



Appeal Decision

Site visit made on 6 October 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/R1038/W/25/3368836

Spitewinter Farm, Spitewinter Lane, Barlow, Derbyshire S18 7SE

- 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 David Christopher Ward against the decision of North East Derbyshire District Council.
 - The application Ref is 24/00644/FL.
 - The development proposed is described as change use of existing barn for residential purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address above from the application form. Although different to that given on the decision notice, no confirmation has been provided that a change was agreed.

Reasons

3. The appeal scheme is seeking the change of use of what is described as an existing barn. At the time of my visit, the building subject to the appeal was unfinished. During my visit, I observed that the appeal building was of relatively recent construction with external stone-built walls and internal block work with evidence of damp proofing and insulation between walls. The concrete floor, walls, steel beams and roof structure all appeared to be of a similar age and construction period.
4. The partially completed building contained numerous roof lights, window and door openings, with steel sections arranged to accommodate what would likely be a partial first-floor level. There was no compelling evidence to indicate that the building was in use as a barn at the time of my visit, with mainly insulation materials being stored inside.
5. Both the main parties have supplied pictures of a building (old barn) on a similar footprint and of a similar scale to the building I observed during my visit. However, there are some notable differences between the pictures of the old barn and the building I observed, including more expansive and additional openings, and no connection to an existing single-storey building, amongst other substantial internal and external works. The evidence before me and my own observations lead me to conclude that the level of works undertaken, including the extent of demolition and reconstruction, has gone well beyond what could be considered repair or

conversion works, such that the old barn appears to have been demolished in its entirety, and what is on-site is the shell of a new residential building.

6. The appellant advises that work had been undertaken in the belief that such works would be permitted under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Additionally, it is put forward that the works have not seen an increase in the volume or scale of the building, and materials have been reused in the development. However, alongside my findings above, the evidence suggests that the development was intended for the appellant's parents or possibly for tourism. This further supports my view that the building constructed onsite is designed for residential occupation and cannot be considered a barn.

Conclusion

7. For the reasons outlined above, I am therefore not able to assess the effect of the change of use of the barn building as was applied for, as a barn no longer exists. As such, I could not reasonably draw conclusions against the policies of the North East Derbyshire Local Plan or the National Planning Policy Framework. The appeal should therefore be dismissed.

A Hickey

INSPECTOR