



Appeal Decision

Site visit made on 6 May 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/M9496/W/24/3355940

Cop Farm, Old Dam Lane, Peak Forest, Derbyshire SK17 8GA

- 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 Mr Steven Smith against the decision of Peak District National Park Authority.
 - The application Ref is NP/HPK/0324/0314.
 - The development proposed is retention of two water storage tanks and construction of associated building.
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Decision

1. The appeal is allowed and planning permission is granted for two water storage tanks and construction of associated building at Cop Farm, Old Dam Lane, Peak Forest, Derbyshire SK17 8GA in accordance with the terms of the application, Ref NP/HPK/0324/0314, subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. The water storage tanks and concrete hardstanding base have already been constructed generally in accordance with the submitted plans. However, the building that would house the water storage tanks has not been built. As such, I have determined the appeal with regard to the development that has taken place, as well as that proposed.
3. The appellant's name on the application form was Mr Stanley John Smith but it was later confirmed during the consideration of the application that the appellant's name was Mr Steven Smith. As such, the appeal has proceeded in their name.
4. Within my formal decision I have removed the term 'retention' as this is not an act development as set out in section 55 of the Town and Country Planning Act 1990 (as amended).
5. Following the determination of the planning application, the appellant submitted a revised site plan¹ which includes a sectional drawing showing ground levels. Although this additional information has not been subject to wider publicity, the Authority has had the opportunity to comment on this additional information in its evidence. Moreover, the revised plan does not substantively alter the location of the building, which was subject to wider publicity. Therefore, I am satisfied that interested parties have not been unduly prejudiced by my acceptance of this plan.

¹ JC/S460/102A

Main Issues

6. The main issues relevant to this appeal are the effect of the proposed development upon the Peak District National Park; and the effect of the proposed development upon a nearby tree.

Reasons

Peak District National Park

7. The appeal site is located within a field that is bound by drystone walls. Next to the appeal site is a group of large stone-built buildings in residential use. The buildings themselves are also bound by drystone walls and the land around them is landscaped garden. These buildings and the appeal site are located in an elevated position and near to the site is the Limestone Way Public Right of Way (PRoW).
8. The appeal site is identified as being within the Limestone Hills and Slopes character area within the White Peak, Peak District Landscape Character Assessment, Landscape Strategy and Action Plan (Landscape Strategy and Action Plan) which forms part of the Peak District National Park. The key characteristics of this character area include a regular pattern of medium to large walled fields and wide-open views to distant skylines.
9. The Landscape Strategy and Action Plan sets out that large, isolated stone farmsteads, similar to the development around Cop Farm, are a feature of the character area and that the land use is typically pastoral. The Landscape Strategy and Action Plan identifies that the priority for this character area is to protect and restore the diversity of the more remote landscapes and, where possible, to create a mosaic of extensive areas of unenclosed limestone grassland, heath, scrub and woodland. Protecting and maintaining the historic field pattern, drystone walls and the diversity of agricultural grassland are also identified as priorities. The National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
10. The buildings at Cop Farm are bound by dry stone walls, and such boundary treatment is common throughout the landscape. The appeal building would be sited outside of this group of buildings within a separate field that appears to be used as grazing land. However, the appeal building would still be located close to these dwellings and when seen from further afield, the outbuilding would be viewed alongside this group of buildings, limiting the perceived extent of built form associated with Cop Farm.
11. The local landscape is a mix of sporadically sited buildings in a mix of residential and agricultural uses. These are typically stone built and whilst the plans show the building would be timber built, the appellant agreed to the Authority's suggested condition to face the building with natural limestone to be similar to that used within the buildings at Cop Farm. The proposed Welsh slate roof tiles would also be consistent with the appearance of the nearby group of buildings. As such, the appearance of the building would be appropriate in this context.
12. While the proposal would not be used for agricultural purposes, it would be a single storey structure with a mono pitched roof similar in design to other buildings associated with isolated stone farmsteads in the wider landscape. As a result, the view of such a building within this wider landscape would not be unusual.

Additionally, whilst the building would not be located within the immediate curtilage of the group of buildings at Cop Farm the limited scale of the building and its location close to the drystone wall would generally retain the openness of the field. This, alongside the appearance of the building, would protect and maintain the historic field pattern, the drystone wall and pastoral landscape. This would conserve a valued characteristic of the character area.

13. When seen from the PRoW, the building would either be seen alongside the development around Cop Farm or be screened by it and given its limited scale, the building would maintain the existing wide-open views to the distant skylines. As such, the design and location of the building would be appropriate in this context and would thus conserve the landscape and scenic beauty of the National Park.
14. Consequently, the siting of a building in this location would protect and maintain the key features and priorities for the character area in the National Park. Furthermore, for the reasons given above, by causing no harm the proposal would not conflict with the requirement in the National Parks and Access to the Countryside Act 1949 for me to further the purposes of conserving and enhancing the natural beauty of the National Park. Therefore, the development would comply with Policies GSP1, GSP2, GSP3 and L1 of the Core Strategy Development Plan Document (CS) and Policies DMC3 and DMH8 of the Development Management Policies Part 2 of the Local Plan for the Peak District National Park (DMP). These seek, amongst other matters, for development to conserve and enhance the valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.

Trees

15. Next to the appeal site are two trees and the concrete base for the proposed building is located within what the Authority understands to be the Root Protection Area (RPA) for one of them and concern was raised that these works may have damaged the roots for that tree. However, a statement has been provided by a Tree Surgeon who noted that most of the root system is likely to be on the windward side of the tree (opposite the digging works) and that having been present during construction works, they saw that the workers were cautious when removing the top layers of soil.
16. Given that most of the root system is likely on the opposite side of the tree to the development and because the ground works have already taken place with a qualified person overseeing them, the development would be unlikely, on the balance of probability, to cause significant harm to the long-term health of the identified tree. This would be subject to the Authority's suggested condition requiring a tree protection plan is submitted, approved and adhered to during the completion of the construction works.
17. Therefore, the development would not cause significant harm to the nearby tree and would accord with Policy DMC13 of the DMP insofar as it expects development, amongst other matters, to ensure trees should be protected during the course of the development.

Conditions

18. While some of the development has already taken place, the building has yet to be built and as such, the statutory commencement condition is necessary in this

instance. Additionally, a condition requiring the development is carried out in accordance with the approved plans is necessary in the interests of certainty.

19. Given that the building would be located close to a tree a condition requiring a tree protection plan is necessary in the interests of the health of the tree.
20. The use of new buildings can impact the landscape and scenic beauty of the National Park and thus a condition limiting the use of the building is necessary for this reason.
21. Given that I have determined that the development would not harm the nearby tree, and a feature of the character area identified in the Landscape Strategy and Action Plan is the limited tree cover, I do not consider the Authority's suggested condition requiring additional tree planting would be necessary in this instance.

Conclusion

22. The development would comply with the development plan as a whole and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: JC/S460/101A; JC/S460/102A; and JC/S460/103.
- 3) Prior to the construction of the walls and roof of the building hereby permitted, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the national park authority. The TPP shall be prepared in accordance with British Standards BS 5837:2012. All measures described in the TPP shall be implemented in full prior to the construction of the walls and roof of the building hereby permitted and any specified physical tree protection measures shall remain in place until the completion of the approved building works.
- 4) Notwithstanding the detail shown on the submitted drawings, the external walls of the building hereby permitted shall be constructed in natural limestone faced, coursed and pointed to match the stonework of the host building at Cop Farm shaded black on drawing no JC/S460/102.
- 5) The outbuilding hereby approved shall not be used for any purpose other than for the storage of water in connection with the property known as Cop Farm, Old Dam Lane shaded black on drawing no JC/S460/102. The outbuilding shall not be occupied for independent use and shall remain in the same planning unit.

End of Schedule