



Appeal Decision

Site visit made on 27 April 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/R1038/W/24/3357963

Site of former Hay Lane Cottage, Hay Lane, Milltown, Ashover S45 0HE

- 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 Mr Robert Sharpe against the decision of North East Derbyshire District Council.
 - The application reference is 24/00800/FL.
 - The development proposed is described on the Application Form as the 'Erection of a barn.'
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development and use is the most appropriate when considered in accordance with development plan policy.

Reasons

Site Description

3. The appeal site is located to the east of Hay Lane, a rural road that at the point of the appeal site is within a countryside location. The experience of this location is one that is tranquil and rural with topography of rolling hills and long distance views to agricultural fields surrounding being a dominant characteristic. Elements such as stone walls, vegetation and hedging demarcates field boundaries and adds to the positive qualities of local distinctiveness and character of the location. The landscape is considered by the Council to be of primary landscape sensitivity and located within an Area of Multiple Environmental Sensitivity (AMES) as defined in the Local Plan.
4. The appeal site represents a small area of land as part of a larger parcel of land which are two fields located off Hay Lane, one to the south of the driveway from Hay Lane and a field to the north. The appeal documents illustrate that planning permission¹ has been given for the construction of a replacement dwelling to the south of the driveway, whereby on my site visit the remains as shown in the appeal documents had been demolished and foundations appearing to be laid. To the north

¹ North East Derbyshire Planning Ref: 23/00609/FL

of the driveway is the location for the proposed barn building which would be immediately to the south of the area labelled as 'paddock' on the proposed plans.²

Appropriateness of the location

5. In assessing the development of new buildings in the countryside the North Derbyshire Local Plan (LP) Policy SS9 specifies a number of criteria for the development to adhere to such as: being a replacement building that is not significantly larger than it replaces; it is necessary for the efficient or viable operation of agriculture, horticulture or appropriate land based businesses; it is in accordance with an adopted Neighbourhood Plan, amongst others. LP Policy SDC3 revolves around landscape character and seeks that development be approved where it would not cause significant harm to the landscape character, and be informed by and sympathetic to designated landscape areas identified in the AMES. LP Policy SDC12 is a design-led policy that seeks high quality design which responds positively to the surrounding context, with considerations around layout, form, height, massing, scale, amongst others. The appeal site is also within the Ashover Neighbourhood Plan (NP) Area, where NP Policy AP2 seeks that development outside defined settlements are carefully controlled, and limited to proposals that support the rural economy, amongst others. NP Policy AP11 relates to ensuring that development meets a number of design principles to enhance and reinforce local character and distinctiveness, and NP Policy AP13 relates to a development needing to demonstrate that they respect the distinctive landscape character of the area.
6. Plans submitted with the appeal show historic maps that illustrate that a building was previously in this location, and that the remnants of the building stone would be utilised in the construction of the proposed barn. In any event, the proposal is a new construction and would not in my opinion be the erection of a replacement building.
7. In discussing the principle of the proposed barn the Appellant's Statement of Case states that the agricultural holding extends to 2.2 acres, split between two fields. The need for the barn arises from the proposed accommodation of sheep on the fields, with an area of land needing to be designated as a wildflower meadow as part of conditions on the permission to construct a replacement dwelling. The barn would be utilised to store implements, feed and seed in association with the proposed agricultural activities. Currently there is no evidence of any type of farming or rural economy activity taking place on the site.
8. Whilst the LP does not detail how one would justify their agricultural activities; elements such as details of livestock holdings/ registration, licensing with external bodies, business operations, business plans, etc may go some way in demonstrating that the business exists, how it functions, and what types of storage (if any) would therefore be suitable to cater for the operations. There are also minimal details with regards to the replacement dwelling scheme presented, whereby I am unclear how large the proposed wildflower meadow is which may significantly reduce the size of the small holding that is needed to rear sheep.³ As such, based upon the information presented, it is unclear whether the proposed barn

² Proposed WC Plans Drawing No.1608-302, Rev No.P1

³ A third party representation has a site plan that indicates that one of the two fields would be entirely a wildflower meadow, however it is not confirmed whether this is an approved plan and therefore I have not given the plan weight in this decision.

is suitable/needed for the proposed agricultural use. Consequently it has not been demonstrated that the proposed barn is suitable or necessary and the principle is therefore contrary to LP Policy SS9 and NP Policy AP2.

9. Turning to character, appearance and design, if the principle of such a building was acceptable, the proposed materials of stone walling, timber doors and a slate roof and the proposed functional design if of the correct type, colour and texture would correspond to the local vernacular of the area and would be generally appropriate. I can appreciate the Council's concerns with regards to the spread of built development given that the proposed location would extend the built form from the approved replacement dwelling to the other side of the driveway. However small agricultural barns are an expected form when experienced in association with a farmhouse/ agricultural steading and given that there is an existing approved dwelling, the small barn would be experienced in association with this.
10. Whilst the barn as proposed might cause some harm when compared to the existing situation, the use of appropriate materials, size and scale, and relationship to the approved dwelling in this particular location would in my opinion go some way in assisting to mitigate the harm caused. As such, I see no conflict with LP Policy SDC3 or SDC12; or NP Policies AP11 or AP13.
11. In conclusion of this matter, whilst I have sided with the appellant in terms of the design, materials and placement of the proposed barn, when the development plan policies are assessed as a whole, there is a clear conflict with the principle of the proposed scheme, which has not been demonstrated that the barn is necessary or suitable.

Other Matters

12. I note representations from interested parties which cover details around a package treatment plant, and motivations by the appellant to locate a business to the site and previous discussions and verbal assurances that a barn would not be erected. These matters appear to be related to discussions regarding the previous application, there is nothing within the appeal documents that suggests that the application before me is not a barn building and this is what has been assessed. Motivations or previous behaviours of an appellant or verbal agreements are not planning matters and have not been considered in this determination.
13. Whilst not specifically mentioned in the appeal statements, I have also taken into account benefits of the scheme, such as the short term employment gained from the construction of the building, as well as the recycling of materials, both of which are promoted by planning policy. However, these benefits have not been enough to outweigh the harm that comes from not establishing the principle of the development.

Conclusion

14. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR