlands and these would provide a backdrop to the appeal building when viewed from longer distances, especially from the east. Due to a combination of these woodlands, the natural topography of the surrounding land and the elevated views afforded of the appeal site from mid-to-long distances, the proposed building would not break the skyline above the surrounding undulating land. This would ensure that the scale and mass of the building would assimilate into the natural surrounding landscape and background.
18. Furthermore, whilst views of the proposed building could be obtained from all directions within the surrounding open access land, the most frequent directions the appeal building would be viewed from is likely to be the B6465 and the PROWs to the east. The appeal building would be orientated in such a way that its gable elevations face east and west, thus reducing the visible scale, mass and prominence of the building when viewed from the B6465 and these PROWs.
19. The submission also includes details of new landscaping features to be introduced both immediately adjacent to the appeal site, and the wider area. Although accepting that the full benefits of the suggested landscaping would take time to come to fruition, once implemented and matured, an agreed appropriate landscaping scheme would help to screen the appeal building and

- further assist with its assimilation into the landscape. Furthermore, given the surrounding landscape, which includes areas of woodlands and trees, the introduction of a landscaped area would not only be appropriate in this setting, but also positively contribute to the visual landscape character of the area and benefit wildlife within the National Park.
20. Whilst acknowledging that the majority of the landscaping would be outside the site edged red, it is within the submitted site edged blue and therefore within land the appellant controls. As such, the submission and implementation of a detailed landscaping scheme could be secured by a suitably worded condition.
 21. In view of the above, the siting, scale and mass of the appeal building would not appear as unduly isolated or prominent when viewed from surrounding land, including the open access land, public highways and PROWs.
 22. In terms of external design and appearance, the proposed seven-bay building would be of a traditional agricultural appearance, with a metal sheet pitched roof design. The Authority do not raise any specific objection to the external design and appearance of the building, however, did request amendments which could be secured by condition.
 23. These suggested amendments relate to the proposed timber cladding being extended down to ground level on the south and west elevations to prevent any concrete panels from being externally visible; the roof sheeting and external shutter doors being painted or factory finished slate blue (BS 18B29); the stonework to be natural limestone and the timber cladding tanalised and left untreated, or otherwise agreed in writing by the Authority. I consider these conditions to be both reasonable and necessary to make the design and appearance of the building acceptable in this location. Furthermore, the appellant has raised no objection to these requirements.
 24. Subject to the imposition of the above-mentioned conditions, the external design and appearance would be appropriate for an agricultural building and would not appear out of place within this rural landscape.
 25. In view of all the above, as a result of the siting, design and appearance of the appeal proposal, harm to the landscape character of the area would not arise and the proposal would conserve the valued characteristics of the National Park. As such, I conclude that the proposal would not have an unacceptable effect on landscape character.
 26. The Authority has referred to the Framework in its decision, however there is no specific provision under Schedule 2, Part 6, Class A for regard to be made to the Framework. The Authority has also referred to policies within its development plan in its decision. There is no statutory obligation to decide a prior approval appeal on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004.
 27. Nevertheless, I have had regard to development plan insofar as it relates to matters of siting, design and appearance. Given that I have concluded that the siting, design and appearance of the proposal would be acceptable with regard to landscape character, it would comply with Policies GSP1, GSP2, GSP3 and L1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011), as well as Policies DMC1, DMC3 and DME1 of the Development Management Policies Part 2 of the Local Plan for the Peak District National Park (2019). These policies together seek to ensure,

amongst other things, that development must respect, conserve and enhance the valued characteristics of the site by ensuring its scale, mass, height and orientation are appropriate to the character and appearance of the National Park and wider landscape; that the design respects the character of the area; and that landscaping and planting schemes are consistent with local landscape characteristics and their setting.

28. I have also had regard to paragraph 182 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues, and that the conservation and enhancement of wildlife and cultural heritage should be given great weight in National Parks. Furthermore, I am also bound to have regard to the purposes of National Parks, under the National Parks and Access to Countryside Act 1949 (as amended) (the Act). The purpose which concerns conserving and enhancing the natural beauty and wildlife is of particular relevance.
29. As I have found the proposal to be acceptable with regard to the effect on the landscape character, and it would assist with the appellant's management of the DDNNR, it would accord with the conservation and enhancement purposes of the National Park, as required within the Act and the Framework.

Other Matters

30. My attention has been drawn to an assessment of potential alternative sites for the proposed building. However, whether an alternative or less harmful location for the building might exist has no material bearing on my appeal decision, which is based on the facts of the case, my observations whilst on site and the correct application of the conditions and procedures in the GPDO.
31. The appeal site is located near to the Cressbrook Dale Site of Special Scientific Interest and Special Area of Conservation. Article 3(1) of the GPDO grants planning permission for the classes of development described as permitted development in Schedule 2 subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders) (CHSR).
32. Regulation 75 of the CHSR provides that it is a condition of any planning permission granted by a general development order on or after 30 November 2017 that development which is (a) likely to have a significant effect on a European site, alone or in combination with other plans or projects; and (b) not directly connected with or necessary to the management of the site; must not be begun until the developer has received the Local Planning Authority's written notification of approval of an application made under Regulation 77 of the CHSR.
33. I have not been made aware of any application made to the Local Planning Authority under Regulation 77, however neither the GPDO nor Regulations 75-78 prescribes the sequencing of prior approval and Regulation 77 applications. As such, whilst the development cannot be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 (if it is deemed to be required), that does not prevent me from determining this prior approval application.

Conditions

34. An approval granted for the new mixed use agricultural building under Article 3(1) and Schedule 2, Part 6, Class A is subject to the standardised conditions that are pursuant to the relevant parts of the GPDO, which include amongst others, the timescale for the development to be carried out and that it must be carried out in accordance with the details approved, which include the submitted (amended) plans listed in my formal decision. Hence, these conditions are not repeated in the below schedule.
35. In addition to the standard conditions the Authority requested further conditions be added to any allowed appeal. As detailed earlier I agree that additional conditions in relation to the external appearance of the building are necessary to conserve the landscape character of the National Park.
36. The Authority recommended a pre-commencement condition be added requiring the submission of a detailed landscaping scheme. Although the appellant has provided a plan, it lacks details and is not precise in respect of its reference to the alignment of any new boundary walls. I therefore consider the submission of additional details and a timetable for its implementation, is necessary to protect the landscape character and appearance of the area. I have imposed an amended condition for the sake of clarity and precision having secured the appellant's written agreement to the wording.

Conclusion

37. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

R Major

INSPECTOR

SCHEDULE OF CONDITIONS

1. Notwithstanding the details shown on the approved plans, prior to commencement of development, a detailed scheme for landscaping shall be submitted to, and approved in writing by, the National Park Authority. The landscaping scheme shall include details of any new walling, fencing, ground surfacing, planting and seeding as necessary, planting plans, schedules of plants, species, planting sizes, density of planting and an implementation timetable. Thereafter the development shall be implemented in accordance with the approved landscaping scheme and its timetable. Any trees dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced within the next planting season with trees of an equivalent size and species, or otherwise in accordance with an alternative scheme first agreed in writing by the National Park Authority.
2. Notwithstanding the details shown on the approved plans, the timber cladding shall be brought down to ground level on the west and south facing elevations, and no concrete panels shall be externally visible, on the building hereby permitted.
3. Notwithstanding the details shown on the approved plans, the roof sheeting and external surfaces of the roller shutter doors shall at the time of erection be painted or factory finished BS 18B29 (Slate Blue) and shall be retained as such thereafter.
4. The timber boarding shall be tanalised and left untreated to weather naturally, or at the time of erection finished in accordance with a scheme which shall have first been submitted to and approved in writing by the National Park Authority. The timber boarding shall be retained as such thereafter.
5. The stonework used on the external surface of the east facing elevation of the building hereby permitted shall be natural limestone.

***** END OF CONDITIONS *****