



Appeal Decision

Site visit made on 17 November 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/F1040/W/25/3370189

Eastfields Farm, Church Street, Netherseal, Swadlincote, Derbyshire, DE12 8DF

- 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 Charlie Harding against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/1656.
 - The development proposed is a self-build infill development through the conversion of agricultural building to create a dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for a self-build infill development through the conversion of agricultural building to create a dwelling and garage at Eastfields Farm, Church Street, Netherseal, Swadlincote, Derbyshire, DE12 8DF, in accordance with the terms of the application, Ref DMPA/2024/1656, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the site is suitable for a new dwelling having regard to its location in a rural area.

Reasons

3. Policy H1 of the South Derbyshire Local Plan Part 1 (2016) (the LPP1) and policy SDT1 of the South Derbyshire Local Plan Part 2 (2017) (the LPP2), set out the settlement hierarchy for the district and direct most new development towards the larger and more sustainable settlements. Netherseal is defined by these policies as a local service village. However, as the appeal site is not within or adjoining the defined settlement boundary of this village, it is classified as a rural area, where only development comprising limited infill or the conversion of existing buildings is supported.
4. Policy H28 of the LPP2, relates to the conversion of buildings to residential use outside of settlement boundaries, and is supportive of these provided the building is of a permanent and substantial construction; and is suitable for conversion without extensive alteration, rebuilding and/or, extension; or it constitutes the re-use of a suitable redundant or disused building, or would secure the future use of a heritage asset. It also requires that all conversions should result in the enhancement of the building's immediate setting.
5. Policy BNE5 of the LPP2, supports amongst other things, infill development that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing, provided it would not unduly impact on landscape character and quality,

biodiversity, best and most versatile agricultural land, and heritage assets. The supporting text sets out no further definition of infill but advises that consideration should be given as to whether such proposals would result in the loss of an important gap between groups of housing.

6. The site is currently occupied by three adjoining Dutch barns and a lean-to extension. The Dutch barns each comprise steel columns set into concrete pads, supporting an arched steel frame above. The roof and upper sections of the external sides are clad in black painted corrugated steel sheets. The lean-to comprises a timber frame with corrugated steel sheet roofing and external walls. The floor is compacted earth and stone.
7. It is proposed to remove two of the Dutch barns and to incorporate the remaining barn and lean-to extension into the new dwelling, with a new garage to the side, within a small part of the footprint of the barns to be removed. Whilst the buildings are in reasonably good condition for general agricultural use, only the frames would be retained, and substantial building works would be required to convert them into a dwelling and new garage building. The extent of building works required to convert the buildings would fall outside the scope of policy H28 of the LPP2. However, having regard to the supporting text to policy H28, which sets out the benefits of utilising such sites, which can assimilate change without resulting in harm and can provide a source of housing without releasing new land, I afford limited weight to this conflict.
8. The barns on the site are part of an existing group of former farm buildings, the remainder of which have been, or are currently in the process of being, converted to a group of dwellings. Whilst the site is not a gap within a linear run of development, this is not a requirement of policy BNE5. It is suggested that the proposed development would not be infill as it would utilise an existing structure, not a gap. However, contrary to this it is also suggested that the proposal should be treated as a new building rather than a conversion, due to the extent of new building works required to facilitate it.
9. I see no reason why utilising existing buildings on a site, would prevent the overall and resultant development of that land from being infill development. The limited part of the building that would be retained, together with the rest of the site, comprises what would otherwise be an undeveloped gap. The site infills the corner of the overall former farm site, which is in the process of becoming a group of residential dwellings. The proposal relates only to a single dwelling, and it is common ground that the development would be in keeping with the character of the locality. As the proposal is on the site of an existing larger building, it would not encroach into the countryside, result in the loss of an important open gap, or the loss of high-quality agricultural land.
10. The development would reduce the footprint and massing of buildings on the site, increasing its openness, whilst retaining the agricultural style and variation of building sizes that have historically existed on the site and enhancing its appearance overall. The Council accept that the development would improve the immediate setting of the neighbouring dwellings compared to the retention of the barns and in this respect I have not been advised that previous planning permissions for the adjoining residential development were subject to any requirements for the Dutch barns and lean-to to be removed, or their use for agricultural or potential alternative employment purposes to cease, to avoid risks

of noise, dust, odour or vermin, which would be detrimental to the living conditions of future occupiers of the adjacent barn conversions.

11. Despite the site not being within or adjoining any settlement boundary, it is within a short walking and cycling distance of a range of services and facilities. A footpath opposite the site entrance runs alongside the fairly quiet road to Netherseal and in the opposite direction to Acresford. Although the footpath and roadway are partially unlit, this is only for a short distance each way. A secondary school bus service and an hourly public bus service operate in the area, and I saw during my visit that buses pass the site entrance. I am therefore satisfied that the dwelling would not be isolated and future occupiers of it would not need to be entirely reliant upon long private car journeys to meet their day-to-day needs.
12. I therefore conclude that despite its rural surroundings, the site is a suitable location for a new dwelling having regard to its access to services and facilities and its effect on the character and appearance of the surrounding countryside. As such it would accord with policies H1 of the LPP1 and BNE5 of the LPP2, which are supportive of limited infill development on suitable sites in rural areas.

Other Matters

13. A Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act, has been submitted with the appeal, which contains a provision related to self-build and custom build housing. There is no dispute between the parties relating to the provisions of the UU. I am satisfied that its content is fit for purpose and secures the self-build nature of the proposal. Although I have already concluded the development would be acceptable infill development regardless of whether or not it was self-build or custom build housing, the description of development and the UU, which does not include a clause to prevent it from coming into effect if I do not consider it necessary, would restrict the development to this, and also make it exempt from Biodiversity Net Gain (BNG) requirements. In the absence of any BNG evidence, I am satisfied that the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.
14. My attention has been drawn to an appeal which was dismissed for a self-build dwelling elsewhere in the district. However, this related to an undeveloped site, which the Inspector did not consider to be infill in accordance with policy BNE5. Accordingly, it is not comparable to the case here, where the appeal site comprises part of a tight knit cluster of existing buildings.

Conditions

15. The Council suggested a number of conditions, which I have considered against the relevant tests. The wording of some conditions has been amended to be more concise. I have imposed the standard time limit and a list of the approved drawings to provide certainty on these matters. Conditions relating to external materials, landscaping and the removal of some permitted development rights, are reasonable and necessary given the visibly prominent and sensitive location of the site, in an elevated position in a surrounding open landscape. Biodiversity enhancements and conditions to control external lighting and to control foul drainage discharge, are necessary to mitigate impacts on wildlife in this rural location and the River Mease SAC. Given the past use of the site, and the

sensitive residential end use of the development, a condition to ensure the possibility of contamination is explored and if found, is appropriately remediated, is necessary to protect the health of future occupiers. A condition is also necessary to limit water consumption to preserve this resource in accordance with policy SD3 of the local plan.

16. As the access and visibility splays have already been provided in connection with the existing ongoing development of the wider site, it is not necessary to condition this. Given the small scale and nature of the development, conditions to control construction hours are not necessary and there is no vegetation on site to clear or burn.

Conclusion

17. The proposal would accord with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. I therefore conclude that for the reasons given above, the appeal should be allowed.

R. Bartlett

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 drawings: Location Plan and Proposed Block Plan (24.4391.55), Proposed Site and Roof Plan (24.4391.56), Proposed Elevations (24.4391.57), and Proposed Floor Plans (24.4391.58).
- 3) The external surfaces of the development hereby permitted shall be those detailed on the approved plans, or alternatives that have first been submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

- If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
- iv) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - v) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 5) The dwelling hereby permitted shall not be occupied until the foul water drainage system for the site has been completed in accordance with the approved details set out within the STAT Planning River Mease Statement.
 - 6) Prior to building works commencing above foundation level, a detailed scheme of hard and soft landscaping with management and maintenance plan/schedule shall be submitted to and approved in writing by the local planning authority. The scheme shall include ecologically beneficial native tree and hedge planting and shall indicate the proposed locations of these, the species, the size of each tree/hedge upon planting, and the type and mix of any proposed hard and soft surface areas. The works shall be undertaken in accordance with the agreed details. All planting, seeding or turfing comprised in the approved scheme shall be carried out no later than the first planting and seeding seasons following the substantial completion of the building works on the site; and any plants which within a period of five years (ten years in the case of trees and hedges) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and shall be thereafter retained for at least the same period.
 - 7) Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following: universal nest box in line with British Standard 42021:2022; integrated bat box; insect brick; and fencing gaps of 130 mm x 130 mm to maintain connectivity for hedgehogs. The approved measures shall be implemented in full prior to the first occupation of the dwelling and maintained thereafter.
 - 8) Any external lighting within the site shall be low level, low wattage down lights (on PIR sensors), positioned away from trees, hedgerows or any bat/bird boxes. No uplighting shall be provided during construction or for the lifetime of the development. The external lighting shall comply with the requirements of Guidance Note 08/18 – Bats and Artificial Lighting in the UK (BCT and ILP,2018).
 - 9) The dwelling hereby approved shall be constructed and fitted out so that the estimated consumption of water does not exceed 110 litres per person per day.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the local planning authority in that regard.

END OF SCHEDULE