



Appeal Decision

Site visit made on 11 June 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/R1038/W/24/3336814

Barlow Lees Farm, Barlow Lees Lane, Barlow, Derbyshire S18 7SW

- 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 Mr Richard Simmonite against the decision of North East Derbyshire District Council.
 - The application Ref is 23/00399/FL.
 - The development proposed is retrospective application for the retention of a modified existing field access from Barlow Lees Lane to land associated with Barlow Lees Farm.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is indicated that the planning application was submitted retrospectively, and I saw that development had commenced at the time of my visit.
3. The appellant refers to an amended plan¹ submitted during the course of the application, and I have had regard to that plan in my consideration of this appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of the area; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The appeal site is located within the Green Belt. Paragraph 155 of the National Planning Policy Framework (the Framework) sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its

¹ Ref: SKT-001-11/07/2023

openness and do not conflict with the purposes of including land within it. This includes engineering operations as listed in Paragraph 155(b).

6. Based on the evidence before me, the original field access consisted of a gate located adjacent to Barlow Lees Lane, albeit that the boundary wall and gate were set behind a narrow verge. The gate and drystone wall were of a simple understated character, representative of this rural area and the agricultural nature of the field served by the access.
7. In comparison, the appeal proposal is an engineered feature with remodelled drystone walls providing a swept access leading to a gate set away from the lane. The provision of an area of hardstanding leading to the proposed gate would add to the over-engineered character of the proposal.
8. Due to the projection of the proposed access into the field, it would harm the openness of the Green Belt. Although the harm to openness would be very limited, the proposal would not preserve the openness of the Green Belt as required by Paragraph 155. A reduction in the height of the walls compared to those previously on-site would do little to mitigate for the loss of openness arising from the extent and arrangement of the access.
9. Due to its over-engineered appearance, the proposal would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
10. The proposal would therefore not meet the requirements for the form of development set out in paragraph 155(b) of the Framework, nor any of the other exceptions in paragraphs 154 and 155. The proposal would therefore be inappropriate development in the Green Belt.

Character and Appearance

11. As indicated previously, the design of the appeal proposal appears as an over-engineered feature which detracts from the rural character of the area. This would contrast uncomfortably with the simpler design of field accesses along the lane.
12. There are some similar designs of access in the vicinity, but these appear to relate to residential uses, built development or non-agricultural development, which emphasises the incongruous appearance of the appeal proposal leading to an open agricultural field.
13. The Council refers to the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES). The appeal site is situated within a primary AMES, identified in the North East Derbyshire Local Plan 2021 (the Local Plan) as being the most sensitive areas of landscape, and which are most likely to be negatively affected by change or development. The Council goes on to refer to one of the key characteristics of the identified landscape as 'heathy' vegetation visually prominent in many road verges, and medium to large fields enclosed by hedgerows.
14. However, based on the evidence before me, the appeal site did not include a significant extent of hedgerow, and the loss of road verge would be minimal. The Council also accepts that means of enclosure in this landscape occasionally comprises drystone walling, such as that proposed.

15. That said, although drystone walls may be a feature of this area, the design of the proposal does not reflect that of other agricultural field accesses. The proposal therefore appears as a contrived and incongruous feature in this location given the layout and design of the access and the field it serves, even allowing for the provision of drystone walls. The incongruous form of development proposed would therefore harm the sensitive landscape of the AMES.
16. Due to its layout and context, I conclude that the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policy SDC3 of the Local Plan which seeks to avoid development leading to significant harm to the character and quality of the landscape, and which seeks to ensure that development is sympathetic to the AMES. The proposal would also be contrary to the Framework which seeks to contribute to and enhance the intrinsic character and beauty of the countryside.

Other Considerations

17. The appellant refers to the limitations of the original access and the need for machinery to turn into the site from Barlow Lees Lane. Vehicles entering or leaving the field would block the lane to enable the original gate to be opened or closed. The appellant has provided a number of photographs illustrating the form of vehicles that access the site.
18. However, based on the evidence before me the appellant's landholding is of a limited size, and the number of vehicle movements it generates would be commensurately limited. On that basis, even allowing for the nature of vehicles that may access the site, the effect on the free flow of traffic would be minimal.
19. Although some traffic movements along the lane were apparent at my visit, the flow of vehicles was very intermittent and vehicle speeds were not excessive. Good visibility is also provided along the lane approaching the appeal site. Vehicles gaining access to the site may block the lane, particularly given its single-track width. However, given the limited number of vehicles associated with the proposal and the nature of vehicle movements along the lane, I do not consider that the original access would lead to material harm to highway safety.
20. Furthermore, although the submitted plans indicate a tractor and trailer, it has not been demonstrated that the access would be sufficient for the scale of vehicles shown in the appellant's photographs. It has also not been demonstrated that there are issues arising from mud and debris being dragged onto the highway from the field, or indeed from any other agricultural field accesses along the lane.
21. I am mindful that the scale of modern agricultural vehicles may have difficulty manoeuvring through the width of the original access. But it may be possible to increase the width of the access without resorting to the engineered solution as proposed.
22. The comments of the Local Highway Authority refer to the provision of visibility splays and the improvement on the previous access layout. The appellant also refers to highway requirements preventing the use of loose material on the initial part of the access. However, given that there was a previous existing

access to this field, I am not persuaded that the design and layout of the appeal proposal is justified even allowing for the comments of the Highway Authority. On the basis of what I have seen and read, the comments of the Highway Authority do not lead me to a different conclusion in respect of the issues and lack of material harm arising from the original access and the nature of the highway.

23. The proposal would improve the access to the appellant's landholding. But for the reasons given this carries no more than limited weight in favour of the proposal.

Other Matters

24. The appellant refers to an Appeal Decision² elsewhere in which the Inspector concluded that a new access to a property would not be inappropriate development in the Green Belt. However, that appeal related to an access to a residential use, and is therefore materially different to the appeal before me which relates to an agricultural field. In any event, I have determined this appeal on its own merits.
25. Reference has also been made to the potential to construct walls under permitted development rights. However, there is no certainty that walls of the form proposed would be constructed without the provision of the wider scheme. This matter therefore does not weigh in favour of the proposal as a whole.

Conclusion

26. The appeal proposal would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm. There are no other considerations of such weight that would outweigh that harm and the harm to character and appearance. Very special circumstances to justify the proposal do not therefore exist.
27. The proposal would therefore be contrary to Policies SS1 and SS10 of the Local Plan in respect of inappropriate development in the Green Belt and sustainable development. The proposal would also conflict with the Framework in respect of protecting Green Belt land and recognising the intrinsic character and beauty of the countryside.
28. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR

² Appeal Ref: APP/R4408/W/16/3160662