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## Appeal Decision

Site visit made on 22 April 2025

**by T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30<sup>th</sup> April 2025**

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**Appeal Ref: APP/H1033/W/24/3357581**

**How Green Farm, How Green Barn, Shiloh Road, New Mills, Derbyshire SK22**

**4QR**

- 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 P Ardern against the decision of High Peak Borough Council.
  - The application Ref is HPK/2023/0515.
  - The development proposed is for the conversion of redundant stable building to dwelling and replacement of existing menage with grassed area to be returned to agricultural use.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant stable building to dwelling and replacement of existing menage with grassed area to be returned to agricultural use at How Green Farm, How Green Barn, Shiloh Road, New Mills, Derbyshire SK22 4QR, Ref HPK/2023/0515, subject to the conditions in the attached schedule.

### Preliminary Matter

2. Although the appeal site lies within the Green Belt, the Council, in their officer report (OR) have confirmed that the proposal would accord with the provisions of Paragraph 154 h) iv) of the National Planning Policy Framework (the Framework). This sets out that the reuse of buildings would not be inappropriate development in the Green Belt, provided that the buildings are of permanent and substantial construction. Based on the submitted structural survey and my visit, I am satisfied that the existing stable building is of permanent and substantial construction. The Council in the OR confirm there is no conflict with Green Belt policy. Moreover, the reasons for refusal on the decision notice refer to concerns other than the development's location within the Green Belt. Consequently, I see no reason to disagree with the Council in this regard, and as such, matters pertaining to the Green Belt have not been considered in the reasoning below.

### Main Issue

3. 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 development on the character and appearance of the countryside.

### Reasons

4. The appeal site lies outside a defined settlement and thus is within the Countryside for planning purposes. Policy EQ3 of the High Peak Local Plan (2016) (LP) seeks

to restrict new residential development in the countryside in order to protect the landscape's intrinsic character and distinctiveness unless it accords with one of a limited number of exceptions. One exception is the re-use of a redundant and disused building where it does not have an adverse impact on the character and appearance of the countryside. Where the existing building is in an isolated location the development should lead to an enhancement of the immediate setting.

5. The appeal site is set back from Shiloh Road, accessed via a long farm track. The site comprises a modest-sized stable building with an area of concrete hardstanding to the south and large manège covering an extensive area of land to the east. A cluster of stone-built dwellings, part of a complex of former farm buildings is located to the north west of the site. The surrounding landscape is punctuated by sporadic farms and dwellings. Given the appeal site is located away from any defined settlement, I consider it to be an isolated countryside location for the purposes of the Framework.
6. I note there is some disagreement between the parties as to whether the stable building is disused. On my site visit, the stable building contained no animals and equipment. I am satisfied from my observations and the submitted information that the building is disused and redundant. The stable block is a modern, utilitarian steel-framed building clad in profiled green metal sheeting. It does not appear incongruous in its rural surroundings and thus, considering its existing use as a stable building, does not have an adverse effect on the character and appearance of the countryside in this location.
7. However, as a dwelling, the metal cladding would appear uncharacteristic when compared to residential dwellings in the locality, where stone is the prevailing building material. I have considered the appellant's suggestion of a planning condition to clad the exterior of the building in stone. This would help soften the appearance of the building and improve its appearance as a residential dwelling when viewed in the context of the surrounding stone-built residential dwellings.
8. The area of concrete hardstanding to the south would be replaced and utilised as outdoor garden space. The re-use of the building as a dwelling is likely to introduce domestic paraphernalia within the curtilage, particularly the garden. However, this area would be set down from the access track and from the fields to the south and west. Owing to its modest size, any harm arising from any domestic paraphernalia that could be viewed from nearby public rights of way would be very limited. Furthermore, I am satisfied that appropriate boundary treatment could be secured via condition, which would further limit any visibility.
9. Additionally, as part of the proposed development, the extensive man-made manège would be grassed and returned to agricultural use. In my mind this would be a significant enhancement of the immediate setting.
10. Drawing the above points together, I consider the replacement of the manège and conversion of the agricultural building into a dwelling clad in stone, would not result in an adverse effect on the character and appearance of the countryside and would lead to an enhancement of the immediate setting.
11. Paragraph 84 of the Framework seeks to avoid isolated homes in the countryside. However, there are exceptions to this, one of which is where the development would re-use redundant or disused buildings and enhance its immediate setting.

Given my findings above, I find the development has the support of the Framework.

12. The Council has stated that the proposal would fail to accord with Policies S1 and S2 of the LP and state that the appellant has not provided any evidence that the proposal could not be accommodated in a location consistent with the spatial strategy. Policy S1, amongst other matters, seeks to direct development towards the most sustainable locations where the need to travel is minimised and where there is access to services and facilities in accordance with the settlement hierarchy set out in Policy S2 of the LP. Policy S2 outlines that in other rural areas, development is limited to that which has an essential need to be located in the countryside or comprises affordable housing.
13. I appreciate the Council's aim is to guide development to the most accessible locations. However, as I have found that the development accords with an exception for rural development which is supported by Policy EQ3 of the LP, I find that these policies in respect of locational requirements are not determinative in this particular case, with regards to the location of the development. Moreover, the development has the support of Paragraph 84 of the Framework.
14. For the reasons above, I conclude that the appeal site is a suitable location for the proposed development and would not have an adverse effect on the character and appearance of the countryside. As such I find no conflict with Policy EQ3, S1 and S2 of the LP.
15. Conflict with Policy EQ4 of the LP has been cited on the decision notice. This relates to Green Belt development. As set out in the preliminary matters, no conflict has been found with Green Belt policy. As such the proposal would also accord with this policy.
16. The Council's statement of case cites conflict with Policy EQ6 of the LP which relates to design. However, this policy conflict was not carried through to the decision notice. Notwithstanding this, as I have found it would not adversely affect the character of the area, I do not find the proposal would conflict with the thrust of this policy.

### **Other Matter**

17. The Council have confirmed they only have a 2.85 year housing land supply. This is significantly below Government expectations. However, as I have not found conflict with the development plan, there has been no need for me to consider the proposal against the provisions of paragraph 11d) of the Framework.

### **Conditions**

18. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have made changes to the wording or ordering of conditions in the interests of precision and clarity. The pre-commencement conditions have been agreed by the appellant.
19. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt. I have added a condition concerning materials to ensure a satisfactory appearance and to safeguard the character of the area.

20. I have also imposed a condition in relation to the submission and approval of boundary treatment details and landscaping. Given the appeal site's location within the Green Belt, I consider it appropriate to ensure the local planning authority can ensure boundary treatments and landscaping are acceptable with regards to the character and appearance of the area.
21. To ensure adequate provision of parking spaces and vehicle manoeuvrability on site, a condition is necessary seeking such details. In the interests of sustainable transport, a condition is necessary requiring details of electric vehicle charging points. To enhance biodiversity, a condition is necessary to install ecological enhancement features.
22. To ensure the character and appearance of the area is enhanced, a condition requiring removal of the manege prior to first occupation is necessary.
23. A condition requiring submission of a lighting strategy is necessary and reasonable in the interests of biodiversity and protecting the rural area.
24. A condition requiring a nesting bird survey and Reasonable Avoidance Measures is both reasonable and necessary in the interests of biodiversity and the need to ensure their protection during construction activities.
25. The Council has suggested the removal of permitted development rights relating to works within the curtilage of the dwelling. I concur with the Council that this condition is both necessary and reasonable in safeguarding the character and appearance of the countryside, as well as the openness of the Green Belt in this isolated location which is visible from nearby public rights of way.
26. A condition to deal with contamination is required to ensure that risks to residents, property and other receptors are minimised.

### **Conclusion**

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

*T Bennett*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2187 Location plan Rev B 1:1250 @ A3, 2187 Block plan 1:500@ A3, Elevations and Section Drawing Number (2187/1 dated November 2023), Proposed Floor Plan, Elevations and Section Drawing Number (2187/2 dated November 2023).
- 3) The exterior walls of the building shall be clad in stone. No development shall commence until details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. This shall also include details of boundary treatment. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 5) No development shall commence until a detailed block plan showing the provision of adequate car parking and manoeuvring space for vehicles has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out with the approved details prior to first occupation.
- 6) Prior to the first occupation, a scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation and retained as such thereafter.
- 7) Prior to first occupation a Biodiversity Enhancement Plan and timetable shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
  - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
  - integrated bat boxes
  - insect bricks / towers.
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- 8) Prior to the first occupation, the existing manège area shall be removed as per Figure 2 of the Appellants Appeal Statement (received 17/12/2024) and the submitted 2187 Block Plan (received 29/11/2023) including all surface materials and is to be re-grassed and retained thereafter.

- 9) Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full in accordance with the lighting strategy.
- 10) No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
- 11) Notwithstanding the provisions of the General Permitted Development Order (England) 2015 (or any order revoking and re-enacting that Order with or without modification) No development within Schedule 2, Part 1 Class A, B, C, D & E shall take place within the curtilage of the dwelling hereby approved.
- 12) In the event contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not continue until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the approved remediation shall be submitted to and approved in writing by the Local Planning Authority.

**\*\*End of conditions\*\***