



Appeal Decision

Site visit made on 5 March 2024

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/P1045/W/23/3330082

Bumper Castle Farm, Bent Lane, Darley Dale, Derbyshire DE4 2HN

- 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 and Mrs Jennewein against the decision of Derbyshire Dales District Council.
 - The application Ref 23/00511/FUL, dated 12 May 2023 was refused by notice dated 29 August 2023.
 - The development proposed is creation of agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal notice and appellants' statement of case describe the development as retrospective. The proposal is seeking to modify an existing summerhouse to create an agricultural building. I was able to see on my site visit that the unmodified building was in place. I have therefore considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding countryside.

Reasons

4. The appeal site is located to the north of Darley Dale, in open countryside. The dwelling house and its adjacent field, where the proposal would be located, are set down from Bent Lane behind dry stone walls and a number of large trees. The surrounding rural area is characterised by generally open, sloping topography with views across the attractive landscape.
5. The proposed building would be located in a field which is used to graze sheep and goats. There are also hens, and the intention to keep turkeys. The proposed building would be used largely for animal shelter and the storage of animal food. There is no dispute that in principle, an agricultural building would be acceptable to serve the agricultural smallholding.
6. The proposed development is currently a summerhouse. The proposal would see the building retained, with modifications made to alter its appearance and make it more suitable for agricultural use. These modifications would include the removal of windows and doors which would be infilled with cladding, the removal of the decking area, balcony and staircase, and the creation of new

- openings. The land would be regraded to allow direct access onto the field. No parking would be required for the proposal, and vehicular access would be via the existing access road to the dwelling.
7. It is not unusual for agricultural buildings to be built from timber, and the proposed structure would reflect other agricultural buildings in this regard, including previous agricultural buildings that existed on the site. However, I saw from my site visit that the form and appearance of the proposal, with an under-build at the front and being supported by timber supports would be uncharacteristic of a typical agricultural building. Additionally, its position, unrelated and separate from existing buildings, would mean that it would not relate well to the landscape around it. Despite the proposed building being more modest in scale than previous agricultural buildings on the site, the siting of the proposal would lead to it appearing as contrived and incongruous within the typically rural landscape.
 8. The proposed development would be well screened from public vantage points by trees and foliage. However, the field where the appeal site is located slopes downhill, and the proposed development would be sited at the top of the slope, set slightly higher up and separated from the adjoining dwelling house by a driveway. This positioning contributes to the proposal appearing as prominent and conspicuous in the landscape, albeit the impact may be reasonably localised in its extent.
 9. The appellants have explained that the proposed development would be more visible if located elsewhere in the field and would necessitate excavating the landscape. Furthermore, they suggest that positioning an agricultural building further down the hill may lead to the building becoming damp or flooded. However, agricultural buildings were previously located elsewhere within the site and I have little evidence that an agricultural building could not be sited where it would be better related to other buildings and be less visually intrusive within the landscape.
 10. The proposed development, being located in close proximity to the existing dwelling, could be accessed by foot and would be close for power and water connections. However, I have been provided with little evidence that the proposed positioning of the development would be the only possible location where these benefits could be achieved.
 11. The proposed agricultural building would be located within an agricultural field, rather than the residential curtilage of the dwelling. It has been put to me that if the proposed development was located within the garden area it would be considered acceptable. However, I have determined the appeal on the proposal before me. I noted from my site visit that whilst there are other structures within the residential garden and curtilage, these are suitably located, are well related to the dwelling and form a cohesive group of buildings. This lessens their impact on the landscape in comparison to the proposed development. Despite the appellants owning both the agricultural and residential land, the proposed building would be located across from the driveway which separates the agricultural field from the residential dwelling, garden and other structures. As such, the proposal would encroach into the field and not integrate effectively with the existing built form.
 12. The appellants have stated that without the proposed building the field may have to be sold. This may result in it being intensively farmed, impacting on

- biodiversity. However, there is no substantive evidence to demonstrate that the appeal proposal is the only means by which the needs of the small holding could be met. Therefore this does not outweigh the identified landscape harm.
13. The proposed development would allow for vegetation to grow below and around the structure and provide habitats for animals and insects. It would also allow for the storage of logs and would be well constructed. However, these modest benefits do not override the harm that I have found that the proposal would have on the character and appearance of the surrounding countryside.
 14. My attention has been drawn to a neighbour's agricultural building which has timber cladded sides and a steel roof. However, I have no details before me as to the siting or location of the neighbour's building, nor its relationship with other buildings or the landscape with which to compare with this proposal. Accordingly, it does not provide a strong argument to justify the appeal development.
 15. I conclude that the proposal would harm the character and appearance of the surrounding countryside. The proposal would conflict with Policy S1 of the Derbyshire Dales Local Plan (2017) which highlights that development should conserve and where possible enhance the natural environment. It would not accord with Policy S4 which seeks to ensure that new agricultural buildings maintain the landscape quality and character of the countryside. It would also conflict with Policies PD1 and PD5 which require that development contributes positively to an area's character and should not harm or be detrimental to the character of the local and wider landscape. The proposal would also not accord with guidance contained within the Landscape Character and Design Supplementary Planning Document (2018) which seeks to protect and enhance the character, appearance and features important in the landscape.

Other Matters

16. I note the support from an interested party. However, this does not override my concerns regarding the proposal.
17. The appellants frustrations about the Council's handling of the case are noted. However, this has had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case, on the basis of the evidence that is before me.

Conclusion

18. The proposal would conflict with the development plan when taken as a whole and there are no material considerations which would indicate a decision other than in accordance with the development plan.
19. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR