



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/R1038/W/25/3365062

Springwood Farm, Cowley Lane, Holmesfield, Derbyshire S18 7SD

- 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 Nick Horsley against the decision of North East Derbyshire District Council.
 - The application reference is 25/00111/FL.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the countryside; and whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The proposal is for the retention of an agricultural building. An appeal relating to an enforcement notice has been lodged but will be considered separately. For the avoidance of doubt, this appeal proposal does not seek a change of use or a partial change of use of the building. Although farm diversification has been referred to by the appellant, this proposal does not seek alternative uses.
4. The appellant advises that the building was constructed in 2020-2021 when the site was still in use for rearing turkeys. Previously, straw used for bedding for the turkeys had been stored in the open but there were concerns, due to an outbreak of bird flu, that wild bird faeces could contaminate the bedding so passing the disease on to the captive birds. The building was constructed without the appropriate consent and was used for that purpose until the turkey farming on the site ceased. The building has been used for several purposes following the cessation of the turkey rearing business in order to retain some income from the site in the interests of farm diversification and it is accepted that currently, it is not fully in agricultural use.
5. The appellant owns an area of approximately five hectares of agricultural land around the site and uses it for the production of hay. Some equipment is required

for this and storage space for the hay. The appellant seeks to retain the building for this use rather than using the other farm that he operates in Barlow. The building would also be required for the storage of straw should turkey farming return to being a viable enterprise. The appellant stresses that the future of individual agricultural enterprises is very much influenced by factors outside of a farmer's control and the retention of the agricultural building to allow for future opportunities is important.

6. Despite the history set out above, as the building is unlawful, despite the proposal being to retain the building, it must be assessed as if a new proposal on the basis of the current circumstances. The background information provides considerations that can be taken into account as part of the planning balance.
7. Whilst the building is being used partly for agricultural storage purposes, the evidence presented is that whilst it was formerly required, the now very limited agricultural activity on the surrounding five hectares does not require a building of this scale for its storage requirements. As there is no evidence which suggests that a building of this size is required for the current agricultural activity, it cannot be demonstrated that it is necessary for the efficient or viable operation of agriculture.
8. It is not necessary, as part of this appeal, to determine how much of this building is necessary, if any of it at all. The proposal is for the entire building, and it is evident that all of the building is not necessary.

Whether inappropriate development in the Green Belt

9. LP policy SS10 relates to the Green Belt and is clear that the construction of a new building will be regarded as inappropriate development unless it falls within an exception, one of which includes buildings for the purposes of agriculture. Although originally built for agricultural purposes, it is evident that this building is not now required for agricultural purposes or at best, only part of it would be required. In these circumstances, considering the building as a whole, it would not satisfy the exception and would therefore represent inappropriate development in the Green Belt. It would also reduce the openness of the Green Belt. The policy is clear that inappropriate development will not be approved except in very special circumstances. This policy is aligned with the National Planning Policy Framework.

Any other harm

10. Despite the history of the use, accepting development in the countryside that is not necessary would result in harm to the character and appearance of the countryside. With regard to the development plan, policy SS2(8) of North East Derbyshire Local Plan 2021 (LP) advises that in the countryside, development will only be permitted in accordance with policies SS1 and SS9. Of relevance, policy SS9(1) requires a building to be necessary for the efficient or viable operation of agriculture. Whilst it is suggested that retaining the building is beneficial and may be required sometime in the future if circumstances change, it has not been demonstrated that it is necessary for the efficient or viable operation of agriculture. Without a demonstrated need, it represents an unnecessary building in the countryside and although well related to other buildings on the site, which now have alternative use permissions, its retention would fail to protect and/or enhance the character or quality of the wider countryside as is required by policy SS1(i). There is therefore no support for the proposal from policies SS1 or SS9 and as a result, it conflicts with policy SS2 which seeks to prevent such development.

11. The building is clearly evident from the adjacent footpath despite the woodland setting. Although relatively close to other former agricultural buildings, it extends the original area of development. It results in harm to the character and appearance of the countryside and conflicts with the countryside protection policies of the development plan.

Other considerations

12. I have had full regard for the background information provided by the appellant and the benefits that may result from the retention of the building should circumstances change. The building is clearly of some beneficial use to the appellant given the remaining use of the five hectares. I am mindful also of the investment that has been required to construct the building and the support for business activities in rural areas from the Framework.

Conclusions

13. Overall, I am not satisfied that the considerations in support of the development, when taken together, would clearly outweigh the harm from inappropriateness, the loss of openness and the harm to the character and appearance of the area. The considerations do not therefore represent the very special circumstances that are necessary to justify the development. It would therefore conflict with the specific policies of the LP and the Framework, relating to the Green Belt, that indicate that the development should not be approved.
14. The appellant suggests that the building does not represent inappropriate development as it was built for agriculture. Even on this basis, whilst the building would not represent inappropriate development in the Green Belt and openness would not need to be assessed, it would still fall to be considered under policy SS2. Allowing development that is not necessary for the efficient or viable operation of agriculture would result in harm to the character and appearance of the countryside and would conflict with the development plan. Despite the background information, given the nature of this proposal, I am not satisfied that there are any matters in this particular case that would outweigh this harm. Even if it was accepted that the proposal was not inappropriate development in the Green Belt, I would therefore reach the same conclusion, that the appeal should be dismissed.
15. Given the above matters, I dismiss the appeal.

Peter Eggleton

INSPECTOR