



Appeal Decision

Site visit made on 25 February 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/P1045/W/24/3350584

Hopkin Farm, Red Hill Lane, Tansley, Derbyshire DE4 5GD

- 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 Mrs Nicola Wright of Carl Wright Haulage against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00217/FUL.
 - The development proposed is the removal of redundant agricultural buildings, the erection of extensions to the dwelling, the change of use of land to domestic garden and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of redundant agricultural buildings, the erection of extensions to the dwelling, the change of use of land to domestic garden and associated landscaping at Hopkin Farm, Red Hill Lane, Tansley, Derbyshire DE4 5GD in accordance with the terms of the application, Ref 24/00217/FUL, dated 18 January 2024, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The Council's statement referred to listed building consent and the Kirk Ireton Conservation Area. The Council has subsequently confirmed that these references were in error and that there is no relevant listed building consent, nor is the site located within a Conservation Area.

Main Issue

4. The Council has not raised any concerns regarding the removal of the agricultural buildings, the change of use to domestic garden nor proposed landscaping. The reason for refusal refers only to the extensions to the dwelling. Therefore, the main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area.

Reasons

5. The appeal property comprises of a farmhouse, with an attached barn and a lean-to outbuilding constructed in traditional stone with slate roofs. Adjacent are several single storey outbuildings, constructed of a mixture of blockwork, timber cladding and metal sheeting. The farmhouse and outbuildings are in a dilapidated condition. I observed that the layout of these outbuildings indicate that they were last used as stables.
6. The site is located within the open countryside, nestled adjacent to a spring with gentle rising ground levels to the north, east and south. There are limited views of the site from these directions. Views from Red Hill Lane, approaching from both the north and south, show the site as somewhat sunken into the landscape and your attention is drawn to the farmhouse which sits perpendicular to the road. The vernacular of this building contributes positively to the character and appearance of the area. In stark contrast, the outbuildings are in a poor condition with no architectural value and do not read as a group of agricultural buildings that are sympathetic to its countryside setting.
7. The Council considers the stone extension and garage extension to be appropriate in terms of their design. Its concern is regarding the siting, design and form of the proposed extension to the east. This element sits in a similar position relative to the dwelling as the agricultural buildings. By contrast with the stone extensions to the north it will have black timber cladding to its elevations and metal roof cladding, with some fitted with solar panels.
8. These materials would be reflective of those used on modern agricultural buildings. There would also be significant areas of full height glazing and whilst offering a contemporary feel, they would reflect the large openings found in agricultural buildings located nearby.
9. Consequently, there would be a distinctively different feel to these extensions that would neither copy nor compete with the traditional farmhouse. There would be as much of a contrast with the proposed extensions as the existing outbuildings with the farmhouse, but with a far superior architectural quality. Therefore, it would have a positive impact on the character and appearance of the area.
10. The proposed extensions would not harm the character and appearance of the host building and the surrounding area. Therefore, the development accords with Policies PD1 and HC10 of the Derbyshire Dales Local Plan (DDLp), which require all development to be of a high quality design and that the form and design of extensions is in keeping with the original building and its setting.

Conditions

11. The Council has provided a list of conditions that it considers would be appropriate and the appellant has commented on this. Some of the reasons attached to these conditions referred to the site being in a Conservation Area, which the Council have subsequently confirmed was an error. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance. Where appropriate, the wording from that proposed by the council has been amended for clarity.

12. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
13. In order to ensure a satisfactory appearance, I have included a condition requiring the submission of samples of the materials to be used for the external surfaces of the extensions and a condition to require the submission of details of the boundary treatments for the development. The Council has suggested the submission of details relating to; the abutment of the extension to the farmhouse, windows and doors, any external meter and alarm boxes, bin storage and hard surfacing materials. However, given the proposal is an extension to an existing dwelling that is neither listed nor located within a Conservation Area, I do not consider these details are necessary.
14. The retention of the trees shown to be kept would add maturity and assist the proposed development to integrate into its rural landscape. As such, I have imposed a condition requiring the implementation of tree protection measures.
15. I have imposed a condition requiring details of a lighting strategy to safeguard bats and other nocturnal wildlife, particularly, from light spill. I have also included a condition controlling any tree, scrub or hedgerow clearance between March and August as it is an offence to disturb breeding birds.
16. A condition to mitigate the carbon footprint of the development is necessary to comply with Policy PD7 of the DDLP, to assist with the move to a low carbon future.
17. Conditions removing permitted development rights and a scheme of landscaping have also been suggested by the Council. In light of the proposal representing an extension to an existing and isolated dwelling, and the landscaping would consist of a domestic garden, I do not consider these necessary.
18. The council has suggested conditions requiring space to be provided within the site for the storage of equipment and materials as well as restricting hours on operations, processes and deliveries. Due to the size of the isolated site, with an existing access, I do not consider these necessary to make the proposed development acceptable.
19. The Council has also suggested a condition requiring no demolition shall take place until an appropriate bat licence has been obtained. I have no doubt that a mitigation license would not be issued on the basis of the evidence that is before me. Furthermore, it is not for me to determine whether the legal tests for a license would be met as this would duplicate the function of another regulatory body and would be contrary to the well-established principle that non-planning regimes are assumed to operate effectively. As such, I have not imposed the condition.

Conclusion

20. For the reasons given above the appeal should be allowed, subject to the conditions set out below.

P Barton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location plan: drawing no. 11485-107
 - Proposed site plan: drawing no. 11485-104A
 - Proposed floor layout: drawing no. 11485-102B
 - Proposed 1st floor layout: drawing no. 11485-103B
 - Proposed elevations 1: drawing no. 11485-100B
 - Proposed elevations 2: drawing no. 11485-101A
- 3) The tree protection measures shown on the Tree Constraints Plan AATCP01/HF and detailed within BS 5837:2012 Tree Survey and Arboricultural Impact Assessment (Ref: 090223/RP/HF) shall be implemented throughout the course of the development.
- 4) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 5) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the extensions are occupied.
- 6) Prior to the installation of any external lighting, a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority and include details of height, design, location and intensity. The lighting installation shall then be carried out in accordance with the approved details.
- 7) No tree, scrub or hedgerow clearance shall take place between 1 March and 31 August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
- 8) Prior to the extensions being faced, details of measures to mitigate the carbon footprint of the development shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided first to first occupation of the extensions and thereafter retained and maintained.

*****END OF CONDITIONS*****