



Appeal Decision

Site visit made on 28 May 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/R1038/D/24/3358157

Nether Birchitt Farm Cottage, Sheffield Road, DRONFIELD, S18 2GD

- 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 M Houlby against the decision of North East Derbyshire District Council.
 - The application Ref is 24/00610/FLH .
 - The development proposed is the demolition of existing garage and proposed new annex to Nether Birchitt Farm Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The main parties were given an opportunity to comment on this matter, and I have taken the comments made into account.
3. I am also the Inspector appointed to determine a planning appeal¹ at an adjacent site. However, they are not the same site, the same appellant or the same form of development. Whilst there may be duplication in terms of discussion on policies, the characteristic of the area or existing buildings, I have addressed each appeal separately on the basis of the evidence before me and my own observations made during my site visit.
4. The description above includes the demolition of an existing garage. A garage structure shown hatched on plan WAL-24-27-04 was no longer present at the time of my site visit.
5. As the proposal relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue(s)

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and

¹ Appeal Ref: APP/R1038/W/24/3353786

- the effect of the proposal upon the character and appearance of the area, having had particular regard to the setting of Nether Birchitt Farm and Nether Birchitt Farm Cottage.

Reasons

Whether inappropriate development

7. Nether Birchitt Farm Cottage is a stone-built dwelling situated in Dronfield. Originally, this property functioned as part of a single, unified dwelling, including the dwelling at Nether Birchitt Farm. However, it has since been divided into two distinct residential units. Specifically, Nether Birchitt Farm Cottage itself constitutes the eastern portion of the original building. The site lies outside Dronfield's designated settlement development limits. Additionally, it is situated within the North East Derbyshire Green Belt.
8. Policy SS10 of the North East Derbyshire Local Plan 2014 – 2034, November 2021 (the Local Plan) applies. This states that the construction of new buildings is generally regarded as inappropriate development and will not be permitted unless the proposals meet at least one of the listed exemptions. This reflects paragraph 154 of the Framework.
9. Firstly, in this case, the proposed annex is advanced on the basis that the development would meet the exceptions for the extension or alteration of a building. Framework paragraph 154 c) permits this provided that it does not result in disproportionate additions over and above the size of the original building.
10. Recent judgments² identify that for a proposal to be considered an extension, it is not to be interpreted as being confined to physically attached structures. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. Therefore although the annex is not attached, I have considered the proposal in light of this.
11. The proposed annex would be sited in the general location of a former domestic building (the garage) associated with Nether Birchitt Cottage. The appellant's evidence suggests it was constructed in the 1950s. I have been provided with images of the side elevations of the former garage. These show a relatively low stone building with a shallow roof with several boarded-up windows and part of the outbuilding with a crack in the side wall. I was able to observe a concrete base where it had been located.
12. The former garage appears to have been used as an adjunct to the domestic use at Nether Birchitt Farm Cottage and within the planning unit. The proposal would be used for purposes clearly related to the occupation of the dwelling. It would be in a similar location on the site as the former garage, which, although separated by nearly 20m, still has an relatively intimate and visual relationship with the dwelling. Therefore, I am satisfied that the proposal can be considered as an extension to the dwelling in this particular case.
13. The Framework does not provide a definition of disproportionate additions, and neither does Local Plan Policy SS10. Therefore, an assessment of whether a proposal would amount to a disproportionate addition is a matter of planning judgement. The Council has set out the proposal would have a volume of

² Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin) the

258.70 cm³. The appellant's undisputed figures explain that the proposed addition to the outbuilding equates to an 11.17% increase in volume. When the additions from the 2018 application are also incorporated, the total additions equate to an increase of 32.65% in volume compared to the original dwelling. The Council has not provided any evidence to dispute this calculation.

14. The proposed annex is located where the garage previously stood, positioned close to the neighbouring property's boundary and the site's access road. The surrounding vegetation, including evergreen trees from the roadside, would largely conceal the development from public viewpoints. Whilst the external dimensions and volume of the building are greater than the building it replaces, I am not persuaded that, given the overall percentage volume increase, it would result in a disproportionate addition when considered against the original dwelling.
15. The increase in activity arising does not relate to the size of the building. I note the Council's comments regarding the type of facilities provided and the future potential use of the proposal as a self-contained unit. However, based on the evidence before me, I cannot see that the intended use of the building would be anything other than ancillary to the main house and that the future use of the building could be controlled by an appropriate planning condition. Furthermore, as with the above being considered an extension, I am mindful of the fact that both the planning application and the appeal have been submitted and determined under the householder procedure.
16. Taking these factors into account, I find that the proposed development would not be a disproportionate addition over and above the size of the original building. It would therefore be one of the exceptions identified in paragraph 154 c) of the Framework. Accordingly, the proposal would not be inappropriate development in the Green Belt and would comply with the Framework and Policy SS10 of the Local Plan. Consequently, it is unnecessary to consider the effect on openness or whether there would be very special circumstances.

Character and appearance

17. The proposal would replace a domestic structure which was previously in the setting of the listed building. Historic England's official list entry identifies that the Grade II listed buildings at Nether Birchitt Farm House and Nether Birchitt Farm Cottage were formerly one house. It describes the architectural qualities and the features of these traditional stone and slate properties. From my observations, although these are two-storey buildings, together they are relatively diminutive in scale, with similarly small windows on their front elevation. Constructed from stone, they are set nestled into gardens with space in front of them and to the sides. There is an intimate and harmonious relationship between these buildings and the surrounding land. Although it is evident they have been altered, their significance is clearly derived from their appearance, architectural quality, agricultural heritage and relationship with the open rural and verdant landscape. The appeal site is seen closely in the context of these properties and falls within their setting and thus contributes to it.
18. The appeal site is located next to a main road with significant residential development opposite. Within the site the extent of hardstanding, parked vehicles and built development is evident. The proposed building would be larger than a typical double garage, for example, but it would be constructed from stone and

slate. It would read as a domestic building and in the context of being closely related to existing built development and hardstanding and the access would not be incongruous in the context of the surrounding area from outside the site, particularly as it would also be well screened by vegetation.

19. The proposed annex would be set in front of the northern boundary of Nether Birchitt Farm. It would have the appearance of being in front of the dwelling. The building would be single storey with its gable elements facing the east and west. Whilst the proposed windows do not reflect those on the listed building, they would be constructed from timber, and the overall design of the annex would reflect the simple form of the listed buildings.
20. I have not been provided with plans of the original garage; however, from the evidence provided, the former garage was not significantly taller than the concrete fence posts associated with Nether Birchitt Farmhouse. These were relatively low in height not much higher than a small van I observed. The proposed annex is shown as being over 4m in height, which, from my observations, would be higher than the domestic fence and the former garage.
21. I am of the view that the increased height and length would appear significantly different from the building it would replace. Furthermore, it would obscure a greater amount of the listed buildings. It would draw the eye away from the listed buildings, blocking more of the interesting windows and interrupt the relationship they have with the wider rural setting and, as a result, diminish their significance. As such, consequently I therefore find that the proposal would also harm the character and appearance of the rural area.
22. As such, there would not be an appropriate visual relationship with the listed buildings. Their setting would not be preserved under this proposal. In terms of the advice in paragraph 214 of the Framework, the harm to the listed buildings would be less than substantial on the moderate end of the scale, not affecting only their immediate surroundings but eroding their visibility and relationship with the area. The Framework sets out the need to address less than substantial harm in a balanced manner against the public benefits associated with such schemes.
23. I have considered the appellant's comments regarding the reasons why the annex is being sought, the family's personal circumstances and the benefits arising from the proposed additional accommodation. It is not necessary for me to go into the full details; however, an elderly relative requires 24 hour care and is no longer able to enter the main cottage. This is, in my view, a benefit, potentially reducing the demands on national health services in hospitals and/or care homes, as well as improving the quality of life for the individual and the appellant. However, It is also unclear what, if any, capacity the site has to accommodate the relative by less impactful means, such as adapting the existing dwelling or access to it or providing accommodation elsewhere on the site, which does not fundamentally impinge on the frontages of the listed buildings.
24. Although it is claimed that the proposal would reduce car trips, this has not been substantiated. The proposal would generate some economic benefit to the area in terms of employment during construction and household spending and social and environmental benefits by having family members living together. But I do not consider these as benefits so significant as to outweigh the harm I have identified above.

25. Even cumulatively, the wider public benefits associated with the proposed development would be modest and carry moderate weight in favour of the proposal. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. The weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of the designated heritage assets identified.
26. Therefore, I conclude that the development would harm the character and appearance of the area, having had particular regard to the setting of Nether Birchitt Farm and Nether Birchitt Farm Cottage. The proposal would not accord with Local Plan Policies SS9, SDC3, SDC6, SDC12 and Policy D1 of the Dronfield Neighbourhood Plan 2016–2034, adopted November 2019, which together, insofar as they are relevant to the appeal, seek, amongst other things, to promote high-quality design which responds positively to local character and context to preserve and develop that which conserves and enhances the value and appreciation of listed buildings and their setting.

Other Considerations

27. The proposal would allow the appellant to realise more flexible living accommodation. This would enable them to care for elderly relatives. Although personal benefits carry positive weight in favour of the proposal, I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This includes the need to eliminate unlawful discrimination and to advance equality of opportunity and foster good relations between people who share a protected characteristic (including age) and people who do not share it.
28. It does not follow from the PSED that the appeal should succeed. Dismissing the appeal would mean that the appellant would be likely to have to consider other options for meeting their accommodation needs. There is no evidence before me to demonstrate that the appeal would be the only means by which such needs may be reasonably met. Accordingly, dismissing the appeal would be a proportionate response given the identified harm.
29. I have been made aware of an appeal decision³ in Kent where the appellant advises that the weight the Inspector gave to the personal health circumstances of an appellant's daughter attracted significant weight. The appeal decision suggests that a specific form of accommodation was required to meet the appellant's needs, which was outlined by medical professionals. I do not have all that evidence before me to make a comparison of the circumstances.

Conclusion

30. The proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I conclude that the appeal should be dismissed.

K Williams

INSPECTOR

³ Appeal Ref: APP/G5180/D/19/3225292