



Appeal Decision

Site visit made on 15 October 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/N1025/W/24/3341705

Knoll Side Farm, Rectory Lane, Breadsall, Derby DE21 5LL

- 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 & Mrs Roberts against the decision of Erewash Borough Council.
- The application Ref is ERE/1023/0011.
- The development proposed is described as “the reconstruction of the agricultural building to form a dwellinghouse (following Class Q approval).”

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The existing agricultural building on the appeal site benefits from prior approval¹ under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If implemented, the approval would convert the existing building into a dwelling (the Class Q scheme). The Class Q scheme has not been implemented but it is a material consideration in the determination of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the ‘very special circumstances’ required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt. It is proposed to replace the existing agricultural building with a new detached house. The existing building is a permanent structure on land in agricultural use.

¹ Reference: ERE/1222/0029

5. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. Policy GB1 of the Erewash Local Plan Saved Policies 2005 (LP) also lists a number of exceptions. However, none of the listed exceptions apply to the proposed development and it is not for affordable housing, and it is not previously developed land.
6. Consequently, a new dwelling would not accord with LP Policy GB1 or paragraph 154 of the Framework and is therefore inappropriate development in the Green Belt.

Openness

7. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. One of the five purposes of the Green Belt identified by paragraph 143 of the Framework includes to assist in safeguarding the countryside from encroachment.
8. While the proposed replacement building would be rebuilt on the same part of the site and would have a similar footprint and height, its appearance would be starker due to the contemporary design approach. A roof overhang and chimney stack, as well as solar panels, would add additional bulk to the building. There would also be domestication of the site with the introduction of the proposed patio / garden area.
9. The contemporary design of the proposal would result in it being more visible and prominent from certain viewpoints along Rectory Road and the adjacent public right of way (PRoW).
10. For these reasons, the appeal scheme would have a greater impact on the visual and spatial openness of the Green Belt than the current building and it would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Character and appearance

11. The appeal site is within the countryside, to the rear of a linear row of houses that front Rectory Road. Nonetheless, the existing steel portal framed agricultural building is clearly visible from certain vantage points along Rectory Road. It is also elevated above the adjacent PRoW and is visible from a short stretch of the footpath.
12. The existing building has a traditional agricultural appearance, finished with concrete blockwork, horizontal timber boarding and corrugated metal cladding. It has an unassuming appearance that assimilates into the rural setting of the landscape.
13. In contrast, the expanse of timber cladding, the feature stone chimney stack, as well as the large amount of glazing, would elevate the visual appearance and prominence of the proposed building within the landscape. Furthermore, the contemporary design would have a contrasting appearance compared to the existing buildings in the immediate locality. As a result, the proposed dwelling would appear stark and incongruous within the context of its surroundings.

14. Additionally, a new dwelling would result in the domestication of the site and the encroachment of residential development onto the land would not protect the rural character and appearance of the site.
15. For these reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. Therefore, the proposal would fail to accord with Policy 10 of the Erewash Core Strategy (2014), which amongst other things, requires all new development to have regard to the local context and reinforce valued local characteristics. In addition, outside of settlements, new development should protect, conserve, or where appropriate, enhance landscape character.

Other considerations

16. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It goes on to state in paragraph 153 that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The appellant has submitted the Class Q scheme as a fallback position. I have had regard to the submitted information in respect of this issue, including the case of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 and an appeal decision² submitted by the appellant.
18. The Class Q scheme allows for the change of use of the existing building into a dwelling. In the absence of evidence to the contrary, there is a greater than theoretical possibility that the Class Q scheme might take place as a fallback position should this appeal fail. As such, the Class Q scheme is a realistic prospect and constitutes a fallback position. However, for significant weight to be afforded to a fallback position it would also need to be equally or more harmful than the appeal scheme.
19. The existing building is characteristic of other buildings within a rural setting. The Class Q scheme works would be a subtle conversion of the building because the restrictions on prior approval prevent material changes to the external appearance of the building. In particular, many of the existing materials will be retained as part of the Class Q scheme and the building would remain as a simple, unassuming building. The external spaces around the building would also not be changed and there would be minimal domestication of the site.
20. By comparison, the appellant acknowledges that the proposal provides an opportunity for a more comprehensive and coherent development, unhindered by the parameters of Class Q. In particular, the appeal scheme would have a contemporary appearance, with an increased amount of vertical timber cladding and large horizontal glazing on all elevations, compared to the Class Q scheme. A statement chimney is also proposed and overall, the appeal scheme proposes more extensive works, which would have the appearance of a house. This would be exacerbated by the domestication of the site through the creation of a patio / garden and the associated domesticated paraphernalia that

² Appeal reference: APP/N1025/W/23/3316040

would likely follow. It would, therefore, introduce a harmful character and appearance in comparison to the fallback position. I therefore place limited weight on the fallback position.

21. The appellant has highlighted that the proposed development would allow the use of much more modern building techniques which will ultimately encourage a more energy efficient building. In particular, PV panels and an Air Source Heat pump system would be fitted. Nevertheless, the incorporation of these proven renewable energy techniques would have limited weight in favour of the scheme.
22. I acknowledge that there are no concerns regarding flood risk, highways safety, parking provision, the effect on neighbouring occupiers or the effect on ecology and biodiversity. However, these are requirements of planning policy and carry limited weight.
23. My attention has also been drawn to a scheme that was allowed at appeal³, for the proposed reconstruction of a barn for conversion to a residence in the Green Belt, in a different local authority area. Whilst the Inspector in that case attached substantial weight to 'other considerations', including a fallback position, there were a number of different factors which were unique to that case, which do not appear comparable to the appeal scheme before me. As such, I have determined the case before me on the site-specific circumstances of this case and on its own merits, attributing an appropriate amount of weight to individual and cumulative factors relevant to the proposed development.

Green Belt Balance

24. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 152 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight. The proposal would also be unacceptably harmful to the character and appearance of the area.
25. I have given some weight to the other considerations in favour of the proposal, including the fallback scheme, as set out above. However, they do not clearly outweigh the harm arising from the proposal. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework. It also conflicts with Policy GB1 of the LP and Policy 10 of the CS.

Conclusion

26. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
27. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR

³ APP/P1805/W/22/3298793