

Appeal Decision

Site visit made on 28 August 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/M9496/W/24/3342029

Land on the west side of Townend Lane, Townend Lane, Waterfall, Waterhouses ST10 3HZ

- 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 Mr & Mrs A & G Newby & Peacegood against the decision of Peak District National Park Authority.
 - The application Ref is NP/SM/0623/0743.
 - The development proposed is described as "Retrospective planning consent for the retention of a shepherd's hut for tourist accommodation and for an ancillary washroom (Resubmission)."
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit, I observed the shepherd's hut at the site. However, the proposal before me seeks to relocate the shepherd's hut within the site for use as holiday accommodation. A new timber clad washroom facility is also proposed. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is whether or not the proposal accords with relevant development plan policies that seek to limit the type and location of tourism development, including whether it would preserve or enhance the Peak District National Park landscape.

Reasons

4. The appeal site is located within the open countryside, off Townend Lane, on the edge of the quaint village of Waterfall. The site is occupied by a modest storage building, with small yard area, set within a parcel of agricultural land, elevated above the lane. The wider surrounding area is characterised as an upland pastoral landscape, comprising undulating fields, sporadic gritstone farmsteads and scattered villages.
5. The land rises steeply from the road and the field is primarily used for sheep grazing. The shepherd's hut is located within the southwest corner of the field, in a small, fenced compound. The proposal is to relocate the

shepherd's hut within the small yard area, immediately adjacent to the existing building and Townend Lane. A small washroom (the extension), attached to the existing building is also proposed. The shepherd's hut would be used for holiday accommodation and the proposed extension would be ancillary to the use.

6. Policy DMR1 of the Peak District National Park Development Management Policies 2019 (DMP) is permissive of holiday accommodation, stating that exceptionally, a single shepherd's hut may be permitted where they are located close to facilities of a farmstead without harm to the natural or historic landscape. The supporting text to Policy DMR1 sets out that such development should be used to support farm diversification and as such should also be assessed against Policy DME2 of the DMP.
7. Policy DME2 of the DMP states that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.
8. The agricultural holding extends to approximately eight acres, with half being under the appellants ownership and half under long term rent. The land is used for sheep grazing and the appellant suggests that the herd comprises 28 sheep. However, while the land is used for agricultural purposes and a small building exists to house items such as a tractor, feed and tools, the appellant has not provided robust evidence to demonstrate that the present use is no more than a hobby. Indeed, it is suggested that the land is used in connection with a small scale retirement / part time enterprise. Therefore, the farming activity is more akin to a hobby.
9. This is supported by the limited stocking levels and the number of buildings associated with the use of the land. Furthermore, even though income from the proposed holiday accommodation would help sustain and enhance the site, a farm business plan and other business-related evidence has not been submitted. As such, there is a lack of supporting evidence to demonstrate how the appeal proposal would help to support and contribute to the operational needs of the use of the land and / or its future viability as a farming enterprise.
10. Consequently, I am not satisfied on the evidence before me that the proposed holiday accommodation would support farm diversification. There is also no clear evidence that the new business use would remain subsidiary or secondary to the agricultural operation of the land.
11. Additionally, whilst the proposal would relocate the shepherd's hut next to the existing modest building, which would largely screen views of it from the village, it would be visible from Townend Lane, nonetheless. It would also be visible from the adjacent Public Right of Way, as well as from views within the wider landscape. Therefore, it would be more visually prominent than its current location, which is significantly distant from the lane and its appearance camouflaged against a mature tree and hedgerow.

12. Policy L1 of the Core Strategy Development Plan Document 2011 (CS) seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
13. The elevated position of the appeal site and the proposed location of the shepherd's hut, above the lane, as well as its height and relationship with the existing building, would result in a noticeable amount of additional bulk and mass of built development within the yard area, as would the extension. Furthermore, even though it would appear as a traditional shepherd's hut, the corrugated metal cladding, whilst painted in a recessive colour, has a functional appearance. As a result, the relocated shepherd's hut would be more visually prominent and incongruous within the landscape and overall the proposed development would harm, rather than conserve or enhance, the natural beauty and quality of the landscape character of the wider area.
14. My attention has been drawn to other examples¹ of shepherd's hut's that have been approved in the Peak District. In particular, a shepherd's hut (LPA reference NP/DDD/0423/0419) at Ivy House Farm in Elton. However, there is limited clear evidence before me as to whether these were / were not genuinely ancillary to an existing agricultural operation of each farm business and even if they were not, what material considerations there were to make them acceptable. As a result, it is difficult to draw parallels between the submitted schemes and the current appeal proposal. Given this, these examples do not add weight in favour of the scheme. Therefore, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
15. For the reasons outlined above, I conclude that the proposal would not accord with relevant development plan policies that seek to limit the type and location of tourism development, and it would not preserve or enhance the Peak District National Park landscape. As such, the proposal conflicts with Policies DMR1 and DME2 of the DMP and Policy L1 of the CS.

Other Matters

16. The appeal site is not located within a conservation area; however, the boundary of the Waterfall Conservation Area (the CA) is situated on the boundary of the site with Townend Lane.
17. The significance of the CA largely derives from its historic interest as an agricultural settlement, set within the wider undulating landscape. The attractive limestone buildings, contribute to the quaint village setting of Waterfall and the CA. The Church is a prominent building within the northern part of the CA, which otherwise has a prevailing agricultural character also. These features make a positive contribution to the character, appearance, and significance of the CA.
18. The appeal site and the existing building, due to their position and general appearance, make a limited contribution to the setting of the CA. The proposed development would be set within the context of the existing site and buildings. As such the appeal proposal would have a very limited affect upon the significance of the heritage asset as a whole, and would not harm

¹ References: NP/DDD/0718/0615; NP/SM/1021/1089 and NP/DDD/1121/1235

the setting of the CA. The Council has also not raised concerns and I see no reason to disagree.

19. The proposed holiday accommodation would provide some economic benefits to local services and amenities within Waterfall, including a public house, village shop and post office. It could also support local services in neighbouring villages. Tourism could also support the statutory purposes of the national park and its duty to seek to foster the economic and social well-being of local communities. Income would also help the conservation of the land and the appellant has planted trees and hedges, repaired drystone walls, erected fencing and improved drainage, and water supply. EV charging provision and solar panels, amongst other things, are also provided which would contribute to the renewable energy and sustainability credentials of the site. Visitors would also be able to enjoy the various activities on offer within the Peak District and the special qualities of the landscape. However, these benefits would be modest by virtue of the proposal only adding one small holiday accommodation to the supply in the area.
20. Moreover, whilst the appellant suggests that there is very little low cost short stay accommodation in the area, I have no substantive evidence before me of the need or the level of shortfall for this type of accommodation in the area. Likewise, there is little evidence before me to suggest that the proposal would lead to less reliance on a car from visitors.
21. No objections have been raised with regards to neighbouring living conditions, access or parking arrangements. Nevertheless, these are requirements of planning policy and taken together they carry neutral weight.
22. Overall, I accept that the proposal would result in some identified economic and social benefits, but these would be modest due to the small scale nature of the proposed holiday accommodation. As such, the modest benefits would not outweigh the identified harm and associated development plan conflict, including the harm to the Peak District National Park landscape.

Conclusion

23. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR