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## Appeal Decision

Inquiry held on 10-12 June 2025

Site visit made on 10 June 2025

**by Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

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### Appeal Ref: APP/R1038/C/25/3359698

#### The Long Barn, Barlow Lees Lane, Dronfield S18 7UR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Chris Denton against an enforcement notice issued by North East Derbyshire District Council.
  - The notice was issued on 12 December 2024.
  - The breach of planning control as alleged in the notice is Without planning permission, the carrying out of operational development namely the demolition of an agricultural barn ("the agricultural barn") and the construction of a new building used as a dwellinghouse ("the unauthorised dwelling") shown for the purposes of identification shaded black on the attached plan. The operational development has caused a material change of use of the Land from agriculture to residential use.
  - The requirements of the notice are:
    - a) Cease the residential use of the Land.
    - b) Demolish the unauthorised dwelling (shown shaded black on the attached plan), except for 'buttresses' (abutting the dwelling known as Shirecliffe Farmhouse), identified in blue as 'Wall D' ("portion of original stonework to be retained as a buttress") and 'Wall E' ("portion of the Long Barn to be retained as a buttress"), retained in accordance with the section details shown on the attached drawing titled 'Appendix B'.
    - c) Following compliance with step b) above, make good the top and edges of the resultant buttresses with coping stones, in accordance with the detail shown on the attached drawing titled 'Appendix B', using a similar stone type, size, texture, colour, and pointing (mortar mix and joint profile), used in the retained buttresses.
    - d) Remove from the Land all hard and soft landscaping, and all paraphernalia associated with the residential use of the Land, including but not limited to, paving, paths, edging, gravel surfacing, steps, seating, tables, decking, artificial grass, ornamental planting etc. Reinstatement the disturbed ground with topsoil.
    - e) Remove from the Land the package treatment plant marked with a "X", on the attached plan and associated sewage system. Infill the resultant void with subsoil and topsoil.
    - f) Remove all materials and debris arising from compliance with step b), d) and e) above from the Land.
  - The periods for compliance with the requirements are:
    - Step a) 12 months
    - Step b) 18 months
    - Step c) 20 months
    - Step d) 22 months
    - Step e) 22 months
    - Step f) 22 months
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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## Decision

1. It is directed that the enforcement notice is corrected by:
  - i) Replacing the address at section 2 of the notice with the following:

*Land at The Long Barn, Barlow Lees Lane, Dronfield S18 7UR shown for the purposes of identification edged red on the attached plan ref: 24/00099/OD ("the Land")*
  - ii) Deleting all wording at section 3 of the notice (the breach of planning control alleged) and replacing it with the following:

*Without planning permission, the material change of use of the Land from agriculture to residential use as a result of the use of The Long Barn as a dwelling.*
2. Subject to the corrections, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the Land from agriculture to residential use as a result of the use of The Long Barn as a dwelling at The Long Barn, Barlow Lees Lane, Dronfield S18 7UR as shown on the plan attached to the notice and subject to the following condition:
  - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D, E or AA of Part 1 of Schedule 2 to the Order shall be undertaken.

## Applications for costs

3. Applications for costs were made by both parties and are the subject of separate decisions.

## Preliminary Matters

4. The grounds of appeal initially included ground 174(2)(e), but that ground was withdrawn before the inquiry opened.
5. Evidence relating to ground (d) was given on oath/affirmation. The other grounds of appeal were primarily dealt with by way of a round table discussion. This approach was adopted following consultation with the parties before the event.

## The Enforcement Notice

6. The enforcement notice refers to Barlow Lees Road rather than Barlow Lees Lane, as it should have done. This has not caused any misunderstanding and can be corrected without causing injustice to either party. The incorrect reference to Shirecliffe Lees can also be removed.
7. The allegation could have been expressed more clearly to establish that the notice targeted both the building and the change of use of the land. The parties agree that the notice could be corrected to improve its clarity in that regard without causing injustice. In the event, since I am allowing the appeal on ground (d), which relates only to the operational development, the corrected notice will refer only to the

material change of use, using wording that reflects the discussion of the matter at the inquiry. The wording refers to the material change of use of 'the Land' and, as per s336 of the Act, that includes the buildings now on the land.

8. Since the notice will be quashed, it is not necessary to correct or vary it in any other respect.

### **Ground (d)**

#### *The approach to ground (d)*

9. The appeal on ground (d) relates only to the structure, as opposed to its use. There is agreement that the use is unlawful and requires planning permission and that the notice was issued in time in respect of the use.
10. It is common ground that, in order to succeed on ground (d), the appellant must show that the building was 'substantially complete' by 12 December 2020, which is 4 years before the notice was issued. The burden of proof falls on the appellant and the standard of proof is the balance of probability.
11. Planning Practice Guidance establishes that '*if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*'. That advice relates to Lawful Development Certificates concerning existing uses, but the same principles apply here.
12. There is agreement that the correct approach to the question of substantial completion is that set out by the House of Lords in *Sage v SSETR & Maidstone BC* [2003] UKHL 22. This established that the question of substantial completion must be looked at holistically. In the case of building operations, what is required is 'a fully detailed building of a certain character'. A building could not be regarded as substantially completed for the purposes of s171B(1) on the basis that outstanding works affected only the interior.

#### *Background*

13. Planning permission was granted in 2013 for the conversion of two dwellings into one dwelling and conversion of existing barns to two dwellings (Ref 12/00902/FL). A subsequent application under s73 of the Act led to a new permission with changes to the planning conditions (13/00403/FL). A lawful start was made on that permission, but it cannot now be implemented in respect of The Long Barn, since the original building was demolished, and so cannot be converted. Thus, the original planning permission is of little relevance to the ground (d) appeal.
14. It is common ground that the outer shell of the new building was complete by September 2020. Thus, the evidence largely focusses on the final tasks in the project, such as the installation of services, in order to determine when, looked at holistically, the building was 'substantially complete' as per *Sage*.

### *Assessment*

15. Paul McGovan, who built the house, has provided a Statutory Declaration (dated 10 December 2024) and a witness statement and gave evidence to the inquiry. He states that he and his wife moved into the property on 20 November 2020.
16. Mr McGovan's evidence includes various date-stamped photographs from November and early December 2020 showing the interior of the property. There are photographs showing the stairs and landing, a living area, bedroom and kitchen, all dated on or before 6 December. The house appears to be decorated and in most of the photographs the lighting is on and there is furniture and even pictures on some walls. In some photographs the television is on, Christmas decorations are up and a wood burner is burning. The later photographs in particular give every impression of a completed and occupied home. The veracity of the photographs is not challenged and I have no reason to doubt them. The photographs are very persuasive evidence in the appellant's favour.
17. The Council argues that Mr McGovan's evidence is not sufficiently precise and unambiguous. For example, his Statutory Declaration refers to bathroom 'fixtures' but does not define what is meant by this or give specific dates when they were fitted. It also lacks detail or is silent on some matters such as plastering, electrical fit out, decorating and various rooms within the house. Nor does it give a general overview of the state of the house at the relevant point in time.
18. However, Mr McGovan's evidence must be viewed as a whole, and certain matters were clarified in his witness statement and orally at the inquiry. For example, it is clear from the photographs that the particular rooms shown were plastered, but Mr McGovan stated at the inquiry that the whole house was plastered at the same time. I have no reason to doubt that claim. He also clarified that the reference to bathroom 'fixtures' included all taps and so on necessary to make the plumbing system operational in its entirety. While he was not able to fill in every gap in terms of when specific works were carried out, those gaps do not strike me as surprising in respect of a development that took place several years ago, and are not a reason to doubt the evidence as a whole.
19. In any event, some of those gaps – in particular those relating to the provision of services, are filled in by the evidence of others. The written evidence of Mr Woodhall shows that the soakaway and sewage treatment plant were installed and fully functional by 8 December 2020, when it was certificated as such. That evidence is not challenged by the Council.
20. I can see no reason either to doubt the evidence of Mr Robinson, a gas engineer who worked at the property, that the plumbing, water and heating system throughout the property was fully operational by the time the boiler was registered on 4 December 2020. It is true that Mr Robinson's oral evidence was less specific than his written evidence in terms of some of the dates that he worked at the property. Nevertheless, I found his evidence, which is backed up by date-stamped photographs, to be clear and convincing as a whole regarding the key points in time when certain items were completed. In particular, I see no good reason to doubt the claim that the system was operational by 4 December 2020.
21. An invoice from AC Bathrooms refers to a delivery date of 25 November 2020. Mr McGovan's written evidence reaffirms that delivery date. However, that date is inconsistent with the timeline Mr McGovan outlined at the inquiry because that

order included shower trays that, he advised, were fitted earlier. That inconsistency detracts from Mr McGovan's evidence to a degree. It does not, however, show that the version of events set out by Mr McGovan at the inquiry was necessarily wrong.

22. Mr McGovan's explanation at the inquiry was that he was a regular customer and would have picked up items he needed urgently in advance of the paperwork being completed. Although that seems like an unusual way to do business, the claim regarding the fitting of the shower trays is supported by Mr Robinson, whose evidence that they were already fitted before he completed the plumbing work was very clear. He stated that the tiling had already been carried out, and that shower trays are fitted before tiling takes place. Thus, whatever the precise timing of the delivery of the shower trays, it seems to me more likely than not that they were fitted such that Mr Robinson was able to complete his work in the timeline he outlined.
23. While giving evidence, Mr McGovan advised that the witness statement had been prepared for him, but I find nothing unusual in that and it does not detract from the weight I attach to his evidence. There was some correction and clarification of matters such as dates and precisely who carried out various items of work during Mr McGovan's oral evidence but, overall, it provided a consistent and coherent order of events.
24. The Domestic Electrical Installation Certificate is dated 11 January 2021. However, that does not show that electrical works were not completed earlier. Indeed, the various photographs taken on or before 6 December 2020 showing lights on at the property and items such as the television apparently operating off the mains, give a clear indication that electrical work was completed by that time.
25. Furthermore, the property was registered for Council tax on 6 December 2020. That does not show the physical state the building was in but it does at least suggest that it was in a sufficiently complete state to be usable as living accommodation. It seems unlikely to me that the occupier would register the building for Council Tax until it was genuinely ready for occupation, which is consistent with the building being substantially completed.
26. There are not photographs of every room in the house in a finished state prior to 6 December 2020, including some of the bedrooms, the bathroom and utility wing, and I am mindful that the burden of proof falls on the appellant. However, a lack of photographs of some rooms is not an indication that those rooms were not finished. It seems natural to me that the first rooms to be photographed would be key rooms such as the living areas and kitchen, rather than every bedroom or utility/storage rooms.
27. It seems probable to me that the rooms not shown in photographs would have been in a similar state of completion to the photographed ones. Even if some rooms were lagging behind the rooms in the photographs in terms of final decoration etc, that would not alter my view that the house as a whole was substantially completed, on the balance of probability.
28. A final certificate for the Building Regulations was not issued until June 2021, but that does not show that the building was not substantially completed before then. It would no doubt have strengthened the appellant's case if there had been further invoices for works and materials. However, the question for me to decide is whether the appellant's case is made out on the basis of the information that has

been provided. Given the time that has passed since the building was constructed, the gaps in the evidence do not strike me as a reason to doubt the appellant's claims.

29. The Council refers to an email exchange with the appellant's representatives prior to the enforcement notice being issued in which it was suggested that the property was substantially completed on 29 January 2021. However, that does not alter my view, on the basis of all the information now available, that the property was actually substantially completed by 6 December 2020. While the Council may feel it was wrong-footed by that exchange, the appellant's changed position amounts to less than 2 months. The Council must have been aware that the notice was going to be issued close to the end of the immunity period, and thus at potential risk of a successful ground (d) appeal should the available information change. Indeed, it is quite clear from the email exchange that it was fully aware of that risk. In any event, whatever was said about the date of substantial completion at that time, I must base my decision on all the information now available.
30. For these reasons I conclude, on the balance of probability, that the building was substantially completed by 6 December 2020, just over 4 years before the enforcement notice was issued. Accordingly, the appeal succeeds on ground (d).

### **Ground (a)**

#### *Main issues*

31. Given my decision on ground (d), the deemed planning application relates only to the use of the site. As a result, it is not necessary to consider the question of grey belt, which the appellant does not rely on in this scenario, or the related question of the housing land supply.
32. The main issues are:
- Whether the development is inappropriate in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
  - The effect of the development on the openness of the Green Belt and its purposes;
  - The effect of the development on the character and appearance of the landscape;
  - Whether the site is sustainably located; and
  - If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

#### *Inappropriateness*

33. The site lies within the Green Belt. Policy SS10 of the North East Derbyshire Local Plan 2014-2034 reflects national Green Belt policy as it applied at the time the policy was written. However, national policy changed significantly in 2024, not least by the introduction of the concept of grey belt. Consequently, Policy SS10 is out of date. Policy ENV1 of the Dronfield Neighbourhood Plan 2016-2034 is concerned with development in the Green Belt and defers to national policy, as set out in the Framework.

34. The Framework advises at Paragraph 154 that development in the Green Belt is inappropriate unless one of the specified exceptions applies. For the appellant, it is argued that the exception in Paragraph 154(h)iv, which concerns the re-use of buildings, applies.
35. The starting point is whether this amounts to the reuse of the building. In my judgement it does not. The plain meaning of 're-use' means that the use of the building would have to have changed to benefit from that provision. Here, there has been no such change in the use of the building. It was built as a dwelling and was occupied as a dwelling as soon as it was ready. There has not been any period of any other use or no use or nil use. Thus, there has not been re-use of a building and the development cannot be 'not inappropriate' on the basis of paragraph 154(h)iv, or the similar provisions within Policy SS10 of the Local Plan.
36. The appellant highlights the use of the specific phrase 're-use' rather than 'change of use'. However, the purpose of the Framework is to set out policy relating to acts of development. Read in that context, it seems to me that the phrase 're-use' is essentially concerned with material changes of use. In any event, 're-use' must, if it is to have any real meaning, indicate some change and not the continuation of the existing situation, as in this instance.
37. It is argued that anything other than the appellant's interpretation would result in a lawful building being permanently sterilised, with any future use always being inappropriate development in the Green Belt. However, it appears to me that any future proposals to re-use the building would be distinct from the question of the continuation of its existing use and would be considered against Paragraph 154(h)iv in the normal way.
38. There is no claim that any of the other exceptions cited in the Framework apply. I therefore conclude that this is inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### *Openness*

39. There is no material impact of the use on the openness of the Green Belt in my judgment. There will be vehicles parked at the property, along with items such as bins, garden furniture and a plethora of domestic paraphernalia. However, such items are limited in scale and not comparable with built structures, which are fixed in place. They are also seen in the context of the substantial building at the site and contained within the well-established boundaries of the property. The boundary treatment includes stone walling, which provides an air of permanence. Garden furniture in the rear courtyard area is very well contained by the house and the adjacent residential site. Overall, the scale of the various items associated with the residential use, together with their context and location, means that there is no sense of a larger or more intrusive form of development as a result of the use. I therefore find that there is no additional harm to the Green Belt or conflict with policy arising from any impact on openness.

### *Green Belt purposes*

40. The Framework establishes 5 purposes of the Green Belt. It is common ground that purposes (b) and (d) are not compromised. The disputed purposes are:

- a) to check the unrestricted sprawl of large built-up areas;
  - c) to assist in safeguarding the countryside from encroachment;
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
41. It is common ground that Dronfield is a large built-up area relevant to purpose (a). The Council conducted a Green Belt review in 2017. This considered the appeal site as part of a larger block of land that included the whole of Shirecliffe Farmstead and a field to the south. The assessment found the land parcel to have strong alignment to purpose (a).
42. However, it is a matter of agreement that the assessment as to the contribution the site makes to purpose (a) should be based on the site itself rather than any wider area. It is clear that the contribution this small site makes to purpose (a) cannot be as strong as that of the wider area in the Green Belt Review. Furthermore, I have found that the building is lawful, and so the only impact relates to the use of the site rather than the introduction of a new structure. Moreover, the building is significantly contained by the existing farmhouse and the dwelling now being created on the adjacent plot. It is also some distance from the existing boundary of the built-up area of Dronfield and separated from it by the bypass to the east and Cowley Lane to the north.
43. For these reasons I conclude that the residential use of the site does not have any harmful effect on purpose (a). Nor, given the containment of the site by the farmhouse and Shirecliffe Lees, together with the fact that no new built development is proposed, do I find that there is encroachment of the countryside (purpose (c)). I am not persuaded that this development of a single dwelling of a specific character can have any effect on requirements for housing elsewhere such that the recycling of derelict or other urban land would be affected (purpose (e)).
44. I conclude that none of the Green Belt purposes are compromised.

#### *Character and landscape*

45. The appeal site lies a little way back from the lane, partly screened by hedgerow, in an attractive, rural, rolling landscape. It falls within the Wooded Hills and Valleys landscape type of the South Yorkshire, Nottinghamshire and Derbyshire Coalfield Landscape Character Area. I am told that scattered historic farmsteads, such as Shirecliffe Farm, are a defining characteristic of the landscape. The Local Plan recognises this landscape as having 'primary sensitivity' under Policy SDC3 – suggesting that it is a landscape that might be particularly sensitive to new development. The Neighbourhood Plan recognises the importance of the landscape in terms of its scenic beauty.
46. Since the building itself is lawful, any impact is that derived from the residential use of the building and the land associated with it. Clearly, the fact that the building is lived in has an effect on its character and appearance. There is domestic paraphernalia, domestic vehicles will be parked at the property, the garden is kept in a domestic style, people will come and go, bins will be left out for collection and so on. As a result, the residential nature of the building is very obvious. Although public views of the site are limited, the building could still be clearly seen from the

lane through gaps in the hedgerow when I saw it in June, and will be more visible during the winter months.

47. However, despite its plainly rural location, the site is seen in the context of the existing farmhouse and the neighbouring Shirecliffe Lees, where a dwelling is currently being created. The Long Barn clearly relates strongly to those dwellings and, although a new build, forms a group with them. The established landscaping and boundary treatment emphasises the separation of the group from the wider countryside. Within that specific, contained setting, largely formed by two dwellings, the domestic use of this building appears entirely appropriate and has no material effect on the rural character, appearance or tranquillity of the landscape as a whole.
48. The Council argues that this is a valued landscape for the purposes of Paragraph 187 of the Framework. That was a finding in a recent appeal decision concerning a site elsewhere around Dronfield. But regardless of that, since the landscape is not harmed by the development, the aims of Paragraph 187 of the Framework are not compromised.
49. For these reasons I conclude that there is no harm to the character or appearance of the area or the landscape. Accordingly, there is no conflict with policies SS9, SDC3 and ENV2, which seek to protect the character of the landscape.

### *Sustainability*

50. The notice does not raise sustainability as a primary concern of the Council's. Nevertheless, it has been raised during the inquiry in connection with the appellant's case relating to grey belt, and I address it here so that all potential harms are considered.
51. The site is located well beyond the built-up area of Dronfield, and is separated from the town centre by the bypass. It is possible to walk to the town centre, but it is some distance to the nearest shops and part of the route is along a rural lane, devoid of footways or lighting. There are bus stops within walking distance of the property, but realistically, most trips for reaching shops and day to day services are likely to be made by car. It is therefore not a location that prioritises sustainable transport modes, as described in Paragraph 115 of the Framework.
52. That said, Paragraph 110 of the Framework draws a distinction between 'significant' developments and other developments and also recognises that a different approach may be appropriate in urban and rural areas. This modest development of one dwelling in a rural location must be seen in that context. Moreover, even if there is a reliance on car use, the proximity to Dronfield, where there is a comprehensive range of local services, means that trips further afield will not be necessary for day-to-day needs.
53. Overall, considered against paragraphs 110 and 115, I regard this as an adequately sustainable location for this small development. Accordingly, there is no conflict with the Framework in that regard, or with any of the development plan policies drawn to my attention.

### **Other considerations**

54. The property provides a dwelling, making use of a structure that I have found to be lawful. Government policy is clear on the need to secure an increase in the

provision of housing, and the provision of even a single dwelling is plainly a benefit of the development.

55. In this instance, the property is of particular importance to the appellant and his wife, who occupy it. They bought the property in November 2021. I am told it was to be their 'forever home' for their retirement years. They are both now retired and I understand that one of them suffers from an ongoing serious health condition. I am told this condition has been worsened by the stress caused by this enforcement action. I do not have medical evidence to support these claims, but they are set out in two witness statements, are not challenged by the Council and I have no reason to doubt them.
56. I am also told that the couple face bankruptcy if the notice is upheld, due to the loss of their home and the costs of complying with the notice. However, I have only limited information regarding the couple's finances. Moreover, I have no evidence to show that they have examined the possibility of claiming against the person they bought the property from or any of the professionals involved in the purchase. It is also clear that they have other property (albeit mortgaged and with tenants). Overall, there is insufficient evidence to support the claim of bankruptcy.
57. Be that as it may, the appeal building is mortgaged and it is clear that compliance with the notice, even as corrected, would have very substantial and ongoing financial implications for the appellant, requiring the couple to move from the appeal property and find and finance new accommodation. Plainly, in addition to the financial implications, it would also be extremely disruptive, particularly given the stage they have reached in life and the health condition referred to. Pursuing a claim against any other party involved in the purchase of the property could clearly be time consuming, and I cannot assume that it would be resolved in time to help with their relocation should the notice be upheld.
58. It is clear that the appellant and his wife were not responsible for the breach of planning control and had been living at the property for about 3 years when the notice was issued. They bought the property and improved it to suit their needs, apparently unaware of planning problems until the Council raised concerns in 2024. It is an important principle that an enforcement notice 'runs with the land' and the fact that the property has changed hands does not mean enforcement action should not be pursued. Nevertheless, the time that passed in this case between when the breach took place and when the Council's concerns surfaced, time during which the appellant and his wife occupied the property and invested in it, means that the impact on them is particularly severe in my view. That is not a criticism of the Council, but is relevant to understanding the impact of the notice on the occupiers of the property.

### **Planning balance**

59. This is inappropriate development in the Green Belt and therefore harmful by definition. Plainly, as both parties recognise, the harm to the Green Belt is less, given my finding that the building is now lawful, than it would have been if the deemed planning application sought permission for both the use and the building. Nevertheless, in accordance with Paragraph 153 of the Framework, I attach substantial weight to the harm to the Green Belt.
60. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the

development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

61. Here, there is no other harm, Green Belt or otherwise, to add to the harm by way of inappropriateness. Set against that harm is the provision of one dwellinghouse, making use of a suitable existing structure, together with the personal circumstances of the appellant and his wife and their need for the appeal property, as I have already outlined. The combination of those circumstances makes a compelling case in my view.
62. The lawful baseline is now that the site is occupied by a substantial building, which has clearly been created and fitted out as a dwelling. Neither side sets out in detail what would happen to the building in the long term in the event of the notice being upheld. However, I have no reason to suppose that it would be removed in the foreseeable future. Indeed, it seems clear from the appellant's case that it would remain, and Mr Copestake refers to the prospect of the building being 'left standing, potentially to dilapidate over time'. Thus, the structure will either remain without being put to any useful purpose or some use will be found for it. The proposed continuation of the use of the building for the purpose for which it is designed – adding to the housing supply and meeting the immediate and long-term needs of the current occupiers - should be seen in that context.
63. Weighing up the case as a whole, I find that the considerations in favour of granting planning permission clearly outweigh the harm to the Green Belt. Accordingly, very special circumstances exist and I find no conflict with Policies SS10 and ENV1 or the Framework. Given that and my findings in relation to other policies, the development is in accordance with the development plan as a whole.

### **Conclusion and conditions**

64. For the reasons set out above I conclude that the appeal should be allowed. Since the notice will be quashed, the appeal on grounds (f) and (g) do not fall to be considered.
65. I have attached a condition restricting certain permitted development rights to protect the character and appearance of the building and locality. The condition I have imposed does not remove all the rights requested by the Council but instead reflects the condition attached to the original planning permission, ensuring consistency across this development group. For the same reason of consistency, I have not imposed a condition relating to external lighting. I see no reason for a landscaping condition for this single property, given that the plot now has mature and satisfactory landscaping and boundary treatment in place. Nor is it necessary to impose a condition relating to drainage, since I have no substantive evidence of drainage concerns during the significant period the property has been in use.

*Peter Willows*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Scott Stemp, Counsel

#### **Who called:**

Paul McGovan

Billy Robinson

Chris Denton

Michelle Denton

Kirsten Ward – DLP Planning Ltd

Carl Copestake – Knights PLC

### **FOR THE LOCAL PLANNING AUTHORITY:**

Freddie Humphreys, Counsel

#### **Who called:**

Julian Hawley – Principal Planning Enforcement Officer - NEDDC

Susan Wraith

Adrian Kirkham – Planning Manager, Development Management Team,  
NEDDC

Phil Slater – Principal Planner, Development Management Team, NEDDC

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. Opening submissions - appellant
2. Opening submissions – NEDDC
3. Email from Paul Gregory dated 8 May 2025
4. Topographical Survey, Floorplans and elevations – Redbox Surveys - 19 May 2025
5. Email from Chris Denton dated 27 January 2025
6. Email from John Dickenson dated 15 May 2025
7. Email from Daren Atkinson dated 12 May 2025
8. Draft revised wording for breach of planning control