



Appeal Decision

Site visit made on 29 October 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/M9496/W/24/3345822

Booth Farm, Washgate Lane, Hollinsclough, Derbyshire SK17 0RP

- 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 Kevin Mycock against the decision of Peak District National Park Authority.
 - The application Ref is NP/HPK/0923/1117.
 - The development proposed the change of use of land to allow the stationing of small-scale mobile structures for use as holiday accommodation (Retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to allow the stationing of small-scale mobile structures for use as holiday accommodation (retrospective) at Booth Farm, Washgate Lane, Hollinsclough, Derbyshire SK17 0RP in accordance with the terms of the application, Ref NP/HPK/0923/1117, subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved plans; Location Plan and Site Plan both produced on 5 September 2023.
 - 2) No more than three caravans or mobile structures shall be sited on the land at any time, in the locations shown on the plans hereby approved only.
 - 3) The development hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the National Park Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
 - 4) The development hereby permitted shall not be occupied other than ancillary to Booth Farm, Hollinsclough.

Preliminary Matters

2. It is possible that the small mobile structures in and of themselves may not require express planning permission to be located on land with permission for a caravan site as they would meet the definition of a caravan. It is also true that the appeal scheme seeks planning permission for the use of land to allow mobile structures on it. The nature, design and siting of the units, as well as the fact that retrospective planning permission is sought through the appeal,

reflects the appellant's intentions in regard to the change of use. I have therefore taken this into account in my findings and imposition of conditions.

3. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected by the changes. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is an isolated farmstead accessed via Washgate Lane. It consists of a dwelling and various agricultural buildings. There is a further building, the original farmhouse, a short distance to the west. It lies in open countryside with a number of public rights of way in the vicinity. The rolling hills, expansive wide open spaces and isolated groups of agricultural buildings with related dwellings lend a consistency and clear and pleasant prevailing rural identity to this area and the National Park (NP) as a wider entity. The repeated and random nature of such farmsteads and the architecture and building grouping that makes up their composition, along with undeveloped areas and spaces around them, contributes positively to the character and appearance of the area and the intrinsic qualities of the NP.
6. The structures are within a complex of permanent buildings and due to the topography, they are visible from some vantage points on both Washgate Lane and from the surrounding public rights of way. However, the structures form only a small part of an expansive view. The buildings are small and patently subservient to the larger agricultural ones. Their simple design and use of natural materials addresses any incongruity. In addition, the wooden pods have matured over time and nearby landscaping interrupts their obviousness.
7. The scheme does not therefore harm the character and appearance of the area. It thus complies with Policies GSP1, GSP3, RT3 and L1 of the CS and Policies DMC3 and DMR1 of the Peak District National Park Development Management Policies 2019 which together and amongst other matters, seek to ensure that development conserves and enhances the valued landscape character and does not dominate its surroundings.

Conditions

8. As the development is retrospective the time limit condition is not necessary, however I have included a plans condition for enforcement purposes. A condition limiting the number of mobile structures to three and the siting of them are necessary in the interests of protecting the character and appearance of the area as well as reflecting the intentions of the appellant in regard to the scheme as a whole. The condition limiting occupancy of the mobile structures to holiday accommodation for no more than 28 days in a calendar year is necessary to ensure they are not used as permanent residences.
9. I appreciate the aim to limit the development to be occupied in no other way than ancillary to the wider complex. Given the intentions of the appellant, the

scale and location of the development and how it has so far operated, this would seem reasonable and justified, taking into account also the specifics of the appeal scheme, how integral it is to the complex and how its effect on the wider landscape can be suitably constrained within the NP.

10. I cannot justify restricting the planning permission to the structures in place solely with the above controls in place. Whilst I understand the principle behind removing permitted development rights in regard to operating a future site under license, I don't see how specifically such would either otherwise mean the appeal scheme would be refused or that it would be sufficiently related to the planning permission being granted. The allowances under permitted development or that granted by other legislation should, in this case, operate regardless of the outcome of this proposal and I cannot see a sufficiently compelling reason, with this and the above in mind, that future rights based on something that might happen should be removed.

Conclusion

11. The appeal scheme would comply with the development plan for the reasons I have set out. The appeal should therefore be allowed, subject to the above conditions.

H Senior

INSPECTOR