



Appeal Decision

Site visit made on 2 July 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/R1010/W/24/3338263

Twinyards Farm, Huthwaite Lane, Old Blackwell, Derbyshire DE55 5HX

- 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 David Holling of G W Holling and Sons against the decision of Bolsover District Council.
 - The application Ref is 23/00533/FUL.
 - The development proposed is temporary change of use from Agricultural to Commercial Storage.
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Decision

1. The appeal is allowed and planning permission is granted for temporary change of use from Agricultural to Commercial Storage at Twinyards Farm, Huthwaite Lane, Old Blackwell, Derbyshire DE55 5HX in accordance with the terms of the application, Ref 23/00533/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council referred to Policy SS5 of the Local Plan for Bolsover District, adopted March 2020 (LP). However, within its Statement of Case it identified that the inclusion of this policy was a typographical error and that Policy SC5 was the correct policy. Consequently, I have considered the scheme with regard to Policy SC5.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site is a fenced-off area of land covered by gravel that, at the time of my site visit, had two storage containers and three trailers parked on it. The wider site has several large modern steel framed barns that are clad in green painted metal and are utilitarian in design. These are in a mix of commercial and agricultural uses and there are vehicles and other paraphernalia associated with those uses located across the site. Around this large group of buildings is arable farmland.
5. Policy SS9 of the LP deals with proposals in the countryside and supports development which comprises of one or more of a number of categories. Criterion b) permits development that includes the diversification of an existing farm unit. What should be included as part of the diversification of an existing

farm unit is not defined in the LP. However, given the uses already permitted on the site, as identified in the Council's Officer's Report, the proposed use would be similar to those. Given that some of the barns appear to still be in agricultural use and the surrounding land in arable use, the site is part of a farm unit, and thus the proposal would support the diversification of an existing farm unit. However, the policy states that where it is considered acceptable it will be required to respect the form, scale, and character of the landscape, through careful location, design, and use of materials.

6. Policy WC3 of the LP permits employment generating developments of a scale appropriate to a small settlement and / or rural surroundings which will be supported in rural areas where the business has no significant negative implications for the area and will help to support a sustainable rural economy and contribute to rural environmental and social regeneration. Such proposals should meet at least one of a number of criteria. Criterion d) states that the proposal should retain or expand existing businesses or enable existing small businesses to diversify. Given that the proposed development would support an existing business that operates on the wider site to expand and remain in its current location, the proposal would accord with this criterion.
7. The reason for refusal related to the effect of the proposal on the character and appearance of the area and as such whether the temporary development would have a significant negative implication for the area is related to that concern.
8. The arable land around the appeal site is rural and agricultural in character. Whilst the utilitarian style of the barns is not uncommon in rural areas such as this, given the scale, design, and density of the barns they have a modern commercial appearance. The commercial operations that are undertaken across the wider site and the associated paraphernalia contribute towards the commercial character of the wider site, even when it is seen from a distance. Furthermore, near to the site are two industrial estates and, the siting of groups of large commercial buildings and the associated paraphernalia within this wider setting is not uncommon.
9. The wider site is located on a higher ground level than the surrounding area and as such, it is visible from a considerable distance. There are also two Public Rights of Way (PRoW) that pass near to the site¹. Given the scale of what is proposed to be sited on the land, including the storage of large trailers, these would be visible for a considerable distance.
10. However, similarly sized trailers and other equipment can be stored on the site and the view of similarly sized equipment would not be uncommon. Whilst the design of agricultural equipment varies from commercial equipment, given the distances between the site and Huthwaite Lane and the PRoWs the subtle differences would not necessarily be appreciated. This equipment would also be seen in the context of the other commercial equipment that is stored around the wider site and it would only be stored there for a temporary period.
11. The view of spoil would also not be uncommon in rural areas such as this, indeed there was a pile of spoil located on another part of the wider site during my site visit. The appeal site is viewed in the context of the large modern barns and the proposed storage containers would be substantially smaller than them

¹ B3/6/1 and B3/7/1.

and given the similarities in the materials and the utilitarian design of them, they would not appear out of character in this context.

12. Whilst this wider site sits within an area that has a rural agricultural character, the uses around the site that already have planning permission have changed the character and appearance of the wider site. As such, the proposed storage of commercial equipment on the appeal site would sit comfortably alongside the commercial appearance of the wider site.
13. The proposal would increase the amount of commercial equipment on the site. However, the development would be for a temporary period and also includes landscaping. This landscaping would soften the appearance of the appeal site as well as the wider site when viewed from the PRowS and from Huthwaite Lane. Furthermore, given that the site is located alongside these modern commercial buildings, the landscaping and siting of the scheme would ensure its commercial character would be restricted to the wider site and this would preserve the rural character of the land around the site.
14. Whilst this landscaping would take time to be fully implemented, this would make a positive contribution to the character and appearance of the wider site. Consequently, for the reasons given above, the proposal would not have significant negative implications for the rural environment and would respect the form, scale, and character of the landscape.
15. The proposal would support an existing employment use on the wider site, and this would support a sustainable rural economy and social regeneration. The concentration of commercial uses would limit the need for travel and the proposed landscaping would also contribute to the rural environment.
16. Therefore, the effect of the proposal upon the character and appearance of the area would not be harmful over this temporary period. Consequently, the development would comply with Policies SS9 and WC3 of the LP for the reasons given above. It would also accord with LP Policy SC5 insofar as it supports the change of use of land in the countryside where it is in keeping with the original character of the land and the landscape character type generally. The scheme also accords with the National Planning Policy Framework, insofar as it expects development to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Conditions

17. A condition ensuring the use is only for an eighteen-month period and requiring the site to be restored within three months following the cessation of the use is necessary to ensure the permission is given in line with the planning application submission and that the site is restored in the interest of the character and appearance of the area [1]. I have asked the parties for their comments on a suitable timescale for the restoration of the site and in light of those, three months is a reasonable period.
18. A condition requiring the development is carried out in accordance with the approved plans is necessary in the interest of certainty [2].
19. A condition requiring the parking and turning facilities are provided before the development is brought into use is necessary in the interest of highway safety [3].

20. A condition requiring a scheme of hard and soft landscaping is necessary in the interest of the character and appearance of the area [4].

Conclusion

21. The development proposed complies with the development plan as a whole and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall be for a limited period of 18 months from the date of this decision. The use hereby permitted shall be discontinued and all cabins, equipment and material stored on the land shall be permanently removed from the site and the land restored to its former condition on or before 5 June 2026 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 2) The development hereby approved shall be carried out in accordance with the following drawings: Site Location Plan 1:1250; Block Plan 1:500; and Metal Storage Container 1:50.
- 3) The development hereby approved shall not be brought into use until the parking and turning facilities have been provided as shown on the following drawings: Site Location Plan 1:1250 and Block Plan 1:500.
- 4) A scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority prior to the first use of the site for storage, the details of which shall include:-
 - a) Indications of all existing trees, hedgerows and other vegetation on the land
 - b) All vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works
 - c) Measures for the protection of retained vegetation during the course of development
 - d) Soil preparation, cultivation and improvement
 - e) All plant species, planting sizes, planting densities, the number of each species to be planted and plant protection
 - f) Finished site levels and contours
 - g) Means of enclosure
 - h) Hard surfacing materials and storage areas setting out maximum height of storage; and
 - i) Time table for completion of all new hard and soft landscaping.

The development shall thereafter be carried out in accordance with the approved details.

End of Schedule