



Appeal Decision

Site visit made on 4 June 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2024

Appeal Ref: APP/R1038/W/24/3340259

Land Adjacent to the Cutthorpe Institute, Main Road, Cutthorpe, Derbyshire S42 7AJ

- 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 Elizabeth Wood (F.Wood & Sons) against the decision of North East Derbyshire District Council.
 - The application Ref 23/00610/FL, dated 6 July 2023, was refused by notice dated 8 September 2023.
 - The development proposed is temporary planning permission for siting a farm shop / café on the land adjacent Cutthorpe Institute, access and parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:-
 - Whether the proposal would be inappropriate development within the Metropolitan Green Belt for the purposes of the Framework, having regard to the nature of the development and its effect upon the openness of the Green Belt.
 - The location of the proposal, with specific reference to its Area of Multiple Environmental Sensitivity (AMES) designation.
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is part of an agricultural field, owned by the appellants, adjacent to the Cutthorpe Institute. Access would be taken directly from Main Road, which is the B6050. There are residential properties on the opposite side of the road. The site is located within the Green Belt.

Inappropriate Development?

4. The appellants seek the erection of a modular building on the site for use as a farm shop and café, with a new access and a new hardstanding created capable of parking 10 cars. The permission would be for a temporary period of three

years initially. The site is also located within a designated AMES location. It is the intention to sell products from Hall Farm, which is run by the appellants and owns 410 acres around the local area.

5. The National Planning Policy Framework (the Framework) is a material consideration in determining Green Belt proposals. Paragraph 143 identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. At paragraph 152 the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 directs that any harm to the Green Belt should be given substantial weight.
6. The changes brought by the proposed building and hardstanding, together with the use of the site into a farm shop and cafe, would change the function and appearance of the locality and the agricultural land to something non-agricultural. This would be at odds with its Green Belt designation, semi-rural setting and would represent an encroachment into the countryside.
7. In addition, the proposal would introduce a number of vehicles movement and manoeuvres from the number of people visiting the farm shop / café. The associated increase in non-agricultural vehicles, including deliveries, would further change the nature of the immediate locality and reduce the openness of the Green Belt. The parking of 10 plus customer vehicles onto a new hardstanding, with additional usage for the Institute as suggested, would also be an encroachment into the countryside and reduce openness in the Green Belt.
8. It is not unusual for farms to sell their produce in a farm shop. Nor is it uncommon for them to be located in rural or semi-rural locations, as is the case here. The aim for the appellant is to sell the produce created from the existing farm as well as local produce.
9. With a sizeable part of the proposed floor area given to the café, the proposal would likely become a destination in its own right. However, customers would likely to be reliant on the car. The site is some distance from Chesterfield and other population centres, even if there is a sizable catchment area within Cutthorpe. The Framework requires opportunities to promote walking, cycling and public transport to be identified and pursued and that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The proposal would not do this.
10. On the other hand, the Framework acknowledges that in rural areas businesses may need to be located beyond existing settlements and in locations not well served by public transport the Framework does encourage the expansion of all types of total business and development and diversification of agricultural and other land-based rural businesses.
11. However, the farm shop and cafe is not an existing business. I find that the inclusion of the café with its seating provision would act as a destination in its own right. Without the provision of sustainable choices of transport, customers would be reliant on the car, and I consider this constitutes unsustainable development.

12. I find the proposal would result in a change of character for this part of the farmland holding from agriculture. As the site is set within a wider semi-rural setting, with open countryside around, the proposal would significantly reduce the openness of the Green Belt. The encroachment into the open countryside would conflict with one of the five purposes of including land in the Green Belt.
13. Overall, the proposal would constitute inappropriate development, which is, by definition, harmful to the Green Belt and to which substantial weight should be given.
14. As the proposal is inappropriate development, I find conflict with the Green Belt policies as set out in the Framework as well as Policies SS1 and SS10 of the North East Derbyshire Local Plan (The LP) in relation to Green Belt from a Local Plan point of view.

Location

15. The site location, as well as being in the Green Belt, is also designated as a primary AMES area.
16. With regard to this, Policy SDC3 of the LP states that proposals should not cause significant harm to a number of criteria and be sympathetic to those AMES areas. As stated above, this is a new project in what is an agricultural field, installing a temporary building, a large area of hardstanding and creating a new access, amongst other matters.
17. Overall, the scope and nature of the works are, as stated above, quite considerable and would affect the character and appearance of the locality, the overall openness, and the AMES designation.
18. I therefore find conflict with the aims and objectives of the LP, specifically those set out in policy SDC3 of the LP.

Other Matters

19. I find that the very special circumstances forwarded overall do not overcome the harms that would be caused to the Green Belt and the AMES area designation. I agree with the Council that the potential fall-back position by the utilisation of Permitted Development rights would be unlikely to be utilised as the restrictions in place would not offer the same level of commercial opportunity as the appellant is seeking to establish in this location.
20. There have been a number of submissions in support of the enterprise, in light of the lack of facilities in the locality and the establishment of a community facility. I find that there are other options available in the locality, and the Council have been supportive of the concept but feel that is not in the correct location. This shows that there is scope for further negotiation between the parties to establish an acceptable facility.

Conclusion

21. I conclude that the proposal conflicts with the development plan when read as a whole, as well as the Green Belt guidance set out in the Framework and there are no material considerations that indicate that I should take a decision other than in accordance with it. I conclude that the appeal should therefore be dismissed.

Paul Cooper

INSPECTOR