



Appeal Decision

Site visit made on 1 May 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2025

Appeal Ref: APP/R1038/W/24/3358020

Snowdon Farm Riding School, Snowdon Lane, Troway, Marsh Lane, Derbyshire S21 5RT

- 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 Catherine Meehan against the decision of North East Derbyshire District Council.
 - The application Ref is 24/00540/FL.
 - The development proposed is demolition of an existing equestrian building and the construction of a new single storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - The effect of the proposal on biodiversity,
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies; and
 - The effect of the proposal on the character and appearance of the area including the Moss Valley Conservation Area (CA).

Reasons

Biodiversity

3. The proposal is put forward as a self-build property. However, no specific condition has been suggested for this and it has not been shown that one would meet the tests for conditions. As there is no other suitable mechanism before me, whatever the level of need for such properties, I cannot ensure that the proposed one would be secured as self-build.
4. The site comprises the whole of the land within the red line site. While it has been stated that there is less than 25sqm of habitat in the site, no survey or detailed evidence has been provided to demonstrate this. Therefore, as it has not been shown any exemption applies, the development would be subject to Biodiversity Net Gain as set out in the Environment Act 2021.
5. The minimum information in relation to biodiversity net gain as set out in Article 7(1A) of The Town and Country Planning (Development Management Procedure)

(England) Order (DMPO) has not been provided. In the absence of such evidence, I am unable to establish that the development could achieve at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

6. Consequently, the proposal could result in harm or insufficient net gain for biodiversity. This would be contrary to the Environment Act 2021 and the DMPO.

Whether inappropriate development

7. The equestrian use of the building and site linked to the riding school mean it is previously developed land. There would be a raised terrace and retaining wall created and an increase in domestic paraphernalia from the scheme on currently undeveloped land. Nevertheless, even if this also took place in the area near the access, and that the volume of the building would increase as the Council suggest, the reduction and impact on spatial openness would be small.
8. Although largely screened from public views, the building and adjacent land would be visible from a nearby public right of way. The domestic nature of the use and different appearance of the building, including glazing would be obvious as would light from the site. However, the site is viewed with existing buildings, including an adjacent residential one. Even if domestic features were introduced in the area near the access, and be seen from the road, this area is not large. Therefore, visual openness impact would only be minor.
9. The scheme would be contrary to Policy SS10 of the North East Derbyshire Local Plan (Local Plan) as it would have a greater impact on openness. However, the wording of that policy does not reflect, and is inconsistent with, the latest version of the Framework. Therefore, I give this conflict little weight and the more recent Framework is of greater relevance.
10. The proposal would be the redevelopment of previously developed land and would not cause substantial harm to the openness of the Green Belt. As such, it would not be inappropriate development as set out in the Framework.

Character and appearance

11. The significance of the CA, in which the site is located, lies in part, in the largely undeveloped agricultural fields and wooded hills with long range views across the valleys in places. The site is also in an Area of Multiple Environmental Sensitivity and is a largely rural area with scattered farmsteads and hamlets.
12. The building would have several full-length openings to its main elevation and result in greater light coming from the building than at present. These would be simple in design and generally slim so would not dominate the elevation or lead to excessive light spill. The proposed building would look residential and materials may not match others nearby. However, while the existing building may have a typically rural functional look, it is of plain utilitarian appearance and adds little to the area. In addition, there is no consistency to the appearance of buildings at the wider site at present.
13. The scale of the proposed building would be similar to the existing one. Furthermore, the development would be seen with the adjacent residential property which also has several openings on the front elevation leading to light

coming from them and associated domestic activity. As such, it would not appear discordant with its immediate surroundings.

14. Therefore, the proposal would not harm the character and appearance of the area, including the CA. It would accord with the character and landscape protection aims of Policies SS9, SDC3 and SDC12 of the Local Plan.

Other Matters

15. The proposal would add to the supply and mix of housing in the area. It would also bring economic and social benefits associated with the development and occupation of the unit. Nevertheless, as with energy efficiency, given the scale of the scheme such benefits would each be small. A lack of harm from other issues or public objection do not weigh in favour of the scheme. The evidence presented does not indicate that the other permissions and development highlighted were subject to, and lacking sufficient information on, Biodiversity Net Gain. As such they are materially different to the scheme before me.

Conclusion

16. For the above reason, the appeal is dismissed.

Stuart Willis

INSPECTOR