The Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2012

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 8 January 2013

Appeal Ref: APP/H1033/A/12/2180900
Ellibancke Farm, Redmoor Lane, New Mills, Derbyshire SK22 3LL

- 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 M Hopkins against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0313, dated 27 May 2012, was refused by notice dated 20 July 2012.
- The development proposed is a replacement barn.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposal would be inappropriate development for the purposes of Section 9 of the National Planning Policy Framework (Framework); its effect on the openness of the Green Belt, the purposes of including land in the Green Belt and the character and appearance of the surrounding countryside, whether there is sufficient agricultural need and, if it is inappropriate development, whether the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The appellant has accepted that the appeal site is within the Green Belt. The proposed barn would replace an existing structure on the site. Two of the exceptions given in paragraph 89 of the Framework to the construction of new buildings in the Green Belt being inappropriate are those for agriculture and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. With regard to the use for agriculture, the proposed barn would have a utilitarian agricultural appearance and the appellant has given details of how it would be used for housing livestock and the storage of hay, feed, fertiliser and

agricultural plant and machinery. A planning condition would ensure that the barn would be used for agricultural purposes.

6. In terms of the existing structure, at my site visit I observed that it is in poor condition, consisting mainly of an open timber frame and corrugated roof. It is likely that it had an agricultural use at some time and I observed that it was being used for the storage of straw. I am therefore satisfied that the proposed replacement barn would be in a similar use, but it would be significantly larger.

7. Although I have found that the replacement barn would be materially larger than the one it replaces, a suitable planning condition would ensure that it would be used for agriculture. As such, it would represent one of the exceptions given in paragraph 89 of the Framework, and the proposal would therefore not be inappropriate development for the purposes of Section 9 of the Framework.

Openness, the Purposes of the Green Belt and Character and Appearance

8. The proposed barn would be larger and more enclosed than the building that it would replace. As such, it would reduce the openness of the Green Belt and add to the coverage by built development within it. This would be contrary to the fundamental aim of Green Belt policy of preventing urban sprawl by keeping land permanently open, given in paragraph 79 of the Framework. Also, as it would be outside the nearby settlement boundaries of New Mills, it would fail to assist in safeguarding the countryside from encroachment.

9. The appeal site is in an elevated location on the side of a hill. The Council has suggested that it is within Dark Peak settled valley pastures landscape character area, which is identified in paragraph 4.20 of the High Peak Local Plan (HPLP). The proposed barn would be visible from Redmoor Lane, even though it would be partially screened by hedges and trees. It would also be clearly visible from parts of New Mills and the surrounding countryside. Although it would replace an existing structure, it would be more substantial and, therefore, would stand out more in views of the surrounding countryside.

10. The Council has accepted that the proposed use of timber walling and dark corrugated roof would be an improvement on the appearance of the existing barn and that it would not be out of keeping with the character of the Dark Peak settled valley pastures. I agree that the use of the proposed materials would be acceptable to the character of that part of the Dark Peak area, in accordance with the recommendations in the Landscape Character Supplementary Planning Document (SPD). However, the SPD also recommends that new buildings should be kept as small as is practically possible. In this respect, the proposed barn would be higher and have a significantly greater internal floor space than the existing structure that it would replace. In such a prominent location on the hillside, this increase in scale would harm the character and appearance of the countryside.

11. Based on the above, I have found that the increase in the scale of the building from that which it would replace would have an adverse effect on the openness of the Green Belt, the purposes of including land in the Green Belt and the character and appearance of the surrounding countryside.

Agricultural Need

12. With regard to the need for the scale of the proposed barn, apart from some fencing that appeared to have been used for a sheep pen and a small vegetable plot, much of the surrounding land in the ownership of the appellant, which I understand is about 7 acres (2 hectares), appears to me to have had limited recent agricultural use. The appellant has suggested that he registered it as a small holding in August 2011, and has supported this with a copy of a letter from the Rural Payments Agency providing a County Parish Holding Number. The Council has suggested that the adjacent dwelling, which I observed has recently been renovated but is vacant, is registered as residential only for Council tax records.

13. The appellant has given details of his intended use of the land, which includes the growing of vegetables and the keeping of rare breeds of beef cattle, goats and pigs, in addition to hens for the sale of eggs and sheep for lamb, which he claims he has already farmed on the land. He has also suggested that the necessary plant and equipment is currently kept at a different location. However, I have been provided with limited evidence, such as a business plan or agricultural appraisal, to show that there are any viable proposals for the enterprise. Furthermore, at my site visit, I observed that the land is not currently in use for farming livestock, and the appellant has not shown that he owns any livestock. As such, I am not satisfied that the appellant has demonstrated an agricultural need for the scale of the proposed barn.

Conclusions

14. For the reasons given above, I have found that the proposal would not represent inappropriate development in the Green Belt, and no very special circumstances are necessary to justify the development. However, the resulting harm to the openness of the Green Belt, the purposes of including land in the Green Belt and the character and appearance of the surrounding countryside, together with the lack of a demonstrable agricultural need, provide sufficient reasons to justify the refusal of planning permission. As such, the proposal would fail to accord with HPLP Policy OC1, as it has not been demonstrated that it would be an integral part of the rural economy; Policy OC2, as it has not been shown that it would be needed for agriculture; and Policy OC6, as it has not been shown that the scale of the barn would be appropriate to the agricultural need. It would also fail to represent sustainable development in accordance with the main aim of the Framework. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR