



Appeal Decisions

Site visit made on 10 February 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 24 February 2025

Appeal A Ref: APP/R1038/C/23/3327294

Land to the North West of Pudding Pie Farm, Main Road, Wigley S42 7DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Meadowland Holdings Ltd against an enforcement notice issued by North East Derbyshire District Council.
- The notice was issued on 13 July 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, creation of hardstanding (shown for the purposes of identification hatched black on the attached plan) hereinafter referred to as “the hardstanding”.
- The requirements of the notice are to:
 - a) Take up the hardstanding and remove all resultant materials from the Land.
 - b) Restore the land to its pre-existing profile and levels.
- The periods for compliance with the requirements are:
 - Step a) Two months; and
 - Step b) Three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/R1038/W/23/3321969

Land to the North West of Pudding Pie Farm, Main Road, Wigley S42 7DH

- 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 Meadowland Holdings Ltd against the decision of North East Derbyshire District Council.
- The application Ref is 22/00235/FL.
- The development proposed is storage area for farm bales and agricultural equipment.

Summary Decision: The appeal is allowed.

Preliminary Matters

1. The appeal submission is accompanied by an amended Location Plan B-001 and Block Plan B 002, to accurately show the extent of the hardstanding which has been constructed, and the subject of the Enforcement Notice. This is the same area of hardstanding for which planning permission is sought, the development the subject of Appeal B. The plans have been submitted in the interests of accuracy and the Council has had an opportunity to comment on them and have not therefore been prejudiced by their inclusion. I have therefore determined Appeal B having regard to the amended Location and Block Plan.

Appeal A on ground (a), deemed planning application and Appeal B

Main Issues

2. The main issues are:

- whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the NPPF) and any other relevant development plan policies;
- the effect on the character and appearance of the area; and
- is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Green Belt

3. The hardstanding that has been constructed and for which planning permission is sought, is situated within the Green Belt. Paragraph 154 of the NPPF advises that certain forms of development, including engineering operations, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is the Council's view that the spatial aspects of openness would be harmed by the bales of hay and/or agricultural machinery stored on the hardstanding.
4. The hardstanding has been created on a relatively isolated area of moorland, but close to an existing gated vehicular access and pull-in off Main Road. At the time of my visit hay bales were being stored on it, and I understand this is intended to be its main purpose. The hardstanding is large enough for agricultural vehicles to pull off the highway and manoeuvre, whilst also allowing room for a telehandler to load bales from the stack.
5. I appreciate that the storage of bales, and/or agricultural machinery have a spatial dimension. However, the storage of agricultural goods and machinery on agricultural land is not development. Furthermore, maintaining an agricultural use of the land would not conflict with the purposes of the Green Belt. The hardstanding has been formed on an area which was predominantly level and has not involved any significant reworking of levels. Thus, considering its use, the development does not affect the openness of the Green Belt.
6. I conclude that the hardstanding is not inappropriate development in the Green Belt. There is no conflict with Policy SS10 of the North East Derbyshire Local Plan, adopted 2021 (LP) nor with National Green Belt Policy set out in the NPPF.

Character and appearance

7. The appeal site lies in an area of open countryside, just outside of the Peak District National Park, within the enclosed moorland landscape of the Dark Peak, but close to the Peak Fringe. From the evidence before me and observations on my site visit the appeal site lies in a landscape characterised by moorland.
8. The hardstanding is well related physically and visually to the existing gated vehicular access from Main Road, and in a location where the topography is

relatively level. Whilst I recognise that the existing moorland would have been uneven, I did not see on my site visit any evidence that there has been any physical alteration to the land levels, nor excavations. The hardstanding is surfaced with stone chippings on a crushed recycled base, but over the last 12 months the surface has revegetated such that the recycled base is barely evident except at the edge of the surfaced area. Overall, the hardstanding is not visually conspicuous and blends into the existing topography and landscape.

9. I appreciate that the appeal site is relatively isolated, and not visually connected to any built development or farmstead. Nonetheless the storage of hay and silage is not uncharacteristic in the countryside and does not have a harmful effect on its visual qualities or character. The appellant does not propose to extend or alter the surfacing materials that have been used in the construction of the hardstanding and has undertaken to ensure that the grasses continue to re-establish by not utilising chemical sprays. Considering Policy SDC3 of the LP which requires development to, amongst other things, be sympathetic to distinctive landscape character and where appropriate, conserve and enhance, or restore and re-create the local landscape, it would not be unreasonable to include, as suggested, a condition to ensure that no chemical sprays are utilised on any planning permission granted, and this will also help to improve biodiversity on the site.
10. I conclude that the hardstanding does not have a harmful effect on the character and appearance of the area and there is no conflict with Policies SS9 or SDC3 of the LP, which seek to conserve and protect the character of the landscape and countryside.

Conditions

11. Considering advice in the NPPF and Planning Practice Guidance, in the interest of certainty and to conserve the landscape, it is reasonable and necessary to impose conditions to secure the surface materials of the hardstanding and its maintenance.

Conclusion on Appeal A on ground (a) and Appeal B

12. For the reasons given above I conclude that the appeals succeed. I shall grant planning permission for the hardstanding as described in the notice.

Formal Decisions

Appeal A

13. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely creation of a hardstanding on land hatched black on the plan attached to the notice and subject to the following condition:

- 1) The hardstanding shall be maintained with 50mm stone chippings (natural coloured) and no chemical sprays shall be utilised on the area of the hardstanding to allow natural grasses to re-establish.

Appeal B

14. The appeal is allowed and planning permission is granted for storage area for farm bales and agricultural equipment at Land to the North West of Pudding Pie Farm,

Wigley, S42 7DH in accordance with the terms of the application, Ref 22/00235/FL, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan B-001 and Block Plan B 002, dated 27 September 2022.
- 2) The hardstanding shall be maintained with 50mm stone chippings (natural coloured) and no chemical sprays shall be utilised on the area of the hardstanding to allow natural grasses to re-establish.

Elizabeth Pleasant

INSPECTOR