



Appeal Decision

Site visit made on 24 April 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/R1010/W/24/3357033

Land north of 4 to 10 Meadow View, Clowne S43 4GP

- 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 Ben Shatford against the decision of Bolsover District Council.
 - The application reference is 24/00096/FUL.
 - The development proposed is change of use of land for nature based woodland play area including shelter building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the conservation area; and whether this represents a suitable location for new development given its location within the countryside.

Reasons

3. The site represents a small part of an area of wooded and open land that extends from close to the centre of Clowne, between residential developments to the north and south, eastwards towards the open countryside beyond Hollin Hill Road. The former railway line ran along the north of this area and is now known as the Clowne Branch Line Greenway. The wider area, adjacent to the appeal site, is known as Clowne Linear Park. The Clowne Conservation Area covers much of this area and the adjacent parts of the centre of the settlement.
4. The conservation area appraisal describes this part of the conservation area as 'The Church and Craggs Area'. It advises that the limestone gorge outcrop, typified by limestone cliffs and narrow gorges, contributes to a stunning wider landscape setting. The area of the gorge is also a Regionally Important Geological Site. The appraisal identifies that the combination of the open spaces create an extensive open area that includes the Church of St. John the Baptist, a Grade II* listed building and the former Victorian Rectory. It describes that the lack of development within the Church and Craggs Character Area contributes to the setting of both the Church and Rectory and the relatively un-spoilt natural landscape of the Craggs.
5. The appeal site has been fenced off and unlike the linear park is privately owned and currently inaccessible to the public. This proposal would allow for small groups of children, with their carers, to access the site for short periods of time, for nature-

based play activities, supervised by experienced and qualified operators specialising in early years development.

6. The proposal would have a number of public and other benefits. An active use would help to prevent the anti-social behaviour which has been a historic problem at this site. It would allow some access to this area which is currently not available. The benefits of early years outdoor play and socialisation are not disputed. There would also be significant benefits for parents and carers who would similarly benefit from such interactions. Whilst this is a commercial enterprise, this does not diminish these benefits. The business activity and employment would also contribute to the economy. Positive management of the site and the stream could potentially improve both, with regard to biodiversity. There would also be private benefits to the appellant.
7. The activity levels associated with such small group outdoor play provision would be relatively limited and I do not consider such a use would result in any significant harm. It is reported that similar activities are carried out in the linear park, within the public domain. The difference in management would not reduce the benefit of such activities. Although concerns have been raised with regard to noise, given the types of activities and the nature of the use, I am not persuaded that noise levels or hours of use would result in harm to neighbouring living conditions.
8. Access to the site is limited to pedestrian access. Users of the facility would need to park elsewhere if using a car and then use the public footpath network. I do not find this to be a matter that weighs against the proposal, indeed the encouragement of such activity would be a benefit. Movement within the site would be over mown grass rather than made tracks and whilst this may not result in a high level of accessibility for some and may limit inclusivity, any more formal movement arrangements would detract from the character of the area. The lack of infrastructure, other than the building, is a positive as it would retain, as far as practical, the existing character of the site and wider area.

Conservation area and listed buildings

9. The main concern relates to the proposed building. It has been reduced in size and would represent a shelter rather than an enclosed room. Any concerns regarding archaeology could be addressed by appropriate conditions. Views of the building would be limited to those from private adjacent properties and it would have limited prominence in these views given its design and the existing and proposed planting. The building would however reduce the openness of this area and the openness is of importance to the setting of the nearby listed buildings and the conservation area in general. It would be of such limited scale and be far enough removed from the listed buildings so as to be of very limited concern with regard to their settings. It would however result in harm to the conservation area from the loss of openness. The introduction of a formal structure within this open area would detract from the landscape of the Craggs. The design details would help to limit this impact but it would result in harm to the conservation area and even when considered with the vegetation management and improvements, it would not preserve or enhance the character or appearance of the conservation area.
10. The proposal would result in less than substantial harm as defined by the National Planning Policy Framework 2024. The Framework advises that great weight should be given to the asset's conservation. I am mindful also that the Planning (Listed

Buildings and Conservation Areas) Act 1990, imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy CS16 of the Bolsover District Local Plan 2020 (LP) supports development in a conservation area only if it preserves or enhances the character and appearance of the area and its setting. This proposal would not gain support from the policy.

11. The Framework requires that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There are a number of public benefits to this proposal that I afford considerable weight. Whilst these could be achieved without a building, I fully appreciate that without a building for shelter the operation of the business and the provision of these benefits would be even more weather dependent, less practical and would likely not allow for the level of consistency of provision that would help a business to operate effectively. Overall, as great weight must be afforded to the conservation area's conservation, I am not persuaded that the public benefits of the proposal outweigh the harm that would result. The proposal therefore also conflicts with the heritage requirements of the Framework.

Suitability of the location

12. Although between two areas of development that form part of the settlement and adjacent to residential properties that form residential areas of Clowne, the site lies outside the development envelope defined by the LP. The supporting text to LP policy SS9 is clear that the countryside is defined as the land outside the development envelopes. With regard to policy SS9, given the nature of the activity proposed and the benefits it would offer, it can be considered as a change of use that would be relatively sustainable and appropriate to the location; and the building would be beneficial for the efficient and viable operation of a land-based business. It would also represent a small-scale employment use relating to recreation. It would therefore fall within, to some degree, categories (a) – (c) of the policy. The policy also requires that development respect the form, scale and character of the landscape, through careful location, design and use of materials. If this site was not within the conservation area, the design details and materials of the building would be suitable for a countryside setting although, in this location, it would result in some harm to the landscape of the Craggs. It would not however result in unacceptable conflict with policy SS9.
13. I find support for the proposal from LP policy WC3 as it would provide rural employment in the countryside that would provide community facilities that meet a local need; and it would allow a small business to diversify.
14. With regard to design quality, the proposal would meet many of the objectives of LP policy SC3 as the low key structure would not impact on important views, it would help support the vitality of the area, reduce opportunities for crime, enhance biodiversity and watercourse management, allow for active travel choices, promote health and social well-being, encourage physical activity and maintain the amenity levels of neighbouring land users. It would limit the adverse impacts on the established character, local distinctiveness and on local heritage whilst going some way to integrate itself into its setting. It would therefore meet many of the requirements of the policy and the conflict with other elements would be relatively limited. Given the benefits of the proposal, the concerns in this respect, aside from

the heritage and character issues, would not weigh significantly against the proposal.

15. LP policy SC5 relates to changes of use in the countryside. The proposal would not enhance the character of the area but the design details have sought to limit its impact. The other matters within the policy, in so far as they are relevant, could be adequately addressed. Policy SS1 relates to sustainable development and I generally find support for the proposal with regard to many of the criteria set out. It would conflict with its requirement with regard to heritage assets. When considering the costs and benefits together, as required by the policy, the cost with regard to heritage assets would outweigh the other benefits.

Other matters and conclusions

16. I have had regard to the potential ecological, recreational, educational, social, health and well-being benefits of the proposal and have afforded them considerable weight. Although private land, the proposed use would complement the other public open spaces uses and provide greater access to this additional area. It would not be at odds with the Bolsover Regeneration Framework or Green Space Strategy as it would complement provisions within Clowne Linear Park. The economic activity and employment provision would similarly be a significant benefit and gain support from policy WC3.
17. The appellant suggests that the land is previously developed. Whilst I am not satisfied that this has been established, whilst it would add more weight in favour of the proposal, it would not change the overall balance given the weight of the heritage concerns.
18. I note the previous permission with regard to the adjacent houses and their relationship to the countryside and conservation area. I must however consider this proposal on its own merits.
19. Generally, setting aside the conservation area concerns, this would be a low-key activity that could take place without significant harm and it would make an efficient use of the site. It would not undermine the countryside protection policies and would provide a range of benefits. I do not share the council's concerns with regard to policy SS9 and consider that it gains support from policy WC3. There would be some conflict with policies SS1 and SC5 but generally these concerns relate to heritage and character issues only.
20. The proposal would not however preserve or enhance the character or appearance of the conservation area and would conflict with policy SC16. As the public benefits would not outweigh the harm to the conservation area, it would also conflict with the heritage requirements of the Framework. Given this conflict, it would not represent sustainable development, despite the numerous benefits in that regard. Whilst I have few concerns with regard to the proposed use, the need for a new building within the conservation area, despite its reduced scale and improved design, would not preserve or enhance the character or appearance of the conservation area. It would result in harm to the landscape of the Craggs and that harm would not be outweighed by the benefits of the proposal. I therefore dismiss the appeal.

Peter Eggleton
INSPECTOR