
Appeal Decisions

Site visit made on 25 March 2025

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal A: APP/R1038/W/24/3355320

Bluebell Woods Cottage, Barlow Lees Lane, Barlow, Derbyshire S18 7SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Amanda Strong against the decision of North East Derbyshire District Council.
 - The application is Ref 23/00832/FLH
 - The development proposed is single storey rear extension.
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Appeal B: APP/R1038/Y/24/3355333

Bluebell Woods Cottage, Barlow Lees Lane, Barlow, Derbyshire S18 7SW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Amanda Strong against the decision of North East Derbyshire District Council.
 - The application is Ref 24/00347/LB.
 - The works proposed is single storey rear extension.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. Bluebell Woods Cottage is a residential property which forms part of a complex of former agricultural buildings which were converted to 4 dwellings in around 2007. Those buildings were once functionally associated with Lees Hall Farmhouse, a grade II listed building, dating from the mid-17th century which lies immediately to the east of the complex. Although the agricultural buildings are not specifically noted in the list description, section 1(5) of the Planning (Listed Buildings and Conservation Areas Act) 1990 (the Act) states that the listed building includes any structure erected before 1 July 1948 within the curtilage of the listed building. The buildings appear on maps dating from 1820 and were part of the curtilage of the listed building when it was added to the statutory list in July 1989. Whilst the buildings are now in separate ownership, I am satisfied that the appeal building forms part of the listed building under the terms of the Act. Accordingly, I have had regard to the statutory duties in respect of sections 16(2) and 66(1) of the Act which require me to have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. The site falls within the designated Green Belt.

4. The description of the proposal is the same for both the planning appeal and the listed building appeal. To reduce repetition, I have dealt with both appeals together in one decision letter.

Main Issues

5. The main issues are:

- Whether the proposed development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
- The effect of the proposal on the character, appearance and special interest of the host building as a heritage asset.

Reasons

Green Belt

6. The dwelling that forms the subject of this appeal is a modest 3 bedroomed property that occupies part of the former barn to the west of the complex. The plot includes a garden/parking area to the front of the building, and a small garden to the rear which is bound by a low drystone wall. Planning permission and listed building consent were granted for a small extension within the rear garden in 2021 and 2024 respectively. The proposal before me is for a larger extension in a similar position.
7. Policy SS10 of the North East Derbyshire Local Plan, adopted November 2021, sets out that inappropriate development will not be approved in the green belt except in very special circumstances. The construction of new buildings is regarded as inappropriate development and will not be permitted. Exceptions to this include the extension or alteration to a building that does not result in disproportionate additions over and above the size of the original building. This part of the policy reflects the wording of paragraph 154 c) of the Framework.
8. For the purposes of Paragraph 154 c) a 'building' can be construed as relating to the individual building to be extended, as shown within the appeal site. Accordingly, I consider Bluebell Woods Cottage to be the building for the purpose of the policy. There is no guidance in the Local Plan policy as to what might be considered to be 'disproportionate' and the Framework only refers to size. The Council indicate that the proposed extension would result in a 16% increase in the volume of the original building, and I have no reason to disagree with the calculation. 16%, to my mind, represents a limited increase. There are other ways to consider the matter. The appellant sets out that the increase in footprint and floorspace would be around 30%, the width would be just over half, the depth would be around 40% and the height less than half that of the existing building. The Council has not disputed these findings. In visual terms the extension would be seen as a limited addition to the building.
9. On that basis, taking into account all I have seen and read, I conclude that the extension does not represent a disproportionate addition over and above the size of the original building. As such the proposal meets the exception test of Policy SS10 of the Local Plan and of paragraph 154c) of the Framework and

can be considered as not inappropriate development. On that basis there is no need for me to consider the matter further in terms of the effect of the development on openness. Furthermore, very special circumstances are not required to justify the development.

Effect on the character and appearance and significance of the building as a heritage asset

10. The significance of Lees Hall Farmhouse as a heritage asset lies in its age, architectural detailing and its historic value. The barns contribute positively to that significance by allowing the historic use of the building, and how the farmstead originally functioned, to be appreciated. Whilst I understand a boundary wall between to the west of the farmhouse was slightly raised in height after the barns' conversion, there is a gate in the wall indicating the functional link between the two.
11. The former agricultural buildings are substantial, stone-built buildings with a robust rectilinear form and a simple appearance. The retention of ventilation holes, minimal new window openings and lack of visual clutter, assist in allowing the agricultural character of the buildings to remain legible. Boundary fencing in the courtyard is generally low which allows the spatial characteristics of the complex to be appreciated. Consequently, notwithstanding their conversion to residential use and the domestic changes that have accompanied that, the buildings have a high level of significance as part of the heritage asset.
12. The listed farmhouse and barns can be seen and experienced from the road and from the public footpath which runs between them. The proposed extension would be visible from that footpath.
13. The originally approved extension was a simple rectangular lean-to, which in terms of its footprint, simple design with limited window openings, was modest and sympathetic to the character of the building. However, the proposed extension, which would be slightly larger, would incorporate two rooflights in horizontal format and would have a curved end elevation. I understand the size of the originally proposed rooflights have been reduced. Nevertheless, the proportions of the rooflights are at odds with the vertical proportions of other openings and two rooflights on what is a limited area of roof would, to my mind, appear cluttered particularly when viewed against the roof slope of this side of the barn which has only two openings. Moreover, the curved end wall would be at odds with the form and design of the building and would constitute an uncharacteristic detail that would detract from its robust agricultural character and appearance. On that basis the proposal would also cause harm to the special interest of the building.
14. I acknowledge that the rear garden wall is curved and there are other similar walls around the complex, including at the vehicular entrance. However, these walls are not part of the buildings themselves and accordingly do not justify the proposed design of the extension. While I understand that other dwellings in the complex have been extended and may have rooflights, I have not been provided with the circumstances of their approval. Moreover, I am not aware these extensions have curved walls and are directly comparable to the appeal proposal.
15. I note the appellant's contention that decorative fence panels attached to the

boundary wall would screen the development. However, it is unclear from the information before me whether these panels, which in themselves are an uncharacteristic feature, required or have been granted planning permission. Given that the extension would exceed the height of the panels, I am unconvinced they would provide an effective screen but be that as it may, the use of a screen is not appropriate as a means of justifying development that is harmful to a listed building.

16. The approach in the Framework is that where a development would cause less than substantial harm to the significance of a designated heritage asset, as is the case here, that harm should be weighed against the public benefits of the proposal. No public benefits have been put forward in support of the proposal. On the other hand, the Framework emphasises that great weight should be given to the heritage asset's conservation.
17. For the above reasons the proposal would be contrary to Policies LC5, SDC3 and SDC12 of the East Derbyshire Local Plan which seek in various ways and amongst other things to ensure that extensions respect the overall design and character of the existing property and to Policy SDC6 which requires proposals for alterations to a listed building to preserve the significance of the heritage asset and its setting, including impacts on character, architectural merit or historic interest and be of a layout, architectural features and design that does not detract from the listed building.

Other Matters

18. Although not forming one of the reasons for the refusal of the planning application I have had regard to objections raised by third parties on the grounds that the proposal would affect the living conditions of the residents of 'Fairfields', a corner property which would partly face, albeit at an angle, the proposed extension.
19. It seems to me that given the relative positions of the buildings and the low boundary treatments to the courtyard gardens, there is a degree of intimacy associated with living in the barn conversion complex. However, south facing living room and bedroom windows in 'Fairfields' would be a limited distance from the side of the extension. Whilst I acknowledge that the approved extension would be highly prominent from these windows, the even closer proximity of the proposed extension, coupled with its height, would be oppressive and overbearing. As such, it seems to me that the proposal would have an adverse impact on the living conditions of the residents of that property. Notwithstanding this, as I am dismissing the appeal for other reasons, the matter is not determinative.
20. I note the representations of support for the proposal and acknowledge that the extension has been designed with a curved wall in order to maximise the use of space internally. This is a private benefit of the scheme. However, such matter can carry limited weight in my considerations. Whilst I acknowledge that the approved extension will leave a small area of garden space, I am unconvinced that that space would be unusable or that its development is necessary to make the dwelling viable.

Conclusion

21. In conclusion I have found that the development would not be inappropriate development in the green belt and as such would be acceptable in terms of green belt policy. However, for the reasons set out, the proposal would fail to preserve the character and appearance of the building and its special interest as a heritage asset. Accordingly, the proposal does not accord with the development plan considered as a whole. There are no material considerations that would indicate permission should be granted contrary to the development plan. On that basis Appeal A is dismissed.
22. As the proposal would not preserve the special interest of the listed building for the reasons set out, it would not meet the statutory requirements of the Act. On that basis Appeal B is dismissed.

S Ashworth

INSPECTOR