



Appeal Decision

Site visit made on 5 June 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/R1038/W/23/3332106

Uppertown Farm, Cullumbell Lane, Uppertown, Ashover, Derbyshire S45 0JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Laura Holmes against the decision of North East Derbyshire District Council.
 - The application Ref is 22/01217/FL.
 - The development proposed is demolition of existing agricultural barn and redevelopment of a new agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing agricultural barn and redevelopment of a new agricultural barn at Uppertown Farm Cullumbell Lane, Uppertown, Ashover, Derbyshire S45 0JF in accordance with the terms of the application, Ref 22/01217/FL, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area in general.

Reasons

3. The site is located to the south-east of Cullumbell Lane at Uppertown, north west of Kelstedge within the open countryside. The site is located within the Wooded Slopes & Valleys Landscape Character Area of the Peak Fringe and Lower Derwent Landscape Character Area and within the Primary Area of Multiple Environmental Sensitivity (AMES).
4. The existing barn which is proposed to be replaced comprises a 3 bay building encompassing a tall central bay clad in corrugated metal sheeting. The side and rear bays are single storey lean-to structures built of block and corrugated metal sheeting. The existing barn is in a dilapidated condition and detracts from the landscape character of the area.
5. Policy SS9 of the North East Derbyshire Local Plan 2014-2034 (2021) (the Local Plan) confirms that rural development will only be permitted when one or more of the criteria outlined in the policy is satisfied. Policy SS9 supports development in the countryside where it involves the replacement of a building in the same use which is not significantly larger than the building it replaces.

6. The proposed development would have a reduced footprint in comparison to the existing barn, however, would be a bulkier structure due to the design, when compared to the differing heights of the existing barn. Notwithstanding this I find that the proposed development would not be significantly larger than the building it would replace.
7. The Council contend that part of the existing barn should be discounted due to the proposed realignment of the public right of way which would require part of the existing building to be removed. Even if this part of the barn were discounted, I would not come to a different conclusion about the scale of the building.
8. I understand the application site is part of an agricultural holding, whilst no substantive details are provided in terms of the use of the land, I have not been provided with substantive evidence to confirm that the building would not be used for agricultural purposes.
9. Policy SS9 of the Local Plan is clear that in all cases development which is otherwise considered acceptable will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials. Policy SDC3 of the Local Plan requires new development to not cause harm to the character, quality, distinctiveness or sensitivity of the landscape and, in AMES, to contribute to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.
10. The landscape in which the appeal site is located is of gently sloping pastoral character and appearance with occasional clustered farmsteads. Agricultural buildings are a feature of this rural landscape and are generally seen within a farmyard complex.
11. I understand from the information before me that a new dwelling and outbuilding have been approved on the agricultural unit adjacent the application site. Whilst the new domestic buildings would be separated from the proposed development by the diverted public right of way, this is not an unusual arrangement within farm complexes. The proposed barn would be viewed within the context of the approved dwelling and outbuilding.
12. In this instance the removal of the dilapidated barn will benefit the local landscape. Whilst the proposed barn in terms of mass would be bulky, I observed during my site visit that the barn would be comparable to others within the area in terms of design and materials. The large roller shutter door is a common feature in agricultural buildings, the insertion of a door and windows would not provide a domestic appearance.
13. I find that the proposed development would not harm the character and appearance of the area in general.
14. There is no conflict with Policies SS1, SS9, SDC3 and SDC12 of the Local Plan and Policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan which seek amongst other things that developments respond to local character and context and to protect the intrinsic character and beauty of the countryside.

Conclusion and Conditions

15. For the above reasons I conclude that this appeal should be allowed.

16. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.
17. I have imposed conditions relating to timing of works, a construction environmental management plan, biodiversity enhancement plan and light scheme to safeguard biodiversity at the site.
18. Due to the slope site, I have imposed a condition relating to ground level of the hereby approved barn to ensure the existing ground level is maintained in the interest of visual amenity.

C Pipe

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: 2209_16B: Proposed Site Plan and Block Plan; 2209_06B: Proposed Barn 2 Elevations and Levels Comparison; and 2209_05B: Proposed Barn 2 Ground Floor Plan and Elevations.
- 3) No development shall commence until details of the existing site ground levels, the proposed finished levels of the building and finished ground levels, relative to a fixed datum point that shall remain undisturbed during the course of development, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved ground and building levels and shall be retained as such.
- 4) No development shall commence (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - 1) Risk assessment of potentially damaging construction activities;
 - 2) Identification of "biodiversity protection zones";
 - 3) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - 4) The location and timing of sensitive works to avoid harm to biodiversity features;
 - 5) The times during construction when specialist ecologists need to be present on site to oversee works;
 - 6) Responsible persons and lines of communication;
 - 7) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - 8) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 5) No development above foundation level shall be carried out until a Biodiversity Enhancement Plan has been submitted to and approved in writing by the local planning authority. The plan shall include (but not necessarily be limited to) the provision of bird and bat boxes and native planting and timescale(s) for implementation. The plan shall be implemented as approved in accordance with the approved timescale(s) and shall, thereafter, be retained and maintained as such.

- 6) No external lighting shall be installed unless in accordance with a detailed lighting strategy that shall first have been submitted to and approved in writing by the local planning authority. The lighting strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features in accordance with Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The external lighting shall be installed in full compliance with the detailed lighting strategy as approved.
- 7) No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a suitably qualified ecologist no more than 48 hours prior to clearance. Such a survey must include an inspection of the buildings for evidence of swallow and barn owl. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
- 8) No works above foundation level shall be carried out until precise specifications of walling and roofing materials, rainwater goods, fenestration and doors (details and materials), treatment of roof verges and external hard surfacing have been submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the details as approved.