



Appeal Decisions

Site visit made on 2 December 2025

by **S Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal A Ref: APP/R1038/W/24/3357336

Birley Hay Farm, Geer Lane, Birley Hay, Ridgeway, Sheffield, S12 3YF

- 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 A Taylor against the decision of North East Derbyshire District Council.
 - The application Ref is 23/00937/FLH.
 - The development proposed is construction of subterranean garage accessed through existing outbuilding with subterranean link to Birley Hay Farmhouse and restoration of adjoining retaining wall.
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Appeal B Ref: APP/R1038/Y/24/3357333

Birley Hay Farm, Geer Lane, Birley Hay, Ridgeway, Sheffield, S12 3YF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr A Taylor against the decision of North East Derbyshire District Council.
 - The application Ref is 23/00938/LB.
 - The works proposed are construction of subterranean garage accessed through existing outbuilding with subterranean link to Birley Hay Farmhouse and restoration of adjoining retaining wall.
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Decisions

1. Appeal A: The appeal is allowed and planning permission is granted for construction of subterranean garage accessed through existing outbuilding with subterranean link to Birley Hay Farmhouse and restoration of adjoining retaining wall at Birley Hay Farm, Geer Lane, Sheffield, S12 3YF in accordance with the terms of the application, Ref 23/00937/FLH, subject to the conditions in the attached schedule.
2. Appeal B: The appeal is allowed and listed building consent is granted for construction of subterranean garage accessed through existing outbuilding with subterranean link to Birley Hay Farmhouse and restoration of adjoining retaining wall at Birley Hay Farm, Geer Lane, Sheffield, S12 3YF in accordance with the terms of the application Ref 23/00938/LB and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

3. As set out in the banner heading above there are two appeals relating to this site, one against the refusal of planning permission and one against the refusal of listed building consent. I have determined each proposal on its own merits. As they raise some similar issues, I have dealt with them in a single decision letter to avoid duplication.

4. The proposal seeks to extend the outbuilding to Birley Hay Farmhouse. The outbuilding and the Farmhouse are both Grade II listed buildings. Accordingly, I have had regard to the statutory duties set out in sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that when considering applications for listed building consent and applications for planning permission for development which affects a listed building, special regard must be had to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
5. The site also lies within the Moss Valley Conservation Area. Section 72(1) of the Act requires me, in determining the planning appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. During the course of the application, following comments by Historic England, the size of the proposed garage was reduced, windows were removed from the side elevation, sunpipes and a rooflight removed and the gradient of the roof changed. Initially proposed low walls around the garden were also removed from the scheme. I have considered the appeal on the basis of the amended plans.

Main Issues

7. In addition to the above, the site lies within the designated Green Belt and an Area of Multiple Environmental Sensitivity.
8. Accordingly, the main issues in this case are:
 - Whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
 - The effect of the proposal on the special interest and significance of the listed buildings;
 - Whether the proposal would preserve or enhance the Moss Valley Conservation Area;
 - The effect of the proposal on the character and appearance of the landscape.

Reasons

Whether the proposal constitutes inappropriate development in the Green Belt

9. The application proposes a subterranean garage as an extension to the outbuilding, or barn, which has a split-level form. The vehicular access to the extension would be created through the lower part of the structure and pedestrian access would be formed via an underground passage linking the garage to the south wing of the farmhouse. The proposal also includes the rebuilding of a stone wall to the south-east of the outbuilding sited on the banks of a tributary of The Moss.
10. Chapter 13 of the National Planning Policy Framework (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development in the Green Belt is considered inappropriate unless one of several exceptions apply. They include, at paragraph 154 c), the

extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building; and, at paragraph 154 g), limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.

11. The Framework does not provide guidance on what might be considered a disproportionate extension and as far as I am aware, nor does the Local Plan. The Council calculate that the proposal would represent a 115% increase in the volume of the original outbuilding and this is not disputed by the appellant. No assessment appears to have been made as to the increase in the footprint or floorspace of the building but from the plans before me, such increase would also be sizeable. In purely visual terms however, the extension would not be apparent above ground.
12. Previously developed land, as defined in the Framework, is land which has been lawfully developed and is or was occupied by a permanent structure, including the curtilage of the developed land. It is clear from the evidence before me that small outbuildings were present on the site of the extension from between 1914 and 1954 until at least 1993. Whilst I note the Council's contention that these buildings may have been of temporary construction, there is no suggestion that they were not lawful. Moreover, given that they were present for at least 19 years and were significant enough to have been included on the OS mapping system, I am satisfied that the site was occupied by a permanent structure and therefore constitutes previously developed land.
13. The extension would be concealed below ground and the roof of the new structure planted as a wildflower garden which would follow the slope of the existing ground level. The side elevation would be concealed by the embankment, and a new retaining wall would be constructed to replace the existing. The retaining wall would be some 3.5m in height and more extensive than the existing. However, given the long-established presence of the existing wall and its siting against a higher embankment, its overall impact on openness, in both visual and spatial terms would be limited. Consequently, I am satisfied that the proposal would not cause substantial harm to the openness of the Green Belt which is the test of paragraph 154 g).
14. Local Plan Policy SS10 requires that the redevelopment of previously developed land should not have a greater impact on the purposes of including land within the Green Belt than the existing development. The purposes of the Green Belt include safeguarding the countryside from encroachment. This is not a requirement of paragraph 154 g) of the Framework but given the proposal is largely below ground, and the changes to the wall are limited, I am satisfied the proposal would safeguard the countryside from encroachment.
15. Taking all this together, the proposal meets the requirements of the exception set out in paragraph 154 g) of the Framework. On that basis the proposal does not constitute inappropriate development in the Green Belt.

The effect of the proposal on the special interest of the Listed Buildings

16. Both the farmhouse and the outbuilding were constructed in the early C17. Although extended in the C20, the original part of the farmhouse has retained its form and appearance including original details such as the recessed chamfer

mullioned windows. The significance, or special interest, of the listed building lies in its age, its architectural detailing and historical interest as a vernacular farmhouse.

17. The special interest of the outbuilding as a heritage asset, lies largely in its architectural details and the insight it provides into historic building practices. The timber cruck frame is of particular interest and indicates that the building may predate the farmhouse given that the stone outer walls are likely to have been a later addition. The building, which has walls of coal measure sandstone, has been built to take advantage of the change in land levels so it appears as a two-storey barn from the front and single storey building at the rear. The building has been altered and adapted over time, most recently in 2014 when a swimming pool was installed within the upper part of the building.
18. Both buildings derive a great deal of significance from their value as a group, as a surviving example of a traditional farmstead laid out loosely around a courtyard. As such the external appearance of the buildings and their juxtaposition is important. The setting of the buildings, which includes a mill pond and buildings within the settlement of Birley Hay village, which in turn play an important role in understanding early industrial development in the area, also makes a positive contribution to the significance of the heritage assets.
19. The creation of an access through the lower part of the outbuilding would necessitate the removal of an area of stonework, which would be reused in the new opening. The stonework to be removed appears to include an area of stone infill which has been roughly pointed. It is not known whether the stonework is part of the original fabric of the building but nevertheless it makes a limited contribution to the significance of the building as set out above. Moreover, the internal lower ground floor has been substantially altered including through the installation of structural steels, heating ducting and a concrete plinth to support the floor above, as such diminishing the internal character and interest of this part of the building.
20. I share the Council's concern about the impact of the proposal on the structural stability of the barn, particularly given the limited construction detail before me. The creation of the opening would represent a further change to the internal appearance of this part of the building, but the construction of garage doors would help retain the definition of the space. Additional structural support is likely to be required in the form of a structural steel lintel, but such a change would not be unlike changes to this part of the building that have already been made. Moreover, the timber cruck frame at upper ground level would be retained and the external appearance of the building, and its relationship with the farmhouse, would be preserved. As such the proposal would not harm the heritage significance of the building.
21. The pedestrian tunnel would be formed by the creation of stairs down through what is currently a wc in the extension, the new part of the farmhouse. The extension was constructed in a manner sympathetic to the appearance of the original farmhouse but nevertheless the area that would be subject to change does not make a particular contribution to the significance of the heritage asset. No objection to this element of the proposal has been raised by the main parties and I agree that the intervention would not harm the significance of the listed building.
22. Little significance is derived from the area of garden to the rear of the barn other than it has previously been a functional part of the curtilage of the building. The

present use of the space as a lawned area of garden does not indicate how the space might have been previously used and to my mind the replacement of the lawn with a wildflower meadow will have a neutral impact on the special interest of the building or group considered as a whole.

23. The retaining wall has little aesthetic or historic interest in its own right other than in its visual relationship with the barn. It appears to have been built for purely functional reasons and is in a deteriorating condition. Nevertheless, it is a subservient and neutral feature in the setting of the listed building. The proposal would result in the removal of the existing fabric and its re-use in a new structure, built along the same line. The new wall would be more apparent than the existing because of its height and extent. However, it would still be set at a lower level than the barn, would be seen against the backdrop of the embankment and would retain a purely functional appearance associated with the tributary. It is intended that the wall would be of vernacular dry-stone construction to reflect the wall's existing character. Accordingly in terms of its visual relationship with the barn, its significance would be preserved.
24. Drawing these strands together, subject to conditions which I will turn to below, the proposal would not harm the special interest of the listed buildings, their setting or group value. On that basis the proposal would meet the weighty statutory requirements of the Act and would comply with Policy SDC6 of the Local Plan which supports proposals where they preserve the significance of a heritage asset and its setting including impacts on the character, architectural merit and historic interest of the building; requires proposals to respond to and not detract from the listed building in various ways, and supports viable uses that are compatible with the conservation of the fabric of the building and its setting.

Effect of the proposal on the conservation area

25. The Moss Valley Conservation Area covers a large rural area encompassing small rural settlements which have a strong vernacular character derived from the use of locally derived materials and simple development form. The significance of the area as a heritage asset lies in interest of the Moss Valley as both an industrial and farming landscape, incorporating representative structures, including listed vernacular buildings and landscape features from the late medieval period to the end of the 19th century. The appeal site and its immediate surroundings make a positive contribution to the character and appearance, and historic significance of the conservation area.
26. Given that the garage would largely be underground and thereby unseen, and that the removal of the stone wall to form the entrance would be internal, the effect of the proposal on the character and appearance of the area would be largely limited to the effect of the replacement retaining wall. The wall would not be visible from within the site but would be seen in views through the woodland from the public footpath on the opposite bank.
27. As set out above, the wall would be of dry-stone construction and existing materials would be utilised. Native planting in the form of woodland ground cover to the embankment would assist in softening its initial appearance. Moreover, whilst the wall is likely to be an obvious new feature initially, the stone will weather to a dark, recessive colour which would sit comfortably in its wooded watercourse setting. The detailed design of the wall, secured by condition, could ensure that it retained a

simple, functional appearance serving to protect and define the tributary which is an important part of the industrial heritage of the area.

28. I have noted the Council's concerns about fencing to the top of the embankment. However, as fencing already exists, and the design of the new fencing would be similar, the matter is a neutral one in my considerations.
29. Accordingly, the proposal would preserve the character of the conservation area and thereby meet the statutory requirements of the Act in that regard. Furthermore, for the same reasons the proposal would be in accordance with Policy SDC5 of the North East Derbyshire Local Plan which states that development proposals within or impacting upon conservation areas will be permitted where they preserve or enhance the character or appearance of the areas and its setting and requires, amongst other things, the design and location of the proposal to have taken account of the characteristics and context of the area.

Effect on landscape character

30. The site lies within the Wooded Hills and Valleys character area of the Nottinghamshire, Derbyshire and Yorkshire Coalfield Landscape Character Type. Within the area remnants of the pre-industrial landscape remain visible within fragmented pockets. The location also forms part of the Area of Multiple Environmental Sensitivity (AMES), reflecting its ecological value, historic landscape features and visual coherence. The appeal site and its surroundings, including the mill pond, plays a part in understanding the historic layout of the village which had a strong manufacturing base and therefore made a significant contribution to the landscape. The wooded valley and tributary to the side of the site, as well as the buildings, are key characteristics of the landscape type.
31. It is not clear from the evidence before me whether the wall was originally more extensive than the areas of wall that remain, but nevertheless it is in a deteriorating state of repair. The proposed replacement wall would not be out of place in its context given the well-established presence of the existing structure. Moreover, the safeguarding of the embankment and watercourse as a result of the new wall is a benefit of the scheme.
32. I recognise that the proposal would result in disruption to the landscape during the construction period, particularly as a result of the earthworks. Nevertheless, such disruption would be temporary and once the development is complete and the planting becomes established the appearance of the landscape would be restored.
33. On that basis the proposal would preserve the landscape character and the AMES. As such it would comply with Policy SDC3 of the Local Plan which requires that proposals for new development do not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape and should be informed by and be sympathetic to the distinctive landscape areas.

Conditions

34. The Council has suggested conditions, specifically relating to Appeal B, in the event of the appeals being allowed. I have considered the conditions in the light of advice in the Framework. Some of the conditions suggested by the Council, which appear to be in draft form, are imprecise and do not meet the relevant tests.

However, as the substance of the conditions is necessary to preserve the heritage assets I have amended them, where necessary.

35. In terms of Appeal A, in the interests of proper planning and to provide certainty, the time limit and plans conditions are required. In both Appeals, as recommended by the County archaeologist and the appellant's heritage consultant, in order to preserve any archaeological significance, conditions relating to the carrying out and implementation of a written scheme of investigation are required. That investigation should include the walls to be removed. The appellant has agreed that this is by necessity a pre-commencement condition.
36. In Appeal B, in order to preserve the listed building and its special interest, conditions requiring a written scheme of investigation, details of the methodology for the construction of the vehicular opening and pedestrian tunnel, the detailed design of the new opening and the retaining wall are necessary to make the development acceptable. Again, such conditions are by necessity pre-commencement conditions.

Conclusion

37. For the reasons set out above the proposal would be in accordance with the development plan when considered as a whole. Accordingly, taking all other matters raised into account the appeals are allowed and planning permission and listed building consent granted.

S Ashworth

INSPECTOR

SCHEDULE OF CONDITIONS:

APPEAL A:

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans:
 - Site Location and Existing Block Plan – Rev P03
 - Proposed Block Plan – Rev P05
 - Existing Floor Plans Garage and Farmhouse – Rev P01
 - Proposed Floor Plans Garage and Farmhouse – Rev P04
 - Existing and Proposed Farmhouse Elevations – Rev P01
 - Existing Garage Elevations – Rev P01
 - Proposed Garage Elevations – Rev P05
 - Existing and Proposed Section AA – Rev P01
 - Existing and Proposed Section BB – Rev P03
 - Existing and Proposed Section DD – Rev P03
 - Garden View Existing and Proposed Photo Montage – Rev P04
 - Path View Existing and Proposed Photo Montage – Rev P04
 - Elevation View Existing and Proposed Photo Montage – Rev P04
 - Retaining Wall – Rev P01

Rear Garage Wall Opening Sketch Detail – Rev P03
Existing Landscape Plan – Rev PL01
Proposed Landscape Plan – Rev PL02

3. No development shall take place until a Written Scheme of Investigation for archaeological work, including a level 3 record of the walls to be removed, has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
4. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 3.
5. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
6. Prior to the commencement of development on site, construction details and finish, including details of materials and coursing, of the new retaining wall to the south-east of the outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details and thereafter retained.

APPEAL B:

1. The works hereby approved shall be begun not later than 3 years from the date of this consent.
2. No works shall take place until a Written Scheme of Investigation for archaeological work, including a level 3 record of the walls to be removed, has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - The programme and methodology of site investigation and recording

- The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
3. No works shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 2.
 4. The works shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 2 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
 5. Prior to the commencement of the works on site, the proposed construction methodology for the formation of the vehicular opening in the south elevation of the outbuilding, including making good the ground levels and returns of the fabric that will be truncated shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the agreed details and thereafter retained.
 6. Prior to the commencement of the works on site, full details including elevations at scale 1:50 of the proposed reveal walls that will be attached/about the new opening, and the garage doors, including materials, finishes and any fixings to the listed building, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the agreed details and thereafter retained.
 7. Prior to the commencement of the works on site, the proposed construction methodology for the formation of the pedestrian link between the outbuilding and Birley Hay Farmhouse shall be submitted to and approved in writing by the Local Planning Authority. The works shall be constructed in accordance with the agreed details and thereafter retained.
 8. Prior to the commencement of the works on site, construction details and finish, including details of materials and coursing, of the new retaining wall to the south-east of the outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details and thereafter retained.

