
Appeal Decision

Site visit made on 25 April 2026

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2026

Appeal Ref: APP/M9496/C/25/3372929

The land comprises an agricultural field situated immediately adjacent to the highways B6051 and A621 to the South of Owler Bar and being land at Horsleygate, Owler Bar, Holmesfield S17 3BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Peter Roe of Greenfields Christmas Trees Ltd against an enforcement notice issued by Peak District National Park Authority (the Authority).
 - The notice was issued on 1 August 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the carrying out of building or other operations namely:-
 - the creation of an area of hardstanding in the approximate position marked A on the attached plan; and
 - the widening of a means of access to a highway comprising the removal of a section of dry stone wall and the erection of gates and gate posts shown in the approximate position marked B on the attached planon the Land ("the Unauthorised Development").
 - The requirements of the notice are to:
 - (a) remove the hardstanding shown in the approximate position marked A on the attached plan from the Land; and to
 - (b) remove the gates and gate posts shown in the approximate position marked B on the attached plan from the Land; and to
 - (c) reinstate the dry stone wall removed to increase the width of the original gateway on the Land; and to
 - (d) reinstate the gateway to its original width together with the gate and gate posts in their original position on the Land; and to
 - (e) remove from the Land all building materials, rubble and fixing materials arising from compliance with requirement (a) - (d) above; and to
 - (f) reinstate the Land to its former levels and condition prior to the unauthorised development taking place.
 - The periods for compliance with the requirement are: two months after this Notice takes effect for requirements (a) and (b); and three months after this Notice takes effect for requirements (c), (d), (e) and (f).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice (EN) is corrected by:
 - deleting requirement (c) above and substituting it for "reinstate the dry stone wall removed to its previous condition on the Land."
2. Subject to the correction, the appeal is dismissed, the EN is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Preliminary Matters

3. Requirement (c) says that the appellant must reinstate the dry stone wall removed to increase the width of the original gateway, but this does not correspond with requirement (d), which requires the gateway to be reinstated to its original width and the gate and gate posts in their original position. Both requirements cannot be correct, so given the EN's purpose to remedy the breach of planning control, I shall correct requirement (c) so that the dry stone wall is returned to its previous condition. This is appropriate given that the landowner should have the best knowledge of what the previous condition of the dry stone wall was, including its width, height and position. No injustice would be caused by this correction.

Reasons

The appeal on ground (c)

4. An appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
5. Section 55(1) of the Act defines 'development' as the carrying out of building, engineering, mining or other operations in, on, over or under land. Section 336 of the Act defines what 'engineering operations' are. They include the formation or laying out of means of access to highways. A 'means of access', as defined in section 336 of the Act, includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street.
6. The original access to the land has been widened by the removal of a section of drystone boundary wall to facilitate the erection of a timber gate with timber posts in between the dry stone walls. Hardstanding has also been laid from the B6051 Horsleygate Road into the appeal site. The works are collectively a single act of development, as they are part of the same physical works, even though there are component parts to them, to widen and improve vehicular access to and from the land so that vehicles can enter and leave the land in forward gear. The physical works are greater than the original access and so amount to engineering works.
7. Because the B6051 Horsleygate Road is a classified road, Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), which permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with other permitted development, cannot apply here.
8. Although the appellant is correct that the works to the drystone boundary wall would be permitted development by virtue of Schedule 2, Part 2, Class A of the GPDO, these works are only one part of the single act of development. Hence, planning permission is required for this engineering operation because of the means of access created onto a classified road. The unchanged height of the drystone wall does not alter my finding that the appeal on ground (c) should fail.

The appeal on ground (a)

9. An appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the EN, planning permission ought to be granted.
10. The main issues are: (a) the proposal's effect on highway safety; and (b) the proposal's effect on the character and appearance of the area, having regard to the Peak District National Park (PDNP).

Highway safety

11. The appeal site is located close to the junction of the B6051 and the A621 at Owler Bar roundabout. The roundabout is a busy junction/main road into and out of the PDNP. Ground levels fall away from the roundabout to the south, and the visibility of vehicles exiting the roundabout onto the B6051 is affected by a drystone wall around the extent of a field opposite the appeal site. Ground levels continue to fall on the B6051 to the south of the site's access. The B6051 is subject to a 50-mph speed limit after its junction with the Owler Bar roundabout.
12. The width of the altered access in tandem with the hardstanding facilitates access to the land by larger and more vehicles with ease compared to the previous gated access. However, the position of the altered access means that vehicles need to slow down and/or stop before entering the appeal site from the B6051. Those manoeuvres do and would take place close to the junction with the A621, and vehicles approaching and entering onto the B6051 from the A621 do so without being able to see vehicle(s) slowing, indicating or turning. Furthermore, vehicles exiting the appeal site and travelling southwards on the B6051 need to enter the highway with only limited visibility of oncoming vehicles on the A621 turning onto the B6051. In both instances, those manoeuvres have the potential to result in collisions or near misses. This is amplified by the busy nature of the roads and by the speed limit, which is national on the A621.
13. There is a gated access into the field opposite the appeal site, but the seasonal use of the appeal site for Christmas trees would give rise to an uptick in large vehicle movements in a relatively short period of time. Whereas vehicular movements linked with the field are likely to be irregular.
14. The development therefore has an adverse highway safety impact that brings the proposal into conflict with Policy GSP3 of the Core Strategy Development Plan Document – Adopted October 2011 (DPD) and Policy DMC3 of the Development Management Policies (DMP).

Character and appearance

15. The appeal site lies within the PDNP and near to the junction of the B6051 and A621. Drystone wall boundaries populate this predominately rural area with an open character typical of the slopes and valleys with woodland. The undeveloped nature of the area and its openness form the special quality of the PDNP, which positively contributes to its scenic beauty. I give great weight to conserving and enhancing the landscape and scenic beauty of the PDNP.
16. While the proposal is technically 'new', there was a historic opening broadly in this location facilitating vehicular access to the land. The gate and the hardstanding are visible from the B6051 and a section of the A621 near to its junction with the B6051 and just beyond it. The gate's effect does not alter the landscape's open character due to its scale, local topography, existing boundary walls or vegetation, and while the use of timber departs from the metal gates more widely used in the area, there is a timber field gate opposite, and I therefore consider the proposed gate respects the design, scale and materials in the area. The hardstanding does not alter the landscape's open character either, but it is an urban form of development which contrasts with the landscape's rural character due to local topography. Over time the hardstanding has started to naturalise, and I note the appellant's willingness to accept planning conditions to improve this further.
17. I consider planning conditions could achieve this through the use of suitable

materials and seeds that would further the purpose of conserving the natural beauty of the PDNP and its function. Consequently, I conclude, on this issue, that the proposal would, subject to conditions, conserve the character and appearance of the PDNP. Therefore, the proposal on this issue would accord with DPD Policies GSP1, GSP3 and L1, DMP Policies DMC3 and DME1, together with paragraph 189 of the National Planning Policy Framework and Section 5(1) of the National Parks and Access to the Countryside Act 1949 (as amended).

Conclusion on ground (a)

18. Although the proposal would accord with development plan policies in respect of its effect on the PDNP, this does not outweigh my finding in relation to highway safety. This means that the proposal conflicts with the development plan, and the material considerations do not indicate that I should take a decision on ground (a) other than in accordance with it. Therefore, the appeal on ground (a) fails.

The appeal on ground (f)

19. An appeal on ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
20. The purpose of the EN is to remedy the breach of planning control. The appellant considers that the steps required by the EN to remove the hardstanding is excessive when it has naturalised. However, a lesser step would not remedy the breach of planning control that has occurred, as it would see the hardstanding remain in situ when I have determined that the proposal should not succeed on ground (a) despite finding that this aspect of the proposal would conserve the character and appearance of the PDNP.
21. Furthermore, the appellant proposes to reduce the height of the gateposts and the gates so that they are no taller than the original gate posts and gate so that they accord with the relevant criteria to be permitted development. This would not, however, be a lesser step that would remedy the breach of planning control because the gate and gateposts would remain, albeit in a lower form, but as part of a single act of development. Further, I have found that the proposal should not succeed on ground (a) for highway safety grounds relating to the access.
22. Therefore, it is not excessive to require the removal of the hardstanding, the gate and gate posts to ensure the breach of planning control is remedied. There are no lesser steps that would remedy the breach of planning control that has occurred notwithstanding the appellant's intention and willingness to find a solution. The appeal on ground (f) therefore fails.

The appeal on ground (g)

23. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed.
24. Carrying out the works stipulated by the EN's requirements during autumn and winter months could result in damage to the land and, therefore, the quality of the PDNP landscape. However, due to the date of my decision, that eventuality would not arise based on the two- and three-month compliance periods stated on the EN. Although I recognise unseasonal weather can happen during the summer months, there is sufficient time to avoid that even if the appellant engages a contractor to carry out the works and for the works to be carried out. Given this, and the

identified highway safety harm and the potential consequences which stem from that harm, it would not be reasonable to extend the compliance periods. The appeal on ground (g) therefore fails.

Conclusion

25. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Andrew McGlone

INSPECTOR