



Appeal Decision

Site visit made on 25 November 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/R1038/W/24/3348459

Stubbin Hill Farm, Ridgeway Moor, Ridgeway, Sheffield S12 3XW

- 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 Ms Jane Taylor against the decision of North East Derbyshire District Council.
 - The application Ref is 23/00644/FL.
 - The development proposed is alterations to existing buildings to form two dwelling units including the demolition of buildings as well.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and has been used in the determination of this appeal. Parties have been given the opportunity to comment on the changes and I have had regard to the comments received in the determination of this appeal.

Main Issues

3. The main issues in the appeal are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area with particular regard to the significance of the Moss Valley Conservation Area and the Primary Area of Multiple Environmental Sensitivity landscape designation;
 - the effect of the proposal on highway safety; and
 - if the development constitutes inappropriate development in the Green Belt, 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

Background

4. The appeal site falls within land defined as Green Belt. It comprises a number of agricultural buildings. Two of these, an agricultural barn and stable building, are proposed to be converted to residential dwellings. There are also two hen houses and a barn which are proposed to be demolished. Open countryside lies to the east of the appeal site. The proposed dwellings would be accessed from an existing access point off Ridgeway Moor.

Inappropriate development

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate. One such exception, set out at paragraph 154 h) is for the re-use of buildings provided that the buildings are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy SS10 of the North East Derbyshire Local Plan (2021) (LP) reflects the provisions of the Framework in relation to this exception.
6. Whilst no detailed structural survey has been submitted, and the Council contend that the proposed works would require significant alteration, adaptation or re-construction, the Framework exception only seeks that the building is of permanent and substantial construction. Permanent and substantial construction is not defined in the Framework and is inevitably a matter of planning judgement. From the submitted information and what I observed on site, both buildings have clearly been in existence for a number of years. I observed the agricultural barn to be of a metal framed construction with concrete block walls, a concrete floor and with corrugated metal roofing. The stable block also had a concrete floor, partial concrete block walling with timber cladding and a roof covering comprising of corrugated cement board sheets. I am satisfied from what I have observed and the information before me that both buildings are of permanent and substantial construction.
7. Notwithstanding the above, I must also consider the effect of the proposed development on the openness of the Green Belt and whether it conflicts with the purposes of including land within it, in order to determine whether the exception applies. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also sets out five purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. The essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
8. The development would involve external alterations to the buildings but the footprint and scale of the dwellings would be no larger than the existing buildings, as such the spatial openness of the Green Belt would be preserved. The re-use of the buildings as residential dwellings would lead to a domestication of the site with the creation of residential curtilages, associated

boundary treatment and residential paraphernalia. This would have an adverse impact on the visual openness.

9. However, three existing agricultural buildings would be demolished as part of the proposal which are sited to the north, west and south of the stable blocks. While I note that there is no policy requirement for agricultural buildings to preserve openness, the loss of these large buildings would nevertheless improve both the spatial and visual openness of the Green Belt in this location. Considering this, I find that the loss of visual openness associated with the domestication of the site, when considered against the removal of the buildings, would have a neutral effect on the openness of the Green Belt when compared to the existing situation.
10. For the above reasons, I find that the proposal would fall within the exception set out under paragraph 154 h) of the Framework. Accordingly, the proposal would not comprise inappropriate development in the Green Belt, and I am satisfied that openness would be preserved. I therefore also find no conflict with Policy SS10 of the LP.
11. The Council has cited conflict with Policy SDC1 of the LP on this main issue. In respect of the re-use of buildings in the Green Belt, as I have found the building to be of permanent and substantial construction, there is no conflict with criterion a) of Policy SDC1 of the LP. However, all other criteria within Policy SDC1 needs to be met to establish whether the proposal overall accords with the Policy. I will come back to this policy in the next section of the report on character and appearance.
12. As I have concluded that the proposal would not amount to inappropriate development in the Green Belt, I do not need to consider other considerations and whether these amount to very special circumstances.

Character and appearance

13. In addition to the site being located in the Green Belt, the site is designated as a primary area of multiple environmental sensitivity (PAMES) which the Council describes as the most sensitive areas of landscape and which are most likely to be negatively affected by change or development. The Derbyshire Landscape Character Assessment identifies the site as being located within the wooded hills and valleys of the Nottinghamshire, Derbyshire and Yorkshire Coalfield, described, amongst other things, as an undulating landscape with steep slopes. I find this to be an accurate description of the landscape surrounding the appeal site.
14. The site is also located within the Moss Valley Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCAA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
15. While the appellant has questioned why such a large area of land has been included in the CA, including the appeal site, it is not for me to query the designation of the CA and its boundaries as part of this appeal. Whilst there is no character appraisal specifically for the CA, based in part on the forementioned landscape assessment, my site observations and CA map, I consider the significance of the CA as a whole, is in part derived from its

aesthetic qualities from its rural and agricultural character, reflected by the open, rolling countryside landscape with scattered farmsteads and small settlements dispersed throughout.

16. To the north of the appeal site are a series of residential buildings. There are also further residential buildings south of the appeal site that front Ridgeway Moor and which are covered by the PAMES. However, the appeal site, along with the agricultural buildings that are the subject of this appeal, and surrounding open land, provide a pleasant break in residential development on this side of Ridgeway Moor. The existing agricultural buildings and surrounding land contribute positively to the significance of the CA and the rural and agricultural landscape, of which owing to the sites elevated position is visually prominent from the surrounding area.
17. The low stone wall and lack of vegetation along the boundary of the paddock, which is adjacent to Ridgeway Moor and south of the appeal site, affords extensive views up towards the appeal site and the agricultural buildings, allowing for an appreciation of the rural agricultural character and landscape upon which the significance of the CA is partly derived.
18. When viewed from Ridgeway Moor, the external changes proposed to the fabric of the agricultural barn would be minimal and would retain the overall form and character of the building. However, when viewed from within the site and to the east, the extensive fenestration to the front elevation would be readily noticeable from the public right of way and would represent an erosion of the agricultural character of the building. In relation to the stable block, the fully glazed patio doors and enlarged window openings on the side elevation would be unduly prominent in views south of the appeal site, from Ridgeway Moor where the change of character in the building from agricultural to residential would be noticeable.
19. The residential use of the buildings would inevitably result in a change to the agricultural appearance of the site. I am mindful that the existing use of the buildings could result in vehicles being parked close to the buildings and viewed on their own would not necessarily result in an urbanising effect on the character and appearance of the area. However, each building would have a large amount of private garden space associated with them. The use of this would likely result in domestic paraphernalia and boundary treatments. Any vehicles would be viewed against the changed context and as such I consider the changes cumulatively would give rise to a suburban appearance, at odds with the character and appearance of the site and countryside.
20. Given the larger and more prominent agricultural buildings on the site would be retained, the demolition of the smaller agricultural buildings surrounding the stables would have a neutral effect on the character and appearance of the area including the CA. However, notwithstanding this, their removal would make the garden space associated with the stables noticeably visible when viewed from Ridgeway Moor, south of the appeal site.
21. I consider that the changes resulting from the proposal, both to the individual buildings and when considered cumulatively, would harmfully erode the rural qualities of the CA and landscape designation and would therefore fail to preserve or enhance the CA and the immediate setting of the buildings.

22. Given my findings above, the proposal would have a harmful effect on the character and appearance of the CA as a whole, therefore detracting from the significance of this designated heritage asset, which would neither be preserved nor enhanced, conflicting with section 72(1) of the PLBCAA.
23. Considering the modest scale of the proposal, I consider the harm would be less than substantial. In such circumstances, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal. There would be some short-term economic benefits during the construction phase of the extension, but this would be limited and I afford it limited weight. It would also be a windfall site and would contribute to the local housing stock; I give this moderate weight.
24. The Framework requires great weight be given to the asset's conservation, irrespective of the level of potential harm. The public benefits would not be sufficient to outweigh the less than substantial harm the appeal scheme would cause to the significance of the CA as a designated heritage asset.
25. For the above reasons, the proposed development would have an adverse effect on the character and appearance of the area with regard to the CA and PAMES. It would thus be contrary to Policy SDC5 of the LP. This seeks, amongst other things, to permit development proposals within Conservation Areas where they preserve or enhance the character or appearance of the area. It would also conflict with Policy SDC3 of the LP, which, amongst other matters, requires development proposals to be sympathetic to the PAMES and contribute, where appropriate, to the conservation and enhancement of the local landscape.
26. The proposal would conflict with criterion d) and e) of Policy SDC1 of the LP, which amongst other matters, permits proposals for re-use of buildings where proposals would not be detrimental to setting of the building or where there is no materially greater impact than the present use on the character of the countryside. As previously discussed, whilst I have found the proposal would accord with criterion a) in respect of Green Belt, all criteria within Policy SDC1 needs to be satisfied, as such the scheme conflicts with Policy SDC1 as a whole. As I have found conflict with this policy, it would also conflict with Policy SS9 which requires compliance with Policy SDC1. The proposal would also conflict with Policy SDC12 which requires development to make a positive contribution to the local environment and preserve and where possible, enhance the quality and local identity of existing communities and their surroundings.

Highway safety

27. The proposal would utilise an existing access point off Ridgeway Moor, which would be shared with the existing residential dwellings at No 5 and No's 7-11 Ridgeway Moor. The information submitted demonstrates that sufficient vehicle parking and turning space could be provided within the site itself.
28. A low stone wall is located south of No 5 Ridgeway Moor, this reduces the width of the access way for a short distance, to below the recommended 5 metre width for at least 5 metres from the highway, and as such, the Council were not satisfied that the proposals would not result in unacceptable highway harm.

29. The access is an existing access point. Historically it was in use for five dwellings and an industrial pig rearing unit with the access widened to accommodate large lorries. The current stables require lorry deliveries of feed and bedding. I have not been presented with any substantive evidence to demonstrate that the accessway has resulted in any accidents either recently or historically.
30. The proposal would result in the access being used for only four dwellings in total. Whilst there is some disagreement between the appellant and interested parties as to the current numbers of comings and goings that the existing use of the site entails, I am not persuaded that, based on the submitted information, the conversion of the stable and agricultural barn to two dwellings would result in a material increase in vehicular movements over the sites existing use. In coming to this view, I have also been mindful that the timeframe of comings and goings supplied by the interested party is over a period when the horses on site are located outside and are likely to require less frequent visits, and that the existing stables are not fully occupied and that if the owners rented out the remainder of the stables then comings and goings could increase further.
31. The submitted visibility splay demonstrates that good sightlines are afforded from the access point onto Ridgeway Moor, which is a 30mph straight road in the vicinity of the access point. Whilst two vehicles may not be able to pass each other at the initial entrance to the site, should a vehicle want to turn into the site from Ridgeway Moor, either from the north or south at the same time a vehicle may be exiting the site, given the straight road, other vehicle users would have advance warning of a vehicle slowing down and could respond appropriately.
32. For vehicle users wishing to exit the site, should another vehicle be turning into the site from Ridgeway Moor, there is clear visibility to observe that the access route is in use and sufficient space for a vehicle to wait within the site, beyond the low wall, to then utilise the access point once the entering vehicle has passed. Considering these factors, I do not find that the limited width of the accessway for a short distance would result in an unacceptable impact on highway safety.
33. I note an interested party has raised concern regarding the parking for the agricultural barn and that access may be from their drive, as such they request the parking is re-located. I also note there is some dispute between parties over the minimum right of access. However, on both of these points, matters of land ownership are a private matter between the parties and it has not altered my view, which is focussed on the planning merits of the appeal.
34. I have limited information on any drainage works that would be required. If any works were required, any disruption to vehicle parking would be for a temporary period only.
35. Based on the above, I conclude the proposal would not have an adverse effect on highway safety. It would therefore not conflict with Policy ID3 of the LP. This sets out, amongst other matters, that the development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It would therefore also accord with paragraph 116 of the Framework which reflects this.

Other Matters

36. I note the appellants contention that the proposal represents sustainable development, that the existing buildings already have access to existing services such as water and electricity and they are located close to existing residential properties. I concur with the appellant that they would not represent isolated dwellings in the countryside. However, the above factors do not alter or outweigh my findings in respect of the harm I have identified in relation to the character and appearance of the area.
37. The appellant contends that paragraph 155 of the Framework supports the proposal and references parts c and d of that paragraph. However, the paragraph also refers to the use of grey belt land and satisfying a demonstrable unmet need for the type of development proposed, of which no evidence has been submitted by either party to suggest these are applicable in this appeal. Furthermore, I have found that the application of policies relating to the CA provide a strong reason for refusing the development, therefore the land is excluded from the grey belt. Accordingly, I find paragraph 155 is not determinative in this case.
38. The appellant has proposed that a split decision could be issued if I was minded to find one part of the scheme acceptable. However, as I have found harm with the scheme as a whole, I am unable to issue a split decision.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR