



Appeal Decision

Site visit made on 6 May 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/M9496/W/24/3355186

The Plough Inn, Flagg, Derbyshire SK17 9QR

- 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 and Mrs Adrian and Angela Gunn against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/0324/0308.
 - The development proposed is change of use to a mixed use development for Café/Retail/Office/Accommodation and Workshop and incorporation of part of the floorspace into neighbouring dwelling.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 27 June 2025.

Decision

1. The appeal is allowed and planning permission is granted for change of use to a mixed use development for Café/Retail/Office/Accommodation and Workshop and incorporation of part of the floorspace into neighbouring dwelling at The Plough Inn, Flagg, Derbyshire SK17 9QR in accordance with the terms of the application, Ref NP/DDD/0324/0308, subject to the conditions in the attached schedule.

Procedural Matter

2. The French doors and the door within the single storey side addition that are proposed as part of this scheme have already been installed, however, much of the rest of the development has not taken place. As such, I have determined the appeal based upon the works undertaken and the proposals shown on the submitted plans.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the loss of the existing community facility would be appropriate with regard to local policies
 - the effect of the proposal upon the character and appearance of the area; and
 - whether there are material considerations that indicate that a decision should be made other than in accordance with the development plan.

Reasons

Community Facility

4. The Plough Inn is a public house that, based on the information before me, has been vacant for a significant number of years. Whilst the public house is vacant, it is still considered to be a community facility. Policy DMS2 of the Local Plan for the Peak District National Park (LP) states that where an applicant is seeking the change of use of a community facility to a non-community use, evidence of reasonable attempts to sell or let the community facility as an ongoing concern must be provided and identifies three processes that must be undertaken.
5. The proposal seeks to retain part of the building as a café and shop and thus part of the building would remain as a community facility. However, a considerable proportion of the building would be converted to a workshop as well as worker/holiday let accommodation and part of the building would be converted and subsumed into the existing house that forms part of the wider building. Consequently, evidence of reasonable attempts to sell or let the community facility needs to be provided. Part B of the policy does identify that the Authority will consider favourably proposals for the change of use of community facilities to mixed use community schemes. However, based on the information before me, there is no evidence that reasonable attempts have been undertaken to sell or let the community facility, in accordance with policy.
6. Policy HC4 of the LP also requires proposals to change the use of buildings which provide community facilities, amongst other uses, to non-community uses must demonstrate one of three matters. Given that marketing in accordance with Policy DMS2 has not been undertaken the proposal is not supported by substantive evidence that the building is no longer needed, whilst acknowledging that it has been vacant for a considerable period of time. However, the appellant has identified several public houses located nearby, although these are not within the settlement which itself is very small and includes limited services and facilities. No substantive evidence has been provided to identify that the use is no longer viable although given the state of the inside of the building it could not open and operate as a public house without significant work. This policy also requires evidence of reasonable attempts to secure a community use must be provided before any other use is permitted. This is worded similarly to Policy DMS2, and for similar reasons, evidence has not been provided to comply with this part of the policy.
7. Therefore, taking into consideration the evidence submitted, it has not been demonstrated that reasonable attempts to sell or let the community facility as an ongoing concern has been undertaken and thus the loss of the community facility would not be appropriate with regard to local policies. Consequently, the development would conflict with Policies DMS2 and HC4 of the LP for the reasons given above.

Character and Appearance

8. The National Planning Policy Framework (the Framework) requires that heritage information is of an appropriate scale to assess the impact of the proposal. The appeal building is not identified as a listed building, but the Authority consider the Plough Inn to be of some age and to be a 'traditional' building. The Framework also states that great weight should be given to conserving and enhancing landscape and scenic beauty of National Parks.
9. The Plough Inn is a large two storey building built from limestone. The gable end of the building faces towards the road but is set back behind a large courtyard that

is bound by dry-limestone walls. Above the recessed windows and doors are stone lintels and the roof is built from blue slate. There is a small porch located on one side of the building and on the opposite side is a larger single storey addition with a mono pitched roof. This is constructed from Davy block which is not consistent with the materials used in the construction of the rest of the building and others nearby. Within the wider area there are other similarly designed buildings, utilising similar materials and features such as limestone and stone lintels.

10. The use of limestone in the construction of the building, as well as the dry-limestone walls around the wider appeal site are features that form part of the landscape and scenic beauty of the White Peak landscape in the Peak District National Park.
11. The Authority state that within the wider area buildings generally have blank end gables and have a high solid-to-void ratio and this is a feature of nearby buildings. The gable end of the appeal building faces towards the road and there is a large window on the first floor and on the existing plans there was also a large window on the ground floor. When I visited the site, it was evident that the proposed French doors had already been installed.
12. The Authority notes that permission was granted which would have reduced the size of the first-floor window¹. However, it is not evident that this part of development was implemented and as such, the existing building already had two large windows on this end gable and thus this elevation did not have a high solid-to-void ratio. The ground floor window was already of a substantial size and the French doors are not significantly larger than the previous window. As such, the solid-to-void ratio of this end gable is not substantially different to what it previously was. Furthermore, the materials and finish of the French doors are sympathetically designed with other openings within the building. The recessed French doors with the stone lintel above and the large stone steps leading to the French doors are also consistent with the overall design of the building.
13. The proposed door on the side elevation would replace an existing window and retain the stone lintel above it. Given the modest size of the proposed timber door and its reuse of an existing opening, the proposed door would generally retain the existing solid-to-void ratio along this elevation of the building.
14. The single storey side addition is proposed to be reclad in wet-dash render which has been used elsewhere nearby and would be a more sympathetic material than the existing Davy-block. Furthermore, several windows within this addition are proposed to be removed, alongside the door that has already been inserted. This would introduce a more sympathetic material and reduce the number of openings on this part of the building and enhance the appearance of it.
15. The proposed changes when viewed as a whole would make limited alterations to the vernacular of the building and its overall character would generally be retained. Furthermore, when viewed alongside other buildings nearby, the appeal building would appear consistent with them due to the retention of important features such as the brick lintels and high solid-to-void ratio across the building when viewed as a whole. The scheme would also retain the dry-limestone walls around the site. Overall, the proposal would generally retain and reuse features that positively contribute towards the significance of the building. Consequently, the proposal

¹ Application Reference: NP/DDD/0407/0316

would conserve the valued vernacular of the building and thus conserve the landscape and scenic beauty in the National Park. For the reasons given above, in causing no harm, the development 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 Peak District National Park.

16. Therefore, the proposal would not harm the character or appearance of the area, and it would accord with Policies L3, DMC5 and DMC10 of the LP which expect development, amongst other matters, to conserve the significance of architectural or historic assets and their settings.

Other Material Considerations

17. Notwithstanding whether the building is abandoned in accordance with the tests set out in the Judgment in *The Trustees of Castell-y-Mynach Estate v Taff-Ely BC* [1985] JPL 40, the proposed café and shop would provide community facilities, along with short- and long-term economic benefits, including job creation. Given that the building has not provided a community facility for a significant period of time, I attribute considerable weight to the benefits the proposed community facilities would provide to the area.
18. The proposal would also secure a workshop use under Use Class B2² within part of the building which would provide services as well as short- and long-term economic benefits. Given the limited scale of this use I attribute limited weight to this in favour of the development. Furthermore, the scheme would also provide short-term holiday let accommodation which would support tourism in the area and provide a limited benefit to the economy. This accommodation is also proposed to be used as workers accommodation in association with the workshop which would support the employment use at the site and support the economic benefits of the scheme. The proposal would also provide additional accommodation for the residential use within the wider building.
19. For the reasons given above, the proposal would accord with the relevant provisions of the Framework, which state that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
20. The development would only partly conflict with Policies DMS2 and HC4 of the LP and would accord with other parts of them. The proposal would also secure a shop and café which are community facilities that would partially replace the community facility lost by this proposal and the policies do support schemes that seek to provide community facilities as part of a mixed-use scheme. Taking this into consideration, I attribute only moderate weight against the scheme to the partial conflict with these policies. While the proposal would conflict with relevant development plan policies, the material considerations, in this instance, indicate that a decision should be made other than in accordance with it.

Conditions

21. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those conditions I consider meet the relevant

² The Town and Country Planning (Use Classes) Order 1987

tests, subject to minor amendments to ensure precision and brevity without changing their overall intent.

22. Further to the statutory commencement condition [1], a condition requiring the development is carried out in accordance with the submitted plans is necessary in the interest of certainty [2].
23. Conditions 3 and 4 are necessary in the interest of the character and appearance of the building as well as conserving and enhancing the landscape and scenic beauty in the National Park. Given that the details of the French doors have been found to be consistent with the design of the building it is not necessary that the details of the doors within this gable are approved. As such, I have removed this from the suggested condition.
24. Conditions 5, 6, 7, 8, 9 and 10 are necessary in the interest of the living conditions of nearby residents. While not suggested by the Authority Condition 10 is also necessary to ensure the building is only used for the uses to be permitted as these are a benefit of the scheme.
25. The Authority's suggested wording for Condition 6 also included opening hours on Sundays but the appellant has indicated that the use would not operate on Sundays and thus I have reworded the condition to state that the workshop shall not operate on Sundays or on Bank or Public Holidays in the interests of the living conditions of nearby residents. I have also used the appellant's suggested opening hours for the workshop on Saturdays which would only result in the use operating slightly earlier than suggested by the Authority and thus would not be harmful to the living conditions of nearby residents.
26. The Framework states that planning conditions should not be used to restrict permitted development rights, unless there is clear justification to do so. The design of the appeal property and the boundary treatment make a positive contribution towards the character and appearance of the area and conserves the natural beauty of the National Park. Taking into consideration the development that has already taken place as well as that proposed, it is necessary in the interest of the character and appearance of the area, including conserving the natural beauty of the National Park to restrict permitted development rights for alterations, extensions, outbuildings and boundary treatments [11]. This provides clear justification to do so.

Conclusion

27. While the proposal would conflict with the development plan, the material considerations 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: Location Plan dated 19 March 2024; 2252-03B; and 2252-05A.
- 3) Prior to installation, the precise details of the gable-end window, including the material, framing, finish and recess, shall be submitted to and approved in writing by the national park authority. Thereafter, the development shall proceed only in accordance with the approved details.
- 4) Notwithstanding what is shown on the approved plans, prior to the first use of the development hereby permitted, the rear lean-to identified on drawing no 2252-05A as the store/workshop shall be rendered using a wet-dash render in full accordance with a specification which shall be first submitted to and approved in writing by the national park authority.
- 5) The café/shop use hereby permitted shall only be open for customers between the following hours: 10:00 – 16:00 Mondays – Sundays.
- 6) The workshop use hereby permitted shall only take place between the following hours: 09:00 – 16:30 Mondays – Fridays; 08:30 – 12:30 Saturdays and shall not be operated at any time on Sundays or on Bank or Public Holidays.
- 7) The first-floor accommodation hereby permitted shall be ancillary to the residential use of the Plough Inn, and shall not be occupied other than as a short-term holiday let, or a person solely or mainly employed in the businesses occupying the café, shop or workshop floorspace within the development hereby permitted, and to any resident dependents, and together with the main house shall be maintained as a single planning unit.
- 8) In respect of the short-term holiday let use ancillary to the Plough Inn, the building shall not be occupied for such a purpose by any one person for a period exceeding 28 days in any calendar year. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the national park authority on request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 9) The café/shop, workshop, office and first-floor accommodation shall be ancillary to the Plough Inn and shall be maintained within a single planning unit throughout the lifetime of the development hereby permitted.
- 10) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a café, shop, workshop, residential accommodation and as ancillary workers accommodation or short-term holiday let in full accordance with the floor plan as shown on approved plan 2252-05A and for no other purpose (including any other use falling within Class E of the Order).
- 11) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, (or any order revoking or re-enacting that order) no development permitted by virtue of Class A, AA, B, D and E of Part 1 of Schedule 2 of the Order and Class A of Part 2 of Schedule 2 of the Order (other than those approved by this permission) shall be undertaken.

End of Schedule