



Appeal Decision

Site visit made on 10 June 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/R1010/W/25/3363559

Garden land adjacent to Chime Cottage, Out Lane, Stainsby Common, Heath, Chesterfield S44 5RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr L Booth against the decision of Bolsover District Council.
 - The application Ref is 24/00596/PIP.
 - The development proposed is erection of two single storey cabin style units for holiday letting.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A layout plan has been submitted which is indicative of the proposed development. I have therefore considered this as such.
5. Case law¹ has established that should development provide the facilities for day-to-day private domestic existence, even if occupied for only part of the year or by different occupants, it would have the characteristics of a dwelling. The description of the proposed development indicates that the use would be as holiday lets. Therefore, the facilities provided would necessarily be required to meet the day-to-day domestic needs of occupants. As such, the proposal constitutes residential development, and I have considered the appeal against the relevant policies in the Local Plan for Bolsover District, March 2020, (the Local Plan).

¹ *Gravesham BC v SSE* [1983] JPL 206

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site is situated to one side of Chime Cottage, at the edge of the small rural settlement of Stainsby Common. The settlement is within a rolling landscape of hills and valleys. It comprises a small number of properties, incorporating buildings of various forms, scale and materials. Properties are widely dispersed and predominantly set back from Out Lane and Hawking Lane. Areas of woodland, fields and equestrian facilities separate properties from each other to the extent that they do not visually coalesce. As such, the settlement has the appearance of a scattered, unrelated group of properties.
8. The strategy for residential development in the Council area is set out in Policy SS3 of the Local Plan. This policy seeks to direct new housing towards defined settlements. Stainsby Common is not a defined settlement within the Local Plan and, as such, falls within the definition of a small settlement in the countryside, with Policy SS3 stating that these are not considered to be sustainable settlements. The policy resists residential development in these settlements, except for infill development and the conversion of agricultural buildings, where appropriate. The proposed development meets neither of these exceptions.
9. The settlement is not supported by local amenities or services. Local amenities and services can be accessed in the nearest larger settlement of Holmewood, some distance away. Access to Holmewood from the appeal site by walking or cycling, or in combination with public transport, would require travelling on unlit roads with no pavement. The road conditions are therefore not conducive to encouraging walking or cycling, especially in the dark or in bad weather. As such, the proposed development would introduce up to two dwellings in a location without immediate access to amenities or services to serve the day-to-day needs of future occupants. Therefore, the location of the proposal would fail to provide for a sustainable form of development as future occupants would be heavily reliant on private motor vehicle use.
10. The appeal site is a roughly rectangular area of open grass with views to and from open countryside. The site is bounded on two sides by timber post and rail fences, separating it from the garden to Chime Cottage and open countryside. On the remaining two sides the site is bounded by hedgerows, separating it from open countryside and Hawking Lane. When considered in this context, the appeal site is seen alongside Chime Cottage but has greater affinity with open countryside than that property and the wider settlement. Accordingly, the appeal site is within open countryside.
11. The development would extend the built form of the settlement into open countryside, particularly when seen in conjunction with Chime Cottage, which would erode the current complementary transition from the settlement to open countryside. In addition to the presence of up to two dwellings, domestic paraphernalia associated with day-to-day living, such as lighting and vehicle parking, would also be incongruous with the open, rural character of the location. Moreover, given the open aspect of the site to countryside beyond, the development would have a wide-reaching urbanising effect on the location within

the wider landscape. As such, the proposed location would be unsuitable for development, having a significant and harmful effect on the rural character and appearance of the site and surroundings.

12. I acknowledge that near views of the proposed development would be limited by topography and existing boundary hedgerows. However, there is no qualification in the development plan policies that unacceptable effects can only be caused by widespread harm or are limited by proximity of view.
13. The appellant also states that the dominant scale and character of farm buildings on the opposite side of the road, and a short distance from the appeal site, provide the context for the development. However, these buildings are separated from the appeal site by dense hedgerows and are at some distance. Moreover, they are functionally connected to agricultural activity in the landscape. As such, while they may not have high aesthetic value, they are part of the character of the settlement and wider rural area.
14. The appellant also makes the case that the countryside location of the proposed development meets the needs and expectations of the users it seeks to attract and serve. In this respect, the appellant also states that the appeal development is within walking distance of two notable local tourist destinations.
15. However, Policy WC10 of the Local Plan directs tourism development toward towns, emerging towns and large villages unless directly related to specific tourism destinations. The proposed development is not directly related to or dependent on its proximity to the nearby tourist destinations, nor is a countryside location a sufficiently specific destination to justify an exception from the aims of the development plan.
16. Beyond these exceptions, the Local Plan supports tourism development where it would be in keeping with local character. However, in this respect the proposal would not accord with Policy WC10 of the Local Plan given the harm I have identified in respect of the rural character and its countryside location.
17. The appellant states that the development would contribute to the vitality and viability of the local rural community through income generation and employment for cleaning and maintenance services and that this should be balanced against protection of the countryside. As such, they consider the proposal to be in accordance with Policy SS9 c) of the Local Plan.
18. However, given the scale of the proposed development and lack of local amenities and services, the contribution to the rural economy would be limited. Furthermore, Policy SS9 still requires proposals to respect the form, scale and character of the landscape, through careful location, design and use of materials, which the appeal scheme would not do due to its location and the land use proposed, as identified above. Therefore, I find that the economic benefits arising from the proposed development would not outweigh the harm I have found in respect of its location.
19. For the reasons set out above, I conclude that the site is not suitable for residential development having regard to its location, the proposed land use and the amount of development. The proposal would conflict with Policies SS9, SS3 and WC10 of the Local Plan. Alongside setting the locational strategy for development in the Council area, these policies require, among other things, proposals to demonstrate

that the siting of development is informed by, respects and enhances the character and distinctiveness of both the site and its context.

Conclusion

20. For the reasons given above, the proposal conflicts with the development plan, when considered as a whole, and there are no material considerations that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Mayes

INSPECTOR