



Appeal Decision

Site visit made on 13 May 2024

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/P1045/W/23/3333127

The Barn, Upper Lane, Hulland Ward, Biggin, Derbyshire DE6 3FH

- 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 McCabe against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/00727/FUL.
 - The development proposed is change of use of agricultural barn to 1no. dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application does not include a description of the proposed development. I have therefore adopted the description from the decision notice and the appeal form in the banner heading above.

Main Issues

3. The main issues are:
 - 1) the effect of the proposal on the character and appearance of the area; and
 - 2) whether the location would be suitable for new residential development, having regard to local and national planning policy for new housing and the accessibility of shops and services.

Reasons

Character and appearance

4. The appeal site contains a large steel frame building with associated access and hardstanding. The building is well set back from Upper Lane and accessed from it via a long, hard-surfaced driveway. It is outside the settlement of Hulland Ward. The surrounding sparsely developed countryside is characterised by open fields with mature hedgerows, tree lines and scattered trees.
5. The pitched roof appeal building has full height blockwork walls with external timber cladding to upper levels and a single central opening to the east elevation. It's hard-surfaced driveway and extensive hardstanding are finished with decorative brick edging and the driveway is lined with ornamental painted metal lampposts and domestic planting. The areas around the west, north and south elevations of the building are separated from the higher-lying

- surrounding land and the driveway by decorative brick retaining walls. The external works form part of the proposal.
6. In terms of the building itself, a large number of new openings would be created to serve the proposed residential use. The existing opening in the east elevation would be enlarged to create a large 2-storey glazed entrance feature. To either side, there would be large and regularly-spaced 3-pane windows at ground and first floor level. Other elevations would also have several domestic openings to both floors, including glazed folding doors at ground floor level.
 7. The building was historically an open hay barn and its large gable end opening is not an authentic or traditional cart door opening. Nevertheless, it contributes to the interpretation of the building as agricultural in origin. While a residential use would inevitably require new openings to serve habitable rooms, the proposal would not respect or reflect the relative simplicity of agricultural buildings. The extent, size and style of new openings would erode the functional appearance of the building. The building and its environs would be overtly domestic. The proposal would not be a sympathetic agricultural conversion nor a high quality design of a new rural dwelling.
 8. The proposal would be screened in some views from locations in the wider area by topography and vegetation. However, the appeal building is visible along Upper Lane to the north and west and from locations around the highway entrance. There is also clear intervisibility between the appeal building and the elevated edge of the settlement. By virtue of its size and domestic appearance, including the pattern and extent of glazing, and its isolation from other buildings, the proposal would be a prominent and discordant feature in the open countryside. Moreover, it would be conspicuous during conditions of low light due to light spill from the extensive domestic glazing. It would also be visually obtrusive at times of year when trees and hedgerows were not in leaf.
 9. The appellant considers the building to be a good example of a well-built modern agricultural building. However, while agricultural sheds are a feature of the countryside, substantially large and isolated utilitarian buildings are not commonplace in the area. Moreover, large sheds are not high quality design nor of any architectural merit. Their overly large size and ubiquitous, somewhat industrial appearance does not make a positive visual contribution to the local distinctiveness or sense of place of traditional rural landscapes. The proposal would be a dominant feature in this location, to the detriment of the rural character and appearance of the countryside that surrounds Hlland Ward.
 10. I note the Newlands Farm appeal decision (Ref: APP/P1045/W/19/3229075), but that case relates to the re-use of a building in an apparently domestic setting in a yard to the rear of a dwelling and where the relatively minor modifications to the building utilised existing openings. The Inspector found that scheme failed to make a positive contribution to the character and appearance of the area in conflict with the development plan. While there were material considerations in that case to outweigh the harm, that scheme is not demonstrably directly comparable to the domestication and urbanisation of an isolated building in the open countryside.
 11. Therefore, I conclude that the proposal would harm the rural character and appearance of the countryside. It would conflict with Policies PD1 and PD5 of the Derbyshire Dales Local Plan Adopted December 2017 (the LP). These

require, among other things, that proposals complement and contribute positively to landscape character, local distinctiveness and sense of place.

Location

12. There has been recent residential development at the edge of Hulland Ward. However, the proposed dwelling would be widely separated from the settlement edge by intervening undeveloped farmed land and it would be accessed by a somewhat circuitous route. The highway access is on a relatively sharp bend along Upper Lane, which is a narrow rural lane enclosed by mature hedges and with no street lighting. There is a narrow footway along Dog Lane from the junction of Upper Lane towards Hulland Ward. While it appears to be largely unlit, the footway is on the same side of the road as the appeal site.
13. As would be expected on the outskirts of a settlement, the surrounding rural lanes are used recreationally by walkers. The evidence suggests it would be a roughly 15 minute walk to the centre of Hulland Ward. Consequently, particularly during daylight hours and reasonable weather conditions, future occupiers would be able to walk up towards the village hall and Hulland Ward beyond. The settlement would also be within cycling distance. However, in poor weather and during the dark, future occupiers and especially more vulnerable persons including children would be unlikely to walk or cycle to Hulland Ward.
14. Irrespective, there are only limited shops and services in the settlement. Future occupiers would have to travel on to more distant settlements to meet their reasonable daily needs. The location would not minimise the need to travel. As there is only a very limited bus service from Hulland Ward, future occupiers would be heavily reliant upon private car journeys. Taking into account the separation from the settlement, the nature of the intervening rural roads and the paucity of local services and public transport, the appeal site is not accessibly located.
15. The proposal would be the conversion and re-use of a building that has recently been refurbished for an agricultural use¹. The building is of permanent and substantial construction and it is capable of conversion to residential use. However, while it is of a type of large modern shed that is commonly used for agriculture, it is not a vernacular building that maintains or enhances the traditional rural character of the countryside.
16. Therefore, I conclude that the proposal would not be suitably located rural residential development, having regard to policies for rural housing and the accessibility of shops and services. It would conflict with the aims of LP Policies S1, S4, HC8 and HC19. These require, among other things, that proposals provide for homes in accessible locations, within or adjacent to existing communities and that minimise the need to travel, and that the re-use of buildings in the countryside should contribute positively to local character and sense of place. It would conflict with the rural housing aims of the National Planning Policy Framework (the Framework).

Other Considerations

17. The nearby Hulland Grange is a Grade II listed building. It is set back from the road and enclosed and well screened by mature vegetation. It is elevated

¹ Planning permission Ref: 19/01286/FUL, granted in 2020, for reinstatement of cladding to hay barn, re-routing of farm track and temporary earth bund for duration of the restoration works (part retrospective).

above the appeal building and widely separated from it by its grounds, Upper Lane and the deep set back of the appeal building from the road. Taking into account the separation and the secluded setting of the listed building, the proposal would not affect the setting of the designated heritage asset.

18. While the building may not have been used for agriculture since it was refurbished and the appellant may not be employed in agriculture, it has not been demonstrated that the building would be the re-use of a redundant or disused building. The maintenance and conservation of the steel-frame building by residential use would be a limited benefit.
19. One dwelling would make a limited contribution to the supply of housing, even taking into account the Government's objective of significantly boosting the supply of housing. The walls and the roof of the building have been constructed as part of the reinstatement of the hay barn such that there would be only limited, temporary economic benefits during the conversion works. Future occupiers would make a limited contribution in terms of support for local services and facilities and rural communities in nearby villages. I note the suggestion that a kestrel nesting box should be attached to a suitable elevation avoiding lighting and disturbance or on a tree. However, as all building elevations would be affected by light spill and residential activity, there would be negligible biodiversity benefits.
20. By virtue of its separation from dwellings and the settlement, the proposal would be a somewhat isolated home in the countryside which the Framework seeks to avoid except in certain circumstances including the re-use of redundant or disused buildings that enhances its immediate setting or where the design would be of exceptional quality. As noted, the proposal would not demonstrably be the re-use of a redundant building nor would it be outstanding or innovative. The proposal would not demonstrably be the redevelopment of previously developed land, because land that is or was last occupied by agricultural buildings is excluded from the definition in the Framework.

Planning balance

21. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. Consequently, paragraph 11d) of the Framework is engaged. There are no policies in the Framework that provide a clear reason for refusal in accordance with paragraph 11d)i. Therefore, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. Although the LP dates from 2017, the weight to be attached to it does not hinge on its age because the Framework states that due weight should be given to relevant policies according to their degree of consistency with the Framework. In this regard, the Framework advises that housing should meet local community needs in terms of an appropriate mix of housing types. Rural housing should be located where it will contribute to the vitality of rural communities. Development should promote sustainable transport, including walking and cycling. Proposals should also deliver well-designed and beautiful places, protect valued landscapes and recognise the intrinsic character and beauty of the countryside. Consequently, significant weight can be attached to the conflict with LP policies S1, S4, HC8, HC19, PD1 and PD5.

23. The proposal would be a market dwelling. The countryside location and relative inaccessibility of shops, services and public transport weighs moderately against it. The harm to the character and appearance of the countryside carries significant negative weight. Irrespective of the extent of the shortfall in the housing supply, the contribution of one dwelling carries only limited weight in favour. The limited social and economic benefits and the conservation of the modern portal-frame building carry little weight.
24. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. For the reasons set out above, I conclude that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh that conflict.
26. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR