



Appeal Decision

Site visit made on 13 August 2012

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 September 2012

Appeal Ref: APP/H1033/A/12/2173920

Arnfield Fly Fishery, Tintwistle, Derbyshire, SK13 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Cuthbert against the decision of High Peak Borough Council.
 - The application Ref. HPK/2011/0312, dated 14 July 2011, was refused by notice dated 5 October 2011.
 - The development proposed is a side conservatory on the existing Arnfield Fly Fishery club house.
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Decision

1. The appeal is allowed and planning permission is granted for a side conservatory on the existing Arnfield Fly Fishery club house at Arnfield Fly Fishery, Tintwistle, Derbyshire, SK13 1HP in accordance with the terms of the application, Ref. HPK/2011/0312, dated 14 July 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing title 01.
 - 3) Notwithstanding condition no. 2 and the other details submitted in support of the planning application, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of Arnfield Fly Fishery.

Main Issues

2. I consider that the main issues in this case are: whether, having regard to the Development Plan, the appeal scheme would constitute inappropriate development in the Green Belt and, if it would, whether there are other considerations that amount to the very special circumstances necessary to justify such development; and, the effect of the scheme on the visual amenities of the Green Belt and the Special Landscape Area.

Reasons

3. Arnfield Fly Fishery club house, which is set back from Crossgate Lane beyond a car parking area, is adjacent to the northeastern side of Arnfield Reservoir. Other infrastructure associated with the fishery includes a decked seating area and a jetty providing access and mooring to a number of fishing boats. The club house, which is situated within an area designated as Green Belt and a Special Landscape Area, is a single-storey building with stone walls, a tiled pitched roof and timber framed fenestration. The proposal involves the addition of a conservatory extension.
4. In February 2012 the Council granted planning permission¹ for the addition of a smaller conservatory to the same side of the club house, which has yet to be implemented. The approved conservatory would be the same height and width as the appeal proposal. However, its length would be 4 metres, rather than the 6 metres proposed in the case before me. I have no reason to believe that this permission would not be implemented in the event that this appeal was to be dismissed and so I give it significant weight as a fallback position.

Inappropriate development and very special circumstances

5. LP² Policy OC2 indicates that approval will not be given, except in very special circumstances, for the construction of new buildings other than for certain identified purposes. These include limited extensions to dwellings and essential facilities for outdoor sport.
6. The proposed development does not relate to a dwelling. The appellant has indicated that the proposal would provide an indoor seating area to cater for customers purchasing food and drink from the existing club house. I consider that in principle the provision of a facility for this purpose at this particular site amounts to an appropriate facility for outdoor sport. The Council's decision to approve a smaller facility³ of this type adds weight to my view in this regard. However, whilst appropriate for outdoor sport, the proposed facility is not 'essential' for that purpose. My view in this regard is reinforced by the absence of any evidence to show that without it, the future of the fly fishery, which has been operating for some time, would be threatened. The scheme would not fit with any of the exceptional purposes identified by LP Policy OC2. It follows that under the terms of this Policy the proposal would amount to inappropriate development.
7. However, *The National Planning Policy Framework* (the Framework) also identifies exceptional circumstances in which the construction of new buildings within the Green Belt does not amount to inappropriate development. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The degree of inconsistency between the definitions of inappropriate development contained within LP Policy OC2 and the Framework is significant. Under these circumstances, I give greater weight to the more recent definition contained within the Framework.
8. The Council has estimated that, relative to the floor area of the original building, the proposal would amount to a 50% increase in floor space. This is

¹ HPK/2011/0650.

² High Peak Local Plan, 2005.

³ HPK/2011/0650.

not significantly different from the appellant's estimate of 47%. The Council considers that an increase in the floor area of 50% amounts to a disproportionate addition. Nevertheless, I have not been provided with any evidence to show that a limiting figure of 50% or less is supported by any standard or guideline adopted by the Council. In my judgement, the proportions of the proposal, that is its length, width and height, would all be smaller than those of the original building and it would have the appearance of a subservient addition to the club house, which is itself a relatively small building. Under the circumstances, I consider that this limited extension of the club house would not result in disproportionate additions over and above the size of the original building and under the terms of the Framework the proposal would not amount to inappropriate development in the Green Belt.

9. I conclude that whilst the proposal would amount to inappropriate development in the Green Belt under the terms of LP Policy OC2, it would not under the terms of the more recent Framework, to which I give greater weight in this instance. Furthermore, in my judgement, this would amount to the very special circumstances necessary to justify inappropriate development under the terms of LP Policy OC2.

Visual amenity

10. The reservoir lies just outside the built-up framework of the village of Tintwistle and land to the north and west of the reservoir is generally characterised by gently rising open countryside, comprising for the most part of fields, with some woodland and isolated farmsteads.
11. The existing club house is constructed in a local vernacular style, utilising traditional materials. The approved conservatory would comprise a stone dwarf wall and cill topped by glazed panels framed in hardwood and with hardwood rafters. In contrast, the planning application form indicates that the dwarf wall of the appeal proposal would be topped by glazing framed in uPVC and it would have aluminium/uPVC rafters. I agree with the Council that the use of uPVC and/or aluminium would be at odds with the traditional character of the existing building. However, in my judgement, it would be possible to maintain the traditional integrity of development within the site by requiring, through the imposition of a condition, that the materials used to construct the proposal are in keeping with the existing. This would amount to a minor modification to the design, with which the appellant agrees.
12. As the proposal would be sited at the northwestern side of the larger club house, views of the conservatory from vantage points to the south and southeast, such as the highway leading to the site, would be very limited. A public footpath runs alongside the northeastern boundary of the site close to the position of the club house. However, clear views of the proposal from this footpath would be limited to a relatively short section of the path, due to intervening planting to the southeast and northwest. More distant views of the proposed conservatory may be available from any public rights of way across fields further to the north and northwest. Nonetheless, when seen from those vantage points the proposal would not have a materially greater impact than the approved conservatory either on the openness or visual amenity of the Green Belt or the character and appearance of the Special Landscape Area.
13. I conclude that, subject to condition, the effect of the proposal on the visual amenities of the Green Belt and the Special Landscape Area would be

acceptable and in this respect it would not conflict with LP Policies OC1, OC2, OC3, OC4 and GD4 or the Framework.

Other matters

14. Although other proposals to develop the site have been the subject of appeals in the past, it appears that none of those schemes are directly comparable to the proposal before me, which I have considered on its own merits.
15. The appeal scheme would result in a small increase in floor space over and above that which would be provided by the approved conservatory. Under these circumstances, increases in activity resulting from the proposed development would be unlikely to be significantly greater than those associated with the approved conservatory, nor would they have a materially greater impact on the living conditions of local residents.
16. Whilst I note the assertion of a local resident that the club house is being used unlawfully as residential accommodation, that would be a matter for the Council in the first instance and not for me. Neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conditions

17. The Council has suggested three conditions which it considers should be imposed in the event that the appeal is allowed and planning permission granted. I have already indicated that it would be necessary to control the materials used in the construction of the extension, in the interests of visual amenity. A condition would also be required to ensure that the facility would continue to be used to support outdoor sport in keeping with the aims of the Framework. Furthermore, in addition to the normal commencement condition, a condition would be necessary, for the avoidance of doubt and in the interest of proper planning, to ensure that the works would be carried out in accordance with the application plans, except where a condition requires otherwise.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Ian D Jenkins

INSPECTOR