



# Appeal Decision

Site visit made on 8 August 2024

**by N Bromley BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 September 2024**

---

**Appeal Ref: APP/P1045/W/24/3342309**

**Barn At Oak Tree Farm, Nether Lane, Biggin, Ashbourne DE6 3FL**

- 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 and Mrs Martin and Jill Beesley and Bower against the decision of Derbyshire Dales District Council.
  - The application Ref is 23/01249/FUL.
  - The development proposed is conversion of barn to a single dwelling with associated works.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy and the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal site is occupied by a two storey brick building, set within a parcel of agricultural land off Nether Lane. The surrounding area is remote and rural in character, with open agricultural fields, occasional agricultural buildings and sporadic residential dwellings of a varying size and appearance. Given such, the site is within an isolated countryside location.
4. Policy S4 of the Derbyshire Dales District Council Local Plan (2017) (LP) confirms amongst other things that outside settlement boundaries the District Council will seek to ensure that development protects and where possible, enhances the landscape's intrinsic character and distinctiveness. Planning permission will be granted for new residential development subject to several criteria. This includes the re-use of an existing building or buildings, that are capable and worthy of conversion so that it positively contributes to an established local character and sense of place, and the conversion and re-use of buildings in accordance with LP Policy HC8.
5. Policy HC8 sets out the criteria, all of which must be met, for the conversion and / or reuse of existing buildings to residential use from other uses outside defined settlement limits. The specified requirements are that a) the building is of permanent and substantial construction; b) the form, bulk and general design of the existing building makes a positive contribution to the character and appearance of its surroundings; c) the building can be converted without

- substantial alteration, rebuilding or extension; and d) the conversion does not have a detrimental impact on the character and appearance of the building and its surroundings.
6. 'Worthy' is not defined in the development plan. Nonetheless I do not share the appellant's view that it relates to any building capable of conversion without significant alteration or extension. Policy S4 talks about 'capable and worthy' which logically corresponds to the discrete requirements of Policy HC8 under a) and b). Therefore, I incline toward the Council's interpretation of 'worthy' as applicable to an existing building which is a positive contributor to its surroundings. To my mind, this could be an historic or even a modern building.
  7. The appeal building was constructed for agricultural purposes and is of a permanent and substantial construction. However, it does not have a traditional appearance. Instead, it has a simple, unfussy design with red brick walls and a pitched tiled roof. It is not clear to the casual observer why it is there or what function it originally served. As a result, it has an unremarkable but yet somewhat incongruous appearance, which represents a sharp contrast to the preponderance of traditional and quaint rural buildings within the locality. Therefore, the appeal building does not make a positive contribution to the character and appearance of its surroundings.
  8. Paragraph 84 of the National Planning Policy Framework (the Framework) sets no requirement for candidate buildings to be positive contributors to a landscape or 'worthy' of conversion. Instead, paragraph 84 sets a higher bar for quality, seeking the development of redundant or disused buildings that would enhance its immediate setting.
  9. Visually the site is fairly well contained and could be further screened with landscaping. Nonetheless, there are fleeting views from Nether Lane and a nearby Public Right of Way. Even though the building is capable of conversion to residential use with minimal works, the proposal would result in the contrived domestication of the site, which would exacerbate its inharmonious presence within the landscape. As a result, a poorly designed dwelling would be created with listless elevations and a smattered fenestration pattern. Therefore, even with additional soft landscaping, the conversion of the building to a residential dwelling would harm, not enhance, its immediate surroundings and the character of the wider area.
  10. For the above reasons and on the evidence before me, I conclude that the site would not be a suitable location for the proposed development, having regard to the development plan and national policy, with reference to the character and appearance of the area. It would thereby conflict with the respective objectives of Policies S1, S4, PD1 and HC8 of the LP and the Framework.

### **Planning Balance**

11. The unsuitability of the site for the proposed development, owing to the harm it would cause to the character and appearance of the area, draws the scheme into conflict with the development plan when read as a whole.
12. There is no dispute between the parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances Paragraph 11(d) of the Framework states that the policies most important for determining the application are out of date. However, paragraph

- 11(d)(ii) requires the consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
13. In addition to the harm to character and appearance, the surrounding roads have a rural character with no pavements or street lighting. For these reasons, future occupiers would be discouraged from walking and cycling to access services and public transport opportunities, particularly during hours of darkness and in poor weather conditions. Therefore, future occupiers would be reliant on a motor vehicle to access day to day services and amenities, and the building is not readily accessible to the nearest settlements via a range of modes of transport. For these reasons, the proposal would not contribute to the vitality of rural communities or promote sustainable transport, including walking and cycling. This also weighs significantly against the proposal.
  14. In its favour, the proposal would contribute to boosting the supply of new housing, as referenced in the Framework and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the conversion works and occupancy phases without conflict with neighbouring land uses. Soft landscaping works would also result in some biodiversity enhancements. However, these benefits would be limited by virtue of the small scale nature of the proposal and it only adding one additional dwelling to the housing supply in the area.
  15. There is no dispute between the parties that the Council has raised no concerns with regard to flood risk, the effect on geodiversity and biodiversity, parking, traffic, and highways impacts or the effect on the living conditions of nearby residential properties. However, these are a requirement of planning policy and are neutral matters to which I attribute no weight.
  16. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, I have identified a degree of inconsistency between the development plan and the Framework in respect of the conversion of isolated rural buildings. Nonetheless, the proposal would also conflict with the Framework's approach insofar as enhancement would not be achieved through the conversion. Given that policy conflict would arise at both the local and national level in any event, the difference here between local and national policy is not a compelling consideration in favour of the proposed development.
  17. Consequently, it is my judgment that 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**

18. 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. Therefore, I conclude that the appeal should be dismissed.

*N Bromley*

INSPECTOR