



Appeal Decisions

Hearing held on 28 January 2025

Site visit made on 28 January 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2025

Appeal Ref: APP/P1045/W/24/3352031

North Park Farm, Whitworth Road, Darley Dale, Matlock DE4 2HJ

- 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 H Lowe against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00113/FUL.
 - The development proposed is an agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural storage building at North Park Farm, Whitworth Road, Darley Dale, Matlock DE4 2HJ in accordance with the terms of the application, Ref 24/00113/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - HL.24.02B (Proposed Block Plan)
 - H.24.08 (Proposed Elevations)
 - Supporting Statement
 - 3) The external materials of the building hereby permitted shall match those used in the existing agricultural building.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. In the interests of natural justice, and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.
3. The Council changed the description of development as stated in the application form and as set out in the banner heading above. The revised description is for “*an agricultural storage building*” and was used by the Council in advertising the application for the statutory consultation. The appellant has also used this revised description in the appeal form. The revised description more accurately defines the scheme seeking planning permission and I have therefore determined the appeal on this basis.

4. The appeal is supported by additional information, which includes a document titled 'North Park Farm Agricultural Barn Application Justification' and a letter of support from Frank Rushton, an experienced local sheep breeder. These documents seek to provide additional information in relation to the need for additional storage at the enterprise.
5. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. However, the additional information provided seeks to address the Council's reason for refusal and does not amend the proposed development the subject of the appeal. Accordingly, under the principles established by the Courts in *Holborn Studios Ltd*¹ the amendment does not involve a substantive difference or a fundamental change. Furthermore, having regard to the procedural tests, I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore determined the appeal based on the revised information.
6. I have also dealt with another appeal² on this site. For the avoidance of doubt, whilst that appeal site is the same, the proposals are not. Therefore, whilst I considered the evidence submitted in both appeals together at the hearing, both appeals have been considered on the basis of the evidence submitted separately in each case. The appeals are the subject of a separate decisions.

Main Issues

7. The main issues of the appeal are:
 - whether the proposed building is required for the purposes of agriculture at the site; and
 - the effect of the proposed development on the landscape character of the area.

Reasons

Agricultural Need

8. The appeal site, North Park Farm comprises of a landholding of approximately 40 acres. It currently functions as a livestock farm whilst accommodating supplementary grazing of horses owned privately by the appellant. The land consists mainly of fenced grazing land with a small area of woodland. The appeal site consists of an existing large agricultural building, which currently contains a range of uses including, dog-grooming facilities, stables, hay storage, and an unauthorised residential use of part of the building. The appeal site is located just off Whitworth Road between Darley Dale and Northwood, in open countryside.
9. The existing building has been the subject of an enforcement notice and subsequent enforcement appeal³ which was dismissed, and the enforcement notice upheld. Although I have had regard to that appeal, any enforcement matters are not within my jurisdiction in this Section 78 appeal.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

² Appeal Ref: APP/P1045/W/24/3353205

³ Appeal Ref: APP/P1045/C/20/3263159

10. The area where the proposed building would be located is adjacent to the existing horse exercise area/menage, which is set down from Whitworth Road behind stone walls and a number of large trees. The surrounding rural area is characterised by generally open, sloping topography with views across the attractive landscape.
11. Policy S4 of the Derbyshire Dales Local Plan (the DDLP) sets out that in locations outside of settlement boundaries it will seek to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness. Policy S4(f) further states that planning permission will be granted for new development where it comprises proposals for agriculture and related development which helps sustain existing agricultural and other rural based enterprises, including new agricultural buildings that maintain the landscape quality and character of the countryside.
12. It is not disputed that the storage of agricultural machinery and fodder could justify an agricultural building. However, the Council argues that the appellant has not demonstrated in this case that an agricultural need for the erection of a new building is justified to serve the purposes of the existing holding, with regard to ongoing uses and activities which have been undertaken at the appeal site and within the existing building.
13. The proposed building would be used for hay and machinery storage. It would provide approximately 111.5m² of floorspace and would be sited next to the horse arena, and the access track to the site. The appellant confirmed at the hearing that the need for the building arises through a need to provide a suitable space for lambing, as well as a suitable shelter during adverse weather or for other welfare reasons within the existing building and that there is insufficient space to accommodate both uses.
14. The evidence provided with the appeal indicates that the existing holding has a flock of around twenty-two breeding Texel Cross Ewes, which is forecast to increase year-on-year. The part of the existing agricultural building that would be used for lambing and shelter would be where the hay is currently stored. This would mean that the hay storage would need to be relocated.
15. The additional evidence provided at appeal stage, and at the hearing demonstrates that due to the seasonal availability of hay and straw it is essential that the appellant is able to purchase large volumes at the best price available, usually immediately after harvest. They state that the quantity needed exceeds any storage the site currently offers other than areas set aside for lambing. The appellant also states that there are no other suitable buildings on site, only a small field shelter.
16. At my site visit, I observed how the existing building is currently used and from the evidence and my own observations, it appeared to be well utilised for a mixture of uses, albeit not all agricultural. However, the part of the building which is currently the unauthorised residential accommodation appeared to only account for a small amount of the available floorspace. Therefore, on balance, there appears to be limited available space within the existing building, even once the unauthorised uses have been removed.
17. For the above reasons, I find that it has been demonstrated that there is sufficient justification including that there is a need for the proposed building. It would also

help sustain the existing agricultural enterprise. Thus, the proposed development would accord with Policies S4 and PD5 of the DDLP which state, amongst other things, that permission will be granted for new development where it comprises proposals for agriculture and related development which helps sustain existing agricultural and other rural based enterprises, including new agricultural buildings that maintain the landscape quality and character of the countryside.

Landscape Character

18. The proposed building would be a standard steel portal design and in terms of its appearance it would be of a similar style, materials and design to the existing building on site. The building would also be typical of other agricultural buildings in terms of its design, with a shallow pitch to the roof and a large main door facing towards the access road. At the hearing, the Council raised no specific concerns in relation to the design or materials proposed, I see no reason to disagree.
19. In terms of its siting, it would be located on the opposite side of the access drive than the existing building, next to the horse exercise area. The wider site slopes steeply down from Whitworth Road, this part of the site has been levelled and is cut into rising ground. The presence of walls and trees along the appeal site's boundary with Whitworth road restricts views of the appeal site from the roadside to intermittent glimpses where the tree cover is less dense. Given the sunken position of the building, it would appear low in height when seen from the road at the entrance. In more distant views it would also be seen close to, and in context with, the existing larger building on the site. Given this, it would not be seen as an incongruous or unwarranted building that would cause any harmful encroachment into the immediate area or wider countryside.
20. For these reasons, I find that the proposed agricultural building proposal would not cause harm and maintain the landscape character of the area. Accordingly, I find no conflict with Policies S4 and PD5 of the DDLP which seek, amongst other things, to protect, enhance and restore the landscape character of the Plan Area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan Area. The proposal would also accord with the Framework, which requires that proposals recognise the intrinsic character and beauty of the countryside.

Conditions

21. The Council has suggested conditions in the event the appeal is allowed, and these were discussed at the hearing. I have considered these in light of the tests of conditions within the Framework and guidance of the Planning Practice Guidance. Where necessary, I have amended the conditions to reflect the guidance.
22. I have imposed the standard time limit condition and a condition requiring development to be carried out in accordance with the approved plans, to provide certainty. I have also imposed a condition requiring the materials used to match those used on the existing agricultural building.

Conclusion

23. For the foregoing reasons and taking all other matters into consideration, I conclude that the proposal accords with the development plan taken as a whole, and material considerations do not indicate a decision should be taken at variance with the development plan.
24. Therefore, for the reasons set out, the appeal is allowed.

K Lancaster

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R Yarwood	Agent
Ms H Lowe	Appellant
Ms D Thomas	Advisor to the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Joyce	Interim Development Management Team Leader
Mr G Treen	Enforcement Team Leader
Mr J Barber	Barrister

THIRD PARTY REPRESENTATIONS:

Mr J Wood	Interested Party
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