



Appeal Decision

Site visit made on 9 June 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2026

Appeal Ref: APP/M9496/C/25/3364767

Agricultural field situated immediately adjacent to the highway B6054 to the East of Owler Bar, Holmesfield S17 3BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Dr Dawn Ward against an enforcement notice issued by Peak District National Park Authority.
- The notice was issued on 28 March 2025.
- The breach of planning control as alleged in the notice is the carrying out of building or other operations and the material change of use of part of the land namely:
 - The siting of a former mobile library shown in the approximate position marked A on the attached plan ("the Mobile Library") converted and being used as domestic accommodation including overnight stays thus constituting a material change of use of the land upon which this structure stands from agricultural to residential;
 - The construction of a wooden building to house a compost toilet shown in the approximate position marked on the attached plan ("the Compost Toilet");
 - The construction of a wooden building shown in the approximate position marked C on the attached plan used as a field shelter for sheep ("the Field Shelter"); and
 - The construction of a building shown in the approximate position marked D on the attached plan ("the New Building")on the Property ("the Unauthorised Development").
- The requirements of the notice are to:
 - a) Remove the Mobile Library to include the external wooden steps and platform together with the domestic items surrounding the structure from the Property and cease the residential use of the land; and to
 - b) Remove the Compost Toilet from the Property; and to
 - c) Remove the Field Shelter from the Property; and to
 - d) Remove the New Building from the Property; and to
 - e) Remove from the Property all building materials, fixing materials and rubble arising from compliance with requirements (a) – (d) above; and to
 - f) Reinstatement the Property to its condition to include reinstatement/replacement of any excavated material to the original levels and matching its appearance to the adjoining grassland.
- The periods for compliance with the requirements are:
 - a) Four months.
 - b) Four months.
 - c) Four months.
 - d) Four months.
 - e) Five months.
 - f) Six months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(a), (c), (d) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Preliminary matter

1. I have noted that "the Mobile Library" and "the Field Shelter" have both been removed from the appeal site.

Applications for costs

2. An application for costs was made by Dr Dawn Ward against the Peak District National Park Authority. This application is the subject of a separate decision.

The appeal on ground (c)

3. The ground of appeal is that the matter alleged does not constitute a breach of planning control. From the appellant's evidence it appears that the only part of the development the subject of the appeal on ground (c) is the described as "the New Building" on the enforcement notice. The appellant confirms that it was built under the misguided understanding of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended with respect to agricultural and forestry in Part 6 of Schedule 2.
4. Development is permitted under Class E (forestry developments) subject to conditions, including E.2 – (1) (a) which states that development consisting of the erection of a building is permitted subject to *"the developer must before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building"*.
5. Since prior approval was not sought before beginning the development and because permitted development rights cannot be applied retrospectively, the "New Building" is a breach of planning control. Therefore, the appeal on ground (c) fails.

The appeal on ground (d)

6. The ground of appeal is that at the date when the notice was issued, no enforcement action could be taken. According to the appellant's evidence the appeal on ground (d) is restricted to "the Compost Toilet". To succeed on this ground, it would be necessary to show that it had been substantially completed four years before the notice was issued. In support of this ground the appellant states that the compost toilet started out in June 2020 as a simple fenced enclosure which consisted of four posts in the ground with six -foot high fencing attached on three sides, with a dirt floor. Photographs taken by the Council in July 2021 show the structure in this form.
7. The evidence before me indicates that, at that stage, it was a fence or enclosure rather than the completed building. Therefore, it was probably permitted development and did not require planning permission and, as such the council would not have been able to take enforcement action when it was first erected.
8. However, the structure was later altered by adding a roof and a door between July 2021 and April 2023. The "Compost Toilet" only became a completed building once the roof and door were installed. Since those works were carried out after 9 July 2021, the building was not substantially complete before that date, which is less than four years prior to the enforcement notice being served.
9. Therefore, the appeal on ground (d) fails.

The appeal on ground (a)

10. The ground of appeal is that planning permission ought to be granted for what is alleged in the Notice. Taken from the enforcement notice, the main issues are the

effect on the landscape character and whether it has been demonstrated that the development is functionally required for the purposes of its current use.

Landscape character

11. Policy DS1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document Adopted October 2011 (the CS) allows for agricultural and forestry development requiring a rural location. Policy GSP1 of the CS states that all development shall be consistent with the National Park's legal purposes and duty and where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied, and the conservation and enhancement of the National Park will be given priority.
12. Policy GSP3 of the CS states that all development must respect, conserve and enhance all valued characteristics of the site subject to the development proposal and Policy L1 continues that theme, stating that developments must conserve and enhance valued landscape character.
13. The appeal site is situated in open countryside near to the edge of the Peak District National Park. It is situated close to the brow of a hill and is in a visually prominent location within the surrounding landscape and is visible from a range of vantage points in the area. The development relates poorly to the high quality landscape and it does not appear to me that it is situated in the least visually obtrusive location possible. Instead, the topography of the land is such that the development is in an elevated and exposed upland location which is highly prominent.
14. I observed at my site visit that there are other poorly related isolated buildings in the area, but that does not justify the development the subject of this current appeal but instead demonstrates the harm that can arise from poorly thought out and designed development in the landscape.
15. It is my understanding that the site is located within the Dark Peak and, specifically, within the Enclosed gritstone upland Landscape Character Type which is an enclosed upland landscape associated with high, gently undulating and broad ridge summits which radiate from the Dark Peak core, sloping in places up to higher ground. It is a landscape interspersed with isolated stone farmsteads, straight roads and regular fields enclosed by drystone walls.
16. The site and its wider surroundings reflect the local landscape character type, being a field on top of an undulating upland ridge with open views of surrounding moorland and agricultural land. The site is open and exposed with trees generally being in lower valley areas, locally. Consequently, I do not understand how the development carried out and the associated activities, including afforestation, are compatible with this sensitive upland landscape and it contributes to the intrusion of the development and associated buildings and paraphernalia.
17. The buildings the subject of the Notice are not set out in any cohesive way, are scattered across the site and take little account of the sensitive landscape surroundings. Timber and stone cladding are incorporated into the external surfaces, but that does not mitigate the overall landscape harm arising from the form and scale of development. I have also noted that attempts have been made to reduce the potential effect of "the New Building" by using a mono pitched roof and painting it a shade of green/blue. Landscaping has also been used to screen

the buildings from their surroundings, but that has only had limited success due to the elevation and exposed nature of the appeal site.

18. The “Mobile Library” and “Field Shelter” have been removed, but the evidence before me is that they formed part of the development the subject of the enforcement notice and, as such, they are to be considered as part of this appeal process. Given the evidence before me there is little doubt in my mind that as poorly conceived, sporadic and visually prominent in the sensitive landscape, they contributed to the harmful effect on the landscape character.
19. The appeal site is characterised as an upland landscape interspersed with isolated stone farmsteads and regular enclosed fields. There is little evidence that the development has taken adequate account of these characteristics and in its open and exposed upland location it is visible from different local vantage points, including public views. Therefore, on this issue I conclude that the development has a harmful effect on the landscape and conflicts with Policies GSP1, GSP3 and L1 of the CS, Policies DMC1 and DME1 of the DM Policies and the Framework,

Functional requirement

20. Policy DME1 of the DM Policies states that buildings related to agriculture or forestry must be genuinely needed for those activities. The appellant has stated that land is being used to create woodland and grow trees, nuts, fruit and other crops to improve biodiversity and capture carbon. It is argued that “the New Building” and “the Compost Toilet” are functionally required as part of the afforestation and farming activities, including weatherproof space for storing seeds, plants, tools, equipment, carrying out research, providing shelter for workers and rainwater collection.
21. However, the overall appeal site is relatively small and for the agricultural and forestry operations carried out there is insufficient evidence why tools, equipment, seeds and other items cannot be brought to the site when needed rather than being stored there permanently. I understand that the building is also used for some research purposes but there remains a lack of evidence relating to the overall extent and scale of development carried out in relation to the scale of those activities. There is little evidence that the parts of the development that have been removed were functionally required for the use of the land, including the previous alleged residential use of “the Mobile Library”.
22. No formal functional test has been carried out, and the appellant’s submissions fall short of the detailed requirements of DME1 to demonstrate that the development is functionally required for the purposes of the current use of the land. I can understand that it may be desirable for there to be a building on site to serve a range of purposes but that falls short of the development plan requirements. Therefore, the development conflicts with Policy DME1 of the DM Policies.

Conclusion

23. I have taken account of the range of evidence submitted by parties, including the development plan, range of activities taking place on site, the benefits of the development and support from a number of different parties. However, as set out above I have found there to be harm to the landscape character of the area and the evidence falls short of demonstrating that the development is functionally

required for the current uses of the land. Therefore, it conflicts with the development plan as a whole and planning permission should be refused.

Formal Decision

24. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR