



Appeal Decision

Site visit made on 5 August 2025

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/R1038/D/25/3364889

Knowle House, Crow Lane, Apperknowle, Derbyshire S18 4AS

- 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 Adrian Wright against the decision of North East Derbyshire District Council.
 - The application Ref is 24/01040/FLH.
 - The development proposed is described as: 'Erection of a garden building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as it describes the appeal scheme more succinctly.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and the development plan policies;
 - the effect of the proposal upon the openness of the Green Belt; 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The appeal site relates to the large plot serving Knowle House, a detached dwelling on the edge of Apperknowle. The site is accessed via a reasonably long driveway from New Road.
5. The proposed development is a detached timber garden building incorporating a pair of double doors in the gable and windows to two sides. It would be located set away from the dwelling, close to the southern extent of the boundary.
6. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Policy SS10 of the North East Derbyshire Local Plan (2021) (the LP) follows the same principles. Framework Paragraph 154 makes it

clear that, other than in specified circumstances, new development within the Green Belt is inappropriate development.

7. One of the exceptions at 154. c) permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, given the considerable distance between the proposed site and the dwelling, the proposal could not be considered on this basis.
8. The appellant has directed me to paragraph 154. b), which relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. However, the existing land is a domestic garden. Its principal use is not for outdoor sport or outdoor recreation and no change of use is proposed. The appellant's intended use of the proposed building for storing tools and a ride-on mower, as a workshop and a games room would reflect the existing domestic use of the site. Consequently, I am not persuaded that the use of the proposed building would be for appropriate facilities for outdoor sport, or outdoor recreation.
10. As such, the proposal would fall outside of any of the exceptions set out in the Framework and would constitute inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 153 of the Framework, this is a matter to which I attach substantial weight.

Openness

11. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, the assessment of which requires consideration of both spatial and visual impacts.
12. The proposed building would be sited alongside trees in an open part of the appeal site that is currently free from development and set apart from any other buildings. The appeal proposal would result in the construction of a sizeable building in a location where there were previously none. In that regard, the proposal would result in a loss of spatial openness of the Green Belt in this location.
13. The proposed building would not be visible along the access into the appeal site, owing to screening by existing buildings, topography and trees. However, due to a gap in the trees, and the elevated nature of the appeal site, I saw that the proposed building would likely be visible to a degree, in views looking across the open land to the south of Oberland, when viewed from Crow Lane. This visibility would likely increase when the adjacent trees are not in leaf.
14. Whilst the building, being timber, could be painted a colour that would help to mitigate its visibility in the landscape, for the reasons set out above, it would nonetheless reduce the visual openness of the appeal site as viewed from Crow Lane. The loss of spatial and visual openness would conflict with Policy SS10 of the LP.

Other Matters

15. The appellant considers the appeal site to be previously developed land due to it being the site of a former coal mine and railway. However, the Framework is clear that previously developed land excludes land that has been developed for mineral extraction and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
16. I acknowledge the support from local residents. However, the lack of an objection or expression of local support, does not necessarily equate to a lack of Green Belt harm.
17. The appellant refers to a fallback position whereby he considers that he can erect a building of a similar size 15 metres away from the dwelling. I am not provided with precise details or a certificate of lawful development to confirm this assertion which limits my ability to assess whether there is a reasonable prospect of this being implemented.
18. Nevertheless, were a building to be constructed here, any views of it that were gained along the access road would be seen alongside the built form of the existing dwelling, rather than it appearing more isolated, set apart from any other building, as is the case with the appeal proposal. I am therefore not convinced that the fallback position would have a materially greater effect on visual openness than the appeal proposal. The weight I can therefore give to the fallback position in justifying allowing the appeal is therefore limited.

Planning Balance and Conclusion

19. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. Given the substantial weight to be given to Green Belt harm, relative to the benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.
21. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR