06 February 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 14 February 2017 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall at 2.20pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 17 January 2017

3. INTERESTS

Councillors are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Councillor, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.
PUBLIC PARTICIPATION
To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council’s Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 16/00756/FUL (Site Visit) 6 - 11
Partial demolition of a single storey bungalow and rebuild on the existing footprint with side extension at The Lawns, Cavendish Road, Matlock.

4.2 APPLICATION NO. 16/00776/FUL (Site Visit) 12 - 28
Residential development of 58 dwellings and associated infrastructure at Land North of Chesterfield Road, Matlock.

4.3 APPLICATION NO. 16/00913/OUT (Site Visit) 29 - 40
Erection of 5 dwellings (Outline) at Land adjacent to Thatchers Lane, Tansley.

4.4 APPLICATION NO. 16/00506/FUL (Site Visit) 41 - 48
Formation of caravan pitches and associated works including installation of a sceptic tank (Retrospective) at Tax Farm, Farley Lane, Farley, Darley Dale.

4.5 APPLICATION NO. 16/00789/FUL (Site Visit) 49 - 64
Erection of 9 dwellings at Land adjacent to Brook House, Old Hackney Lane, Hackney.

4.6 APPLICATION NO. 16/00861/FUL 65 - 70
Change of use of outbuilding to a Holiday Let at 1 Wenslees, Darley Bridge.

4.7 APPLICATION NO. 16/00915/FUL 71 - 84
Change of Use from Office (use Class B1) to Place of Worship (use Class D1) at Lime Tree Business Park, Lime Tree Road, Matlock.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 85 - 95

6. APPEALS PROGRESS REPORT 96 - 120
To consider a status report on appeals made to the Planning Inspectorate.
Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),
Jason Atkin, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Chris Furness, Neil Horton, Jean Monks, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Jo Wild.

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Helen Froggatt, Alyson Hill, Angus Jenkins, Vicky Massey, Joyce Pawley, Mark Salt, Andrew Shirley, Andrew Statham, Jacquie Stevens, John Tibenham.

PUBLIC PARTICIPATION
Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.

b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.

c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.

d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.

e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,

f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

<table>
<thead>
<tr>
<th>Category</th>
<th>Time Limit</th>
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<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
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<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
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</tbody>
</table>

g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
SITE VISITS
Members will leave the Town Hall, Matlock at 2.20pm prompt for the following site visits:

2.25pm  APPLICATION NO. 16/00756/FUL  6 - 11
THE LAWNS, CAVENDISH ROAD, MATLOCK.
To allow Members to assess the impact on the character and appearance of the dwelling and neighbouring amenity.

2.45pm  APPLICATION NO. 16/00776/FUL  12 - 28
LAND NORTH OF CHESTERFIELD ROAD, MATLOCK.
To allow Members to fully appreciate the site and context.

3.20pm  APPLICATION NO. 16/00913/OUT  29 - 40
LAND ADJACENT TO THATCHERS LANE, TANSLEY.
To allow Members to fully appreciate the site and context.

3.55pm  APPLICATION NO. 16/00506/FUL  41 - 48
TAX FARM, FARLEY LANE, FARLEY, DARLEY DALE.
To allow Members to consider the impact of the development on the landscape.

4.15pm  APPLICATION NO. 16/00789/FUL  49 - 64
LAND ADJACENT TO BROOK HOUSE, OLD HACKNEY LANE, HACKNEY.
To allow Members to assess the impact of the development on the character and appearance of the area, highway matters and neighbouring amenity.

4.45pm  RETURN TO TOWN HALL, MATLOCK
COMMITTEE SITE MEETING PROCEDURE

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.
**APPLICATION NUMBER**  
16/00756/FUL

**SITE ADDRESS:**  
The Lawns, Cavendish Road, Matlock

**DESCRIPTION OF DEVELOPMENT**  
Partial demolition of single-storey bungalow – re-build on existing footprint with side extension.

**CASE OFFICER**  
Mr. A. T. Ecclestone

**APPLICANT**  
Mr. Scargill

**PARISH/TOWN**  
Matlock Town

**AGENT**  
James Probert

**WARD MEMBER(S)**  
Cllr. M. Burfoot  
Cllr. S. Burfoot  
Cllr. Elliott

**DETERMINATION TARGET**  
6th December 2016

**REASON FOR DETERMINATION BY COMMITTEE**  
Requested by Ward Member.

**REASON FOR SITE VISIT (IF APPLICABLE)**  
To assess the impact on the character and appearance of the dwelling and neighbouring amenity.

### MATERIAL PLANNING ISSUES

2. Impact on neighbours.

### RECOMMENDATION

Approval
16/00756/FUL
The Lawns, Cavendish Road, Matlock

Derbyshire Dales DC
Date: 01/02/2017
100019785

1:1,250
1. THE SITE AND SURROUNDINGS
The application property is detached bungalow, situated in a residential area in northern Matlock. It is set back from the main estate road, in an enclosed plot, with boundary screening along Farm Lane. The Grade II Listed Buildings of the former Wolds Farm lie some 47m to the north-east at their nearest point.

2. DETAILS OF THE APPLICATION
The proposal involves partial demolition and extension of the property, thereby converting the existing bungalow to a contemporary designed house. It is proposed to have a similar footprint to the existing bungalow, but with a contemporary, angled, flat-roof extension on the south elevation. Also, a new contemporary ‘cut-off ridge’ roof is proposed with a 45° roof-pitch. This will also have a first-floor balcony on the east elevation. It will have a standing seam zinc roof, darkened oak boarding and ashlar stonework to the walls.

Following the objections that have been received, the agent has sent in further supporting information which can be summarised as follows:
The property should be viewed in the context of Farm Lane, rather than the Moorfield housing estate.
It is surrounded by high walls, mature trees and shrubbery which largely obscures it from the bottom end of Farm Lane. From the top end of Farm Lane, it is cut low into the hillside and obscured by walls, trees and hedges.

The existing architecture of the bungalow, although partially obscured, jars with the other properties on Farm Lane. The Farm Lane properties are predominantly stone and visually steered by the cluster of Listed Buildings of Wolds Farm. The more modern dwellings on Farm Lane are built of gritstone, but their architectural design fails to add to the character of the setting of the Listed Building.

The proposal draws from the farm building theme in its use of gritstone for the elevations nearest to Farm Lane, specifically the extension wing. In addition, the existing bungalow has been clad in timber to draw from the farm theme. The roof is proposed as zinc with an agricultural simplicity, similar to farm buildings with the pitch changed to enable an increased interior space with a moderate 1m increase in the ridge height.

The proposed building sits well with the farm cluster and enhances the setting of the Listed Building by the use of relevant materials and strong but sympathetic architecture.

With regard to the objection that has been received from the property to the east, this is 20m away - the nearest window is 25m face to face. Between these two windows are the front gardens and parking area, two 1.2m high drystone walls either side of Farm Lane, a 2m high boundary hedge and the extended gardens. As part of the design process, a temporary platform was built at the position of the window nearest to the property to the east, in order to investigate the potential for overlooking from both perspectives. Whilst windows do face each other, they were only visible through the green screen of the hedges and low trees. This, compounded by the distance of 15m, reassured our opinion that there would not be an overlooking issue. The distance and screening mitigate any adverse impact on the neighbour to the east. The design prevents the first floor overlooking or from being overlooked by the neighbour. A specific criterion of the design brief was to ensure that it was not possible to look into the windows of the master bedroom. We are confident this has been achieved.

With regard to the other objection about loss of the distant views, we suggest that the view will not significantly change as a result of the application.

It is good to note that there have been a number of letters of support for the scheme. These letters balance any adverse comments made against the design and modernity of the scheme. We believe the scheme will enhance the setting of the Listed Building and offers a visually pleasing and functional contemporary refresh to an old bungalow.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan (2005)
SF5 Design And Appearance Of Development
H2 Extensions to Dwellings
NBE16 Development Affecting A Listed Building

National Planning Policy Framework (NPPF)
Part 7 Requiring Good Design

4. RELEVANT PLANNING HISTORY
None.

5. CONSULTATION RESPONSES
Town Council
Concerned that the design of the building will not blend into the local architectural style.
6. REPRESENTATIONS RECEIVED
Five representations have been received which can be summarised as follows:

- No objection. It will be low profile and doesn’t jar with the surroundings.
- It makes a refreshing change to be a bit more individual and contemporary. It will not be too dominant or brash. It will be a very attractive building which will enhance the area.
- In response to the objection that has been received, the style will be very different, but this is an asset and a mark of changing times and styles. I would be delighted to see something a little different and imaginative. Perhaps it will inspire others. Although I love Matlock for its old charm, I also appreciate the style of new designs. It is a good thing that new buildings are added and that Matlock is not staying stuck in the past.
- No objection to the proposal. However, concerned that the raising of the roof-height will lead to loss of distant views.
- The proposed development will be of an inappropriate design. It will be oppressive to us and will adversely affect the neighbourhood and setting of the Listed Buildings. It will lead to overlooking and loss of privacy. Farm Lane is a small, quiet enclave. Properties are built in vernacular stone and slate roofs. Wolds Farm is a Grade II Listed Building. Although built in brick, the Moorfield development blends in sympathetically. The proposal involves substantially demolishing the existing bungalow and replacing it with a ‘stand out’ building of black oak with a seamed metal roof with cut-off ridge. The ground-floor extension will be raised by 1m, going against the fall of the land. This will overlook our property. The first-floor will be conspicuous and will overlook our kitchen, bathrooms, bedroom and garden sitting area, creating loss of privacy. It will tower above our property, creating an alien and oppressive look. The cut-off roof is totally at odds with the existing residential texture, creating something which would look more like an industrial property than residential.
- The garage stands higher than the bungalow and has an inappropriate design. It has potential to create further overlooking and invasion of privacy. The boundary wall will not shield the development from view. The trees will not shield the impact of the development.

7. OFFICER APPRAISAL
Reference is made in the public comment on this application to its relationship to the Listed farm buildings of the former Wolds Farm to the north-east.

Whilst the proposal will have some impact on the setting of the Grade II Listed Buildings at the top of the lane, the Listed farmhouse and farm buildings only really come into view once past the application property. The setting of these buildings is already substantially altered by the presence of varying residential development to the south and west. It is considered that the combination of the distance, the topography and the intervening planting / screening will form sufficient separation between the two sites, that they will not be viewed in the same context. Taking this into account, along with the existing presence of housing around this Listed Building, it is not considered that the development will have a harmful impact on the setting of the Listed Buildings and as such, their significance will not be affected.

It is considered, based on the site assessment, that the two key matters that need to be appraised in this case are the impact of the development on the character and appearance of the area and residential amenity.
Visual amenity
The existing bungalow is tucked away at the end of a lane and edge of the housing estate. It has a low profile and is of no significant historic or architectural merit. The proposed extensions and alterations will significantly change the character and appearance of the property, changing it from a bungalow to a contemporary designed house. However, the footprint will remain largely the same, apart from the contemporary angled extension on the south elevation.

The property is considered to be sufficiently set back to be able to accommodate the contemporary roof design and for it not to have an adverse impact on the amenity of the area. Even if the boundary planting were to be removed, it is not considered to be significantly harmful to the surrounding area.

Impact on neighbours
The proposed extension will be visible from the property to the east and has the potential to lead to a perception of overlooking / loss of privacy. However, it is positioned 19m away at its nearest point, with Farm Lane also running in between. In this context, by reason of separation and intervening screening / presence of an access road, it is not considered that overlooking could justify rejection of this scheme.

It is considered that the main outlook from the application property will be more towards the distant easterly hills with Riber Castle to the south-east being the main focal point, rather than looking down directly over the neighbouring properties. It is considered that there is sufficient distance with intervening boundary planting / screening, difference in orientation, land-levels and the intervening Farm Lane, to accommodate the proposal within its existing site for it not to have a detrimental impact on the surrounding area.

Conclusion
It is considered that the existing property can be successfully remodelled without significant harm to neighbouring amenity. The site is enclosed and unrelated in design terms to any strong prevailing character. In this context, it is considered that a contemporary design will add visual interest to the locality.

8. RECOMMENDATION
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

Reason:

1. Reason ST02a.

NOTE TO APPLICANT
This Decision Notice relates to the following documents:
Drawings numbered OnS568_010, received by the Council on 11th October 2016.

The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00776/FUL</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land North Of Chesterfield Road, Matlock</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Residential Development Of 58 Dwellings And Associated Infrastructure</td>
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<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<td><strong>APPLICANT</strong></td>
<td>Westleigh Partnership Ltd</td>
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<td><strong>PARISH/TOWN</strong></td>
<td>Matlock</td>
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<td><strong>AGENT</strong></td>
<td>Freeths LLP</td>
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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr S Burfoot, Cllr A Elliott, Cllr M Burfoot</td>
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<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>23.01.17</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Major development</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To allow Members to fully appreciate the site context</td>
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**MATERIAL PLANNING ISSUES**

1. Principle of Development
2. Landscape impact
3. Character and Appearance
4. Ecology
5. Highway Safety

**RECOMMENDATION**

Approval
16/00776/FUL

Land North of Chesterfield Road, Matlock

Derbyshire Dales DC

Date: 01/02/2017

100019785

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Derbyshire Dales District Council,
Tower Hall, Bank Road, Matlock, Derbyshire DE4 3NH.
Telephone: (01629) 791100.
website: www.derbyshiredales.gov.uk
1. THE SITE AND SURROUNDINGS

1.1 The application site relates to two open fields on the outskirts of Matlock beyond the defined settlement framework boundary of the adopted local plan and the deposit draft local plan. The site slopes gradually in a south westerly direction. To the road frontage there is a wide grassed verge and pavement with a dilapidated stone boundary wall and a number of fine trees dotted along the roadside. To the northern boundary of the site lies the Golf course, car park and club house beyond low level planting. To the western side of the site is a woodland corridor with the Bentley Brook nestled within a valley within the wooded area.

2. DETAILS OF THE APPLICATION

2.1 The application as amended is for the erection of 58 dwellings on the site accessed via Chesterfield Road just south of the centre of the site frontage. Of the dwellings proposed 50 will be affordable units making the proposed development 86.2% affordable with the remaining 8 being open market units. The proposed development would have a defined street frontage along Chesterfield Road, a green break within the site where public open space will be accommodated along with grassland mitigation, a swale to the south western end, and a planted tree buffer to the north eastern tip of the site.
2.2 The mix of dwellings on the site is as follows:
50 affordable dwellings:
− 22 no. two bed houses
− 18 no. three bed houses
− 2 no. one bed bungalows
− 8 no. two bed bungalows

8 Open Market dwellings:
− 2 no. two bed houses
− 6 no. three bed houses

2.3 The design of the dwellings has been amended through the application process to ensure simplicity of design, a consistent design theme through the site, terracing of some houses and bungalows and a relatively traditional form and appearance with chimney details and local materials.

2.4 The applicant’s agent has provided the following detailed documents in support of the proposal:

Design and Access Statement detailing the site and surroundings and setting the design concept for the site.
Ecological survey report and preliminary ecological appraisal, which concluded:
- Further survey work required
- Summer visit to damp rough grassland to establish species list – areas of grassland to be retained as part of the Public Open space and perimeter buffer habitats, seed harvesting can supplement newly planted grassland to create a relatively species rich grassland within the development. Additional planting and bat and bird boxes will enhance biodiversity.
- Reptile survey – none recorded or observed
- Bat transects – low bat levels observed
Tree constraints plan
Transport statement dated June 2016
Town planning statement which details the planning policy context
Phase II Geo-Environmental Investigation
Pre-Development Arboricultural report
Utilities plan
Landscape and visual appraisal and assessment
Flood Risk Assessment which concluded that the development of the site in flood zone 1, the 1 in 1000 year flood risk, is acceptable subject to detailed mitigation measures.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   SF6: Protection of the Best Agricultural Land
   SF7: Waste Management and Recycling
   SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
   H4: Housing Development Outside of Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H13: Affordable Housing Exceptional Sites In Rural Areas
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE26: Landscape Design in Association with New Development
2. Other:
   • National Planning Policy Framework
   • National Planning Practice Guidance
   • Deposit Draft Derbyshire Dales Local Plan:
     – Policy S3: Settlement Hierarchy which notes Matlock as a market town within the first tier
     – Policy HC5: Meeting Local Affordable Housing Need (Exception Sites)

4. RELEVANT PLANNING HISTORY:
   01/06/0444 Alterations and extensions to golf course – Permitted with conditions.
   WED/0186/0033 20 holiday cottages (outline) - Refused
   MAT/870/43 Residential development – Refused

5. CONSULTATION RESPONSES:
   Parish / Town Council
   5.1 Objection due to the adverse impact the development will have on the character of the landscape, visual amenity, intrusion into the countryside, highway issues and being outside of a settlement boundary. It was felt essential that there is a proper landscape buffer to mitigate the impact of the development.

   Environment Agency
   5.2 As the development site is within flood zone 1 refer to the lead local flood authority for comments.

   Peak and Northern Footpaths
   No objections

   Derbyshire County Council (Highways)
   5.4 Initial response:
   In response to the travel statement –
   The committed development in the area does not appear to have been considered.
   There may be additional impact on a sensitive highway network as a result of this additional development over and above the allocations.
   Contradictions in the statement in response to speed reducing elements and the noted vehicle speeds.
   Query the location of the data collection point with traffic to the golf club impacting on the data.
   Accident data is not up to date. Local services and facilities are not within a reasonable walking distance.
   Upgrading existing bus stops is mentioned but no details provided.
   Clarification of adoptable standard pavements of 2m either side of the road.
   Query trip data.
   Development unlikely to cause ‘severe’ impacts on highway in order to have a defendable reason for refusal.

   General -
   Due to high vehicle speeds will need increased visibility splay, this appears to be achievable. A travel plan should be secured with payment.
Measures to assist crossing should be considered.
Minor concerns regarding the layout details, visibility should be checked for all plots.
It is likely any concerns can be addressed through revisions.

A response to amended plans/details has not yet been received.

Derbyshire County Council (Flood Team)

5.5 The Flood Risk Assessment (FRA) states that soakaways are not a suitable means of disposing of surface water. However, it appears the applicant hasn’t undertaken an appropriate ground investigation to support and inform the application. Therefore the application cannot demonstrate the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000.

It is proposed that surface water is attenuated on site via a detention basin before being discharged into the Bentley Brook. Permeable surfaces will be used in parking areas and water butts are to be installed on all properties. Although reference is made to location, there are no details regarding the maintenance and essential management of the drainage system for the lifetime of the development.

The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required, conditions are recommended.

Derbyshire Wildlife Trust

5.6 The proposal will result in the loss of grassland some of which is of county importance with no compensation or mitigation. There is no buffer between the woodland and the development. The swale for surface water is welcomed and should be designed to incorporate biodiversity features. Space to allow passage for badgers should be incorporated. Regard should be taken in respect of potential reptiles to ensure any reptiles on site are not harmed. Some trees have the potential to support bats; clarification of the removal of trees is to be sought.

Response to amended plans:
The revised layout plan (40060 001P Proposed Site Layout) is a much preferred layout compared to the previous layout (Indicative Visual Plan 2). The revised layout has addressed our concerns with regards to a buffer between the houses and the woodland/ Bentley Brook, additional green open spaces with linkages across the site and retention basin. However, it is unclear if the proposals would affect trees with bat potential. The ecology report (Table 7) has provided quantifiable losses within the proposals, it would be beneficial for the mitigation proposed with the revised layout to include these quantifiable elements with regards to the proposed gains for this application (this can be included within a LEMP condition). If planning permission is to be granted for the application, it is recommended that conditions are included.

Environmental Health (Derbyshire Dales)

5.7 There is a possibility of contaminated land on the site therefore recommend standard conditions.

Strategic Housing (Derbyshire Dales)

5.8 The housing team are fully supportive of this development. The District Council has informed Westleigh of the mix of affordable homes required on the site.

Waterloo Housing Group, the Registered Provider (or Housing Association) who will own and manage the affordable homes, has secured government grant for this scheme, which delivers a significant Homes Communities Agency (HCA) grant allocation into Derbyshire Dales. The
Housing Team has been supporting and informing the proposals from their inception to bring forward a much needed site for affordable housing.

Strategic Planning (Derbyshire County Council)

5.9 The normal area primary school will not have sufficient capacity to accommodate the 12 primary pupils arising from the proposed development, therefore a financial contribution is required towards the provision of 12 primary places at Castle View Primary School via project A: additional classroom accommodation.

Minerals (Derbyshire County Council)

5.10 The sterilisation of this area of resource is unlikely to raise any significant mineral related issues.

Crime Prevention Design Advisor

5.11 Concern regarding some untreated elevations where there is an opportunity to fenestrate and provide a view over parking areas.

Development Control Archaeologist

5.12 The proposal site of c1.8ha is a previously undeveloped site lying to the north of Chesterfield Road. The eastern field appears to have been landscaped as part of the area around Matlock Golf Club whereas the western field has a more typical appearance of ‘improved’ grassland.

There are few records on the Derbyshire Historic Environment Record in the immediate area. A Roman lead pig (HER 10013) is recorded in the area of Portland Grange, 450m east, though the exact find spot is unknown, and a Neolithic stone axe (HER 10065) from Gritstone Road, 410m to the west. Geophysical survey of a much larger site north of Gritstone Road and the Wolds has produced evidence of a possible early field system, though this is yet to be tested by evaluation, and is in the western part of the site almost 1km from the current proposal boundary. Geophysical survey of much closer sites at Bentley Bridge to the south of Chesterfield Road has yielded nothing of archaeological interest.

On balance, therefore, because of the lack of clear archaeological indicators in the near vicinity, the small size of the site, the evidence for landscaping of the eastern field with resulting ground disturbance, and the negative results for geophysical survey of the closest sites, I advise that the archaeological potential of the site is very low, and does not justify any archaeological response under the policies at NPPF chapter 12.

Landscape Officer (DDDC)

5.13 The SHLAA assessment for this site concluded that there was no capacity for development. Development of the site for housing is likely to result in significant adverse impact on landscape character, visual amenity and settlement pattern. I see no reason to revise the findings of this SHLAA assessment.

With regard to the layout I am concerned that:
The north eastern boundary encroaches on vegetation associated with Bentley Brook in places and is likely to have an adverse effect.
The north eastern boundary is very weak in that no substantial tree planting is included that might successfully screen development or help it to be better accommodated at an important entrance to the town.
Little opportunity is provided for the planting of trees within the street scene.
Proposals for the frontage of the A632 require the removal of some existing trees while the combination of close boarded fencing and hornbeam hedging is likely to result in a very suburban character.

Coal Authority

5.14 Refer to standing advice
6. REPRESENTATIONS RECEIVED

6.1 A total of 6 representations has been received including those from the Matlock Civic Association and the Arkwright Society Lumsdale Advisory Group, all are summarised below:

- Recognise the need for housing and commend the high number of affordable homes proposed and the provision for the elderly is commended.
- Concerned that the development will lead to irreversible changes to the character of the countryside around Matlock and that the Council have already ruled out the development of the site due to impact on countryside.
- Rather than prevent development it should be of the right scale and quality to build a sense of community
- A convenience store should be incorporated.
- A play area should be included.
- This should not be an urban ghetto separated from the rest of the town.
- The extent of development proposed will put a strain on local infrastructure.
- The health of the brook should be considered with increased water caused by this development.
- No community facility to be provided.
- Development fronting the road will result in a suburban feel.
- This is a fast stretch of road with vehicles traveling above the speed limit.
- Additional development will be harmful to highway safety.
- Could the speed limit be reduced to 30mph.
- Can a pedestrian crossing be introduced.
- There is no pavement on the opposite side of the road.
- The transport information does not take into account the development of the Bentley Bridge site.
- Query the accuracy of the transport statement.
- The bus services and distance to facilities is misleading in the transport statement.
- Shops and facilities are some distance from the site, especially for the elderly.
- Parking is already difficult for users of the Church; this would be worsened by additional development.
- Many visitors to Lumsdale use the Lumsdale Road which will become a route to Alfreton and the M1, increase due will be a danger for children accessing Highfields School.
- Traffic calming measures are needed.

Arkwright Society Lumsdale Advisory Group:
- Concern regarding the density of the development. Further traffic increase on Lumsdale Road which will become a rat run.
- Concern regarding rain water run-off, the brook will already take run-off from the Bentley bridge site, therefore adding more water into this small brook.
- Many visitors to Lumsdale use the road which will become a route to Alfreton and the M1.

Matlock Civic Association:
- No allocation therefore presume refusal.
- This is a greenfield site, brownfield sites should be developed before green fields.
- The site is beyond the natural boundary for the developed area of Matlock.
- The site would be a gateway to Matlock but of a suburban form. The loss of roadside trees which give an avenue effect on the approach to town will be lost, as such there will be a complete change of character.
- The proposal is likely to be occupied by young families and the elderly yet the site is a long way from the shops and services of the town and a distance from the nearest primary school. Sites closer to the town would be better for social housing.
7. OFFICER APPRAISAL

7.1 To begin with it is important to set out the current planning policy situation within which this proposal is to be assessed. Based on new analysis of development that will come forward in the next five years it is considered that the Council can currently identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The deposit draft local plan is awaiting examination and as such the policies contained within it can be afforded limited weight at this time.

7.2 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that: planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.3 In these circumstances the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and responses received through the applications process the key issues to consider are:

6. Principle of Development
7. Landscape impact
8. Character and Appearance
9. Ecology
10. Highway Safety
11. Other matters including:
   − Developer Contributions
   − Land Contamination
   − Land Drainage
   − Public Open Space
7. Conclusion

Principle of Development

7.4 As originally submitted the proposal was for 58% affordable units. This has now been amended such that the development as proposed is for 86.2% affordable units with only 8 of the units being for open market in order to make the scheme viable. In order to deliver affordable housing scheme for the market towns, in the absence of suitable sites within the built framework, officers have previously applied Policy H13 to applications such as this. Policy H13 allows the development of sites in rural areas as an exception to the normal restrictions in countryside locations. This is intended to continue in Policy HC5 of the Deposit Draft Local Plan. The schemes previously supported have been 100% affordable in nature. In this case the site is 86.2% affordable and is on the outskirts of the market town of Matlock. Therefore whilst not being a true rural exception site under the terms of the policy, it is a site that is outside of the area of the settlement beyond the limits of planned growth for Matlock, which will provide a very high percentage of much needed affordable housing. This delivery
of a level of affordable housing provision well beyond the scope of normal market schemes and close to the spirit of an exception site is a significant benefit of the scheme to be weighed in the planning balance.

Landscape Impact

7.5 The application site and a wider area were included in the assessment of sites through the emerging local plan. This site was rejected as an allocation due to concerns with regard to landscape impact, settlement pattern, visual amenity and distance from local services and facilities.

The proposed development site is a reduced area from the SHLAA removing the woodland area. Detailed consideration has been given the layout of the scheme and mitigation of landscape impact through the layout and by providing planted areas to soften the development, retain views through the site to break up the development and provide a landscaped buffer on the approach into Matlock to limit the urbanisation of the area.

Whilst the development of the site will change the character and appearance of this approach into Matlock which will result in harm to the landscape it is considered that the harm has been mitigated as far as is practicable in delivering a scheme of 58 mainly affordable units through the revised scheme. The harm in this case is a significant disbenefit of the scheme to be weighed in the planning balance.

Character and Appearance

7.6 It is considered that the amendments sought throughout the planning process have resulted in a scheme that will assimilate well into the environment. The use of terracing, a basic traditional form to the development, with breathing spaces within the site and associated landscaping will ensure the development is appropriate to this edge of settlement location.

It is envisaged that the materials of the development will be a mixture of natural Birchover stone to the frontages of the most prominent buildings with red brick and a reconstituted slate to the roof. All details would need to be agreed via condition.

The development will wholly alter the character and appearance of this approach to Matlock. Although the design layout of the scheme has sought to respond to the wider context, the change to the prevailing character will be irrevocable and this needs to be weighed in the planning balance.

Ecology

7.7 A number of concerns had been raised to the initial scheme by Derbyshire Wildlife Trust largely in respect of grassland mitigation but also in regard to passage of badgers, clarification of tree removal and potential impacts upon reptiles.

The amended scheme has retained the surface water retention area to the south of the site; this will enable some biodiversity enhancement in terms of habitat creation through the careful design of this feature. Whilst the existing grassland will be lost, space has been provided throughout the site for further grassland creation which can be gained through seed collection. These green spaces will also aid biodiversity along with the additional tree planting and other general landscaping of the site. As a result Derbyshire Wildlife Trust have now recommended a number of conditions and subject to these it is considered the development will not cause undue ecological harm but will enable biodiversity enhancements across the site.
Highway Safety

7.8 The Local Highway Authority has considered the initial scheme in detail and raised some concerns with regard to the submitted transport statement and the detailed layout of the site. The proposed layout has been amended and a revised transport statement is anticipated. A verbal confirmation from the Local Highway Authority has been provided advising that the revised layout is likely to be acceptable. However, a written response on all highway matters is anticipated prior to the committee meeting where an update for Members will be provided.

Other matters:

Developer Contributions

7.9 The strategic policy team at Derbyshire Country Council have assessed the proposed development and existing school places and have considered that the development will result in a need for a further 12 primary school places and have requested a contribution in this regard. However, given that the scheme is for majority affordable housing such a contribution would result in a scheme that is not viable. On this basis it is not considered appropriate in this case to request school contributions.

Land Contamination

7.10 Whilst the site appears to have long been in agricultural use, the impacts of this use and whether there have been any historic uses on site are unknown. In view of this it is considered that given the necessary to impose conditions to assess the need for any remediation works. Subject to such conditions it is considered the development of the site is acceptable in terms of the potential for contamination of the land.

Land Drainage

7.11 The flood team at Derbyshire County Council have considered the submitted details and whilst insufficient information has been submitted it is considered that the development can be appropriately accommodated subject to detailed conditions.

Public Open Space

7.12 A public open space and play area is proposed to be provided running through the centre of the site. This is considered necessary not only to provide an area of public open space but also to provide a visual break in the development and allow to ecological mitigation through the provision of compensatory grassland. Conditions will be required to ensure this play area with appropriate equipment is provided on site and managed in an acceptable manner in the long term.

Conclusion

7.13 This is a finely balanced case. The benefits that will result need to be weighed against the significant harm. This is not a location where a predominantly market scheme would satisfy adopted or emerging plan policy. To provide some structure and objectivity it is necessary to assess all of the benefits and disbenefits of this development in association with the three roles of sustainability in order to establish whether this proposal amounts to sustainable development.

7.14 In this case the social role of sustainability would be met by providing affordable housing to meet the housing needs of the district, particularly those in need of single storey accommodation. This is a significant benefit, however the housing will nevertheless be provided in a location on the outskirts of a first tier market town settlement where local services and facilities are some distance from the site. Despite this, the provision of affordable housing carries significant weight in the decision making process.
7.15 The **economic** role of sustainability would be met through the construction process and through the additional residential spend following occupation.

7.16 In terms of the **environmental** role of sustainability the ecological impacts will be mitigated and biodiversity enhancements provided. The design and layout of the scheme seeks to minimise its suburban form, but will nevertheless irrevocably alter the prevailing character and appearance of this area leading to landscape harm. The landscape harm, whilst mitigated to some degree through the proposed landscaping and site layout, remains a disbenefit of the scheme. Future residents of the development whilst benefiting from access to a town's facilities have limited opportunities to walk or cycle to amenities. The proposed development is therefore considered to perform poorly in terms of environmental sustainability.

7.17 The consideration of this application is finely balanced and the nature of the landscape impact could provide a legitimate basis to resist this development having full regard to the rejection of this site as a draft housing allocation. However, such an approach would not, it is considered, give full and fair consideration to the benefits and overall balance of sustainability. It is apparent that the scheme is of a nature that approaches ‘exception housing’ status. The provision of affordable housing remains a key corporate objective and notwithstanding the supply that will be realised from other local plan sites the level of demonstrable need has been critical in securing scarce HCA grant funding. This benefit of the development weighs heavily in its favour and given the improvements and mitigation that have been secured through negotiation, on a relatively fine balance the scheme is considered acceptable as the disbenefits do not in the terminology of paragraph 14 of the NPPF significantly and demonstrably outweigh the benefits.

8. **RECOMMENDATION**

That planning permission be granted subject to the conditions regarding the following matters.

1. Condition ST02a: Time limit on full

2. Conditions relating to the agreed amended plans

3. Prior to the commencement of development a scheme for the long term management of the 50 no. affordable dwellings and details of the proposed tenure along with a phasing plan for the 8 no. open market dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the agreed details.

4. Prior to the occupation of the first unit details of the provision and long term maintenance and management of the play equipment within the public open space shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be completed in accordance with the agreed details.

5. Conditions relating to highway matters.

6. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

7. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
8. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

9. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

10. The application should follow the general parameters of layout, scale and landscaping set out and illustrated in the 40060 001P Proposed Site Layout. In particular, the layout and landscaping shall provide for undeveloped areas of green infrastructure along the northern boundary between the woodland and residential housing and green linkages across the site.

11. No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Work shall be completed in accordance with the agreed details.

12. We would advise that no site clearance work / construction shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds’ nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

13. If any trees subject for removal have bat roosting potential, further surveys for bats will be required prior to removal.

14. Reptile surveys have been undertaken in April and May in suitable weather conditions; no reptiles were found during the survey effort. The report, discusses there is a low residual risk of reptiles being present and details precautionary method of works, reasonable avoidance measures and a watching brief are recommended and it is conditioned as part of any approval.

15. No sett evidence of badger was recorded on site however mammal paths was found on site. Due to the presence of potential badger activity we would advise the LA to attach a condition requiring that a pre-commencement survey for any recently excavated badger sets on the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundwork on the site and submitted to the LA for approval. Furthermore, on an advisory note, no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts. The measures may include: a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and b) open pipework greater than 200 mm outside diameter being blanked (capped) off at the end of each working day.

16. Construction Environmental Management Plan (Biodiversity): We would advise the LA attach a condition to the effect that no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection buffer zones” to include ponds, hedgerows,
woodland, trees other habitat as required.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction
d) The location and timing of sensitive works to avoid harm to habitats and species.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as required).
h) Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

17. Landscape and Ecological Mitigation Plan: We would advise the LA attach a condition to the effect that a Landscape and Ecological Mitigation and Management Plan for all retained habitats within the development site shall be submitted to, and be approved in writing by, the local planning authority as part of any reserved matters application. The plan should incorporate the details provided in the ecological appraisals and the content of the plan should include the following:
   a) Description and evaluation of features to be managed / enhanced or created.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options and methods for achieving aims and objectives.
   e) Timescales
   f) Prescriptions for management actions.
   g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
   h) Details of the body or organization responsible for implementation of the plan.
   i) Ongoing monitoring and remedial measures.
The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

18. Prior to the installation of windows and doors within the first unit, details of all windows and doors to the proposed dwellings, including the design, recess and finished colour, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

19. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

20. Notwithstanding the submitted details, prior to the commencement of the first unit a detailed plan of the proposed chimneys shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

21. All gutters, downpipes and bargeboard details shall be of a black finish.

22. Condition LA12a: Approval of landscaping before commencement of development. (Delete m) (After n add in: including full details of the reconstruction of the walling along the site frontage)
23. Condition LA13a landscaping to be carried out and maintained

24. Condition LA15: submission of a landscape management plan

25. Condition SD12: land affected by contamination – submission of remediation scheme

26. Potential condition to remove permitted development rights depending on the submission of the detailed amendments to plots and confirmation of which units.

Reasons:

1. Reason ST02a

2. For the avoidance of doubt

3. To ensure the accommodation defined as such remains affordable in the long term in accordance with guidance contained within the National Planning Policy Framework.

4. To ensure appropriate provision and maintenance of the open space/play area in accordance with policy L6 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

5. Reasons for highway conditions

6. To ensure adequate arrangement for the storage and collection of bins in the interests of the finished appearance of the site in the long term and resident convenience in accordance with guidance contained within the National Planning Policy Framework.

7. In the interests of highway safety and to for surface water management in accordance with guidance contained within the National Planning Policy Framework.

8. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

9. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
   I. into the ground (infiltration);
   II. to a surface water body;
   III. to a surface water sewer, highway drain, or another drainage system;
   IV. to a combined sewer.

10-17. In the interests of ecology and biodiversity in accordance with policies NBE4 and NBE5 and guidance contained within the National Planning Policy Framework.

18-21. To ensure an appropriate finished form of development in accordance with Policies SF5 and H9 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

22-24 To ensure appropriate landscaping of the site in accordance with policies SF5 and NBE26 of the Adopted Local Plan and guidance contained within the National Planning Policy
25. Reason: SD12

26. To ensure the Authority retains control over changes to the site/dwellings in the interests of the character and appearance of the area in accordance with Policies SF5 and H9 of the Adopted Derbyshire dales Local plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to design.

2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. To ensure adherence to DEFRA’s Non-statutory technical standards for sustainable drainage systems these recommended conditions should not be altered without consulting the County Council Flood Risk Management Team. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse etc) to make an application for any works please contact: Flood.Team@derbyshire.gov.uk.

The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if any linear feature is less than 2m in width and 4.5m for linear features over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

The applicant should demonstrate, to the satisfaction of the LPA, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface waterbody/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status.

Overcoming Objections and Discharging Conditions:
To discharge the condition the applicant should ensure all of the below parameters have been satisfied:

1. The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non-statutory technical standards for sustainable drainage systems:
   - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
   - Provision of surface water run-off attenuation storage to accommodate the difference
between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
Where reasonable practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:
Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.
If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to:
   i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints,
   ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or
   iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable.

4. This decision notice relates to the following documents:
List of amended plans to be provided.
Design and Access Statement received 24.10.16
Ecological survey report received 24.10.16
Preliminary Ecological Appraisal received 24.10.16
Tree constraints plan received 24.10.16
Transport statement dated June 2016
Town planning statement received 24.10.16
Phase II Geo-Environmental Investigation received 24.10.16
Pre-Development Arboricultural report received 24.10.16
Utilities plan received 24.10.16
Landscape and visual appraisal and assessment received 24.10.16
Flood Risk Assessment received 24.10.16
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00913/OUT</th>
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<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land adjacent Thatchers Lane, Tansley</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of 5 Dwellings (Outline)</td>
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<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<td><strong>APPLICANT</strong></td>
<td>A Lewis</td>
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<td><strong>PARISH/TOWN</strong></td>
<td>Tansley</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Peter Miller</td>
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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr S Flitter, Cllr J Stevens, Cllr D Botham</td>
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<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>09.02.2017</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to level of public interest.</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>For Members to fully appreciate the site and context</td>
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**MATERIAL PLANNING ISSUES**

1. Principle of Development  
2. Landscape character and appearance  
3. Ecology  
4. Highway safety  
5. Flooding and land stability  
6. Residential amenity

**RECOMMENDATION**

Refusal
16/00913/OUT

Land adjacent to Thatchers Lane, Tansley

Derbyshire Dales DC

Date: 01/02/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 760100,
website: www.derbyshiredales.gov.uk
1. **THE SITE AND SURROUNDINGS**

   The application site relates to an open field located immediately behind historic cottages on the outskirts of the village of Tansley. The site slopes steeply in a southerly direction with a few specimen trees to the upper level of the site and to the lower boundary to the north. Remnants of dry stone walls are located to the north and south of the site. Access would be via a narrow rural lane. The site is an area of high landscape sensitivity as defined in The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the deposit draft local plan.

2. **DETAILS OF THE APPLICATION**

   Outline planning permission is sought with all matters reserved for the erection of 5 dwellings on the site. An indicative plan has been submitted showing the access along Thatchers Lane to the west of no. 6 with split level housing spread across the upper part of the site.

   Along with the application the applicant’s agent has submitted the following documents which will be referred to in the officer assessment.

   Appeal decision on land to the west of Field House, Starth Lane, Tansley – an appeal was allowed for a single dwelling immediately adjacent to this site.
   Preliminary Ecological Appraisal – which concludes there could be potential for bat foraging areas within the trees, however the trees on site are to be retained. Hedgerows should be retained. Works should take place outside of the bird breeding season. There is some potential for reptiles within the vegetation.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

   1. Adopted Derbyshire Dales Local Plan (2005)
      SF4: Development in The Countryside
      SF5: Design And Appearance of Development
      SF7: Waste Management And Recycling
      H4: Housing Development Outside Settlement Framework Boundaries
      NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
2. Deposit Draft Local Plan
   Policy S3: Settlement Hierarchy
   Policy S5: Development In The Countryside

3. National Planning Policy Framework
   National Planning Practice Guidance

4. The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the deposit draft local plan

4. RELEVANT PLANNING HISTORY:
   Adjacent to the site at Land adjacent to Field House, Starth Lane.
   15/00276/OUT Erection of dwelling (outline) – Refused, allowed on appeal.

   The following planning applications relate to the development of the dwellings known as Stonebank, Hillyfield and Failte
   WED/582/359 approval of reserved matters 3 dwellings – Granted with conditions
   WED/480/284 residential development – Refused, allowed on appeal.
   WED/1177/626 residential development - Refused

5. CONSULTATION RESPONSES

   Parish / Town Council

   5.1 Object strongly –
   The site is outside the boundary for Tansley.
   The previous SHLAA assessment concluded the land is not suitable for development.
   Tansley has already been allocated enough housing.
   The houses would be overbearing on neighbouring properties, would cause loss of light and privacy.
   The land is narrow, no pavements, street lights and two vehicles cannot pass.
   It is not safe to walk to the nearest bus stop from this site and no safe cycling routes; therefore the development is not sustainable.
   The site is part of an ancient green corridor linking Matlock to Dethick, this has been noted by a Government Inspector as an important part of the wider landscape.
   Mature trees are on the boundary
   High landscape sensitivity area.
   There are badgers in the area.
   There is a spring under no’s 3 and 4, disturbance of the land would impact on flooding.
   Existing problems with surface water.
   Flood risk, highway and land stability assessments should be submitted.

   Derbyshire County Council (Highways)

   5.2 No comments received – a verbal response has been received as follows:
   Whilst there are concerns regarding the suitability of Thatchers Lane being of single width accommodating additional traffic, given the extent of development already served form this road, an objection is unlikely to be upheld on appeal.
5.3 The ecology report was undertaken in October 2015, which although covers the wider area, concentrated on the application 15/00276/OUT. Therefore the ecology report has not discussed the impact of this development on the existing habitats on site.

The ecology report has not undertaken a desk study, DWT have a record of a badger sett on site, which would be impacted by these proposed developments. Furthermore, anecdotal evidence suggests the area is frequently used by badgers.

The indicative layout plan dated November 2016 appears to lack ecological input, as mentioned above, the ecological assessment was undertaken in 2015.

Trees were considered to have potential for roosting bats, however, it is unclear which trees have potential for bats and if these are affected by the proposed development.

It is highly recommended that the ecologist reviews the proposed working area and the impacts that the works will have to the area in question. If required, further surveys for badgers and bats should be undertaken if works are to affect a badger sett and trees with potential for roosting bats. The indicative layout includes open areas, but the loss of the hedgerows (UK BAP Habitat) and if the neutral grassland meets LWS criteria (and supports invertebrate species – birds foot trefoil is present on site which is known to food source for dingy skippers) needs to be considered.

Due to this, the application at present is considered to provide insufficient information. It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. bats), badgers and the loss of habitats that the Local Planning Authority is unable to discharge its duties in respect of the regulation 9(5) of the Habitats Regulations, NPPF and the Protection of Badgers (1992).

5.4 No comments to make – refer to standing advice

5.5 Comments

The site was assessed as part of the SHLAA (site 350) and was found to have no capacity for housing development which would likely result in significant adverse impact on local landscape character, visual amenity and settlement pattern in an area that was independently assessed as being of high sensitivity in this regard.

The site is to the southern edge of Tansley on the south side of Thatcher’s Lane and extending behind existing residential development. The site comprises steeply sloping ground. It is an agricultural field in open countryside. There are stone boundary walls and roadside trees along the frontage with the lane to the west. A line of mature trees (sycamore and ash) is a feature of the ridge marking the southern boundary. The site is made up of rough grassland and scrub on undulating land associated with former structures in the west where there is also a field gate. The site is adjacent to an area of existing residential development with the village centre across the A615 to the north.

Features of the site include the mature trees on the southern boundary (which also provide habitat for wildlife) and the stone road frontage wall. The site is in an elevated position close to a local skyline and directly overlooking existing residential development. The development of this site has the potential to adversely impact on visual amenity locally and in more distant views from the north. There is no view of the site from the south with landform and existing trees providing a substantial screen. A public footpath traverses part
of the site in the east. The landscape sensitivity to housing development on this site is high.

Assessment
There is potential for development to have an adverse impact on landscape character, intrusion of development into the countryside and key features at risk. There is potential for adverse impact on ecology with key features at risk. There is potential adverse impact on visual amenity within local and more distant views from the north. There is potential impact settlement pattern – extension of development onto a prominent slope, development would be overbearing on neighbouring properties.

Conclusion
There is no capacity for development. Development here is likely to result in significant adverse impact on landscape character, visual amenity and settlement pattern.

Derbyshire County Council (Flood Team)

5.6 As this is for non-major development the following are informal comments:

There are a number of flooding issues within a close proximity of the proposed site boundary. Unfortunately there are limited supporting documents that have been included within the application. Due to a lack of information pertaining to existing and proposed drainage the County Council cannot provide informed comments at this time.

The LPA should consider how the applicant proposes to drain the proposed site. It would seem from a high level desktop investigation into the proposed site that:

- there may be severe constraints associated with infiltration across certain areas of the site,
- Outfall to an Ordinary watercourse appears problematic, although not completely unfeasible it would involve crossing multiple parcels of third party land.
- The combined sewer located at Thatchers Lane does not appear to extend a considerable distance down the highway which may make constructing a new connection difficult.

The Local Planning Authority should be mindful to obtain information in detail from the applicant demonstrating that the proposed development will not exacerbate or increase flood risk, as per S7, 8 & 9* of the Non Statutory Technical Standards for SuDS should the planning application be approved.

- * S7 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.
- S8 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- S9 The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

6. REPRESENTATIONS RECEIVED

6.1 A total of representations 18 have been received from 16 residents. A summary of the representations is outlined below:
Principle:
Site is outside of the development boundary there is no need for further land for housing in Tansley.
The village is becoming overdeveloped with few facilities.
The site is not allocated.
There are limited services and facilities.
Contrary to emerging policy S5.
In the appeal on the adjacent land the Inspector advised that allowing an appeal did not mean a ‘green light’ for development here.
No crossing facility for children getting to School across the A615.
Your own SHLAA assessment advised the site was not suitable for development.
The site is not in a sustainable location.
Lack of local services including GP practice.
The allowed appeal adjacent should not set a precedent for this application.

Highways:
Land is narrow with no passing places and dangerous for more traffic, walkers and horse riders use this road.
Visibility at the proposed access is poor.
The proposal is for family homes so the number of vehicles and pedestrians would be significant.
Church Street will become gridlocked at peak times.
Has the highway authority looked at accessibility for refuse and emergency vehicles.
How will heavy construction vehicles access the land and site.
No safe space for pedestrians when vehicles are passing.
There is already conflict between vehicles on the lane.
The visibility splay specified is inaccurate.
The lane is only 2.5m wide at its widest point.

Wildlife:
The ecology survey was carried out at the wrong time of year.
The survey states that only a small portion of the field is to be developed, this is incorrect.
There would be a loss of rough grassland and scrub habitat.
No survey information regarding invertebrates.
The report states no ponds in the area, there are several.
The development is likely to impact on trees and disturb bats through this loss if trees, noise and inappropriate lighting, several trees are suitable roosts for bats.
There is evidence of badgers using the site.
There are bats, owls and kestrels using this area.
The survey is out of date.
The proposal would harm a tree on neighbouring land.

Landscape:
The field is prominent and contributes to the rural character of Tansley.
Development here would be harmful to the character and appearance of the area.
The development would likely lead to the loss of trees on the site.
This is an ancient green corridor of significant landscape value as previously noted by an Inspector.
When West Yard was developed an open corridor vista would be retained from Church Street through the Thatchers Lane, now houses would be on the skyline.
Adverse impact on settlement pattern.

Flooding/Land Stability:
Digging in the field may flood neighbouring properties.
Land to the west of the proposed access is prone to flooding.
The development of the field with additional hard standing would increase flood risk.
The development would impact on land stability.
There is a natural spring on the land which would be affected by the proposed development.
Surface water has increased since previous nearby developments.
The Lane suffers from surface water flooding.
No information on any drainage investigation or mitigation has been submitted with the application.
The driveway to Orchard House has recently been washed away.
Request the Flood Team at DCC are consulted on this application.
The Lady Well has been removed from the area of the barn and bund adjacent to Ash Tree Cottage which has caused water to gush down Thatchers Lane.
Loss of plants and topsoil would increase the natural drainage of the site.
Flood water stands on the road, the road drainage systems cannot take any more capacity.
Movement has already been noted in no. 6.

Amenity:
The houses would sit above the existing dwellings and therefore lead to loss of light, privacy and amenity with car lights being at window level.
The dark sky area will be lost.
The properties would be overbearing on my house.

7. OFFICER APPRAISAL

7.1 To begin with it is important to set out the current planning policy situation within which this proposal is to be assessed. Based on new analysis of development that will come forward in the next five years it is considered that the Council can currently identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The deposit draft local plan is awaiting examination and as such the policies contained within it can be afforded only limited weight at this time.

7.2 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that: planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.3 In these circumstances the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

7.4 The following material planning issues are relevant to this application:
   − Principle of Development
   − Landscape character and appearance
   − Highway safety
   − Flooding and land stability
   − Residential amenity
Principle of Development

7.5 The application site is located outside of the defined settlement boundary of the Adopted Derbyshire Dales Local Plan and is outside of the third tier settlement of Tansley as identified in the Deposit Draft Local Plan, this is considered to be a material consideration in this case. As a five year housing land supply can be demonstrated and the council have identified sufficient housing land to meet the objectively assessed need the development of this site beyond the draft settlement boundary is not required to add to the supply of housing. As such the proposal will result in unwarranted encroachment into open countryside outside of an area where it is envisaged Tansley can grow as a settlement. Such unwarranted development is unsustainable.

7.6 It is acknowledged that planning permission was granted on appeal on an adjacent site at Land West of Field House, Starth Lane, Tansley. However, that appeal was allowed at a time when the Council could not demonstrate a 5 year housing land supply and when the now Deposit Draft Local Plan was at an earlier stage and could be given no weight. The policy context of the two applications therefore differs, as does the site context. As stated by the Inspector, each case must be considered on its own merits.

Landscape Character and Appearance

7.7 Whilst the NPPF does not advise an upper limit to housing supply it does advise in the core principles and as part of the golden thread of sustainability that planning should take account of the different roles and character of different area, promoting the vitality of our main urban areas, protecting the Green belts around them, recognising the intrinsic character and beauty of the countryside and supporting the thriving communities within it.

7.8 The aim of protecting the landscape is also consistent with Paragraph 109 of the NPPF which states in part that; the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

7.9 Also of note in helping authorities and Inspectors to assess the weight to be given in protecting the landscape in planning decisions is the letter from Brandon Lewis MP to the Chief Executive of the Planning Inspectorate, dated March 2015. The letter highlighted national policy on matters of landscape character referring to a number of appeal cases in which “harm to landscape character. [was]. an important consideration in the appeal being dismissed” to remind practitioners/decision takers that “one of the twelve core principles at paragraph 17 of the National Planning Policy Framework [is] that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context”. The letter went on to state that the appeal “cases [in question] also reflect[ed] the wider emphasis on delivering sustainable outcomes at the heart of the Framework, which means taking full account of the environmental as well as the economic and social dimensions of development proposals”.

7.10 The application site, which is within an area of high landscape sensitivity as defined in the The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015, covers the majority of a prominent and steeply sloping open field which provides a clear and defined edge of the settlement of Tansley. Thatchers Lane at the indicative point of access is a narrow lane of rural character to the north of which lies the developed area of Tansley and to the south of which lies open countryside. It is considered that the development of this green field will result in unnecessary encroachment into the countryside, harmful to both the prevailing character and appearance of the area and settlement pattern.
Ecology

7.11 Concern has been raised by local residents that the submitted ecological survey is insufficient and fails to accurately demonstrate the ecological implications of developing this site. This view is confirmed by Derbyshire Wildlife Trust. The ecological appraisal was carried out as part of the appeal on an adjacent piece of land where ecological concerns were raised and appears to focus on that particular parcel of land. It is considered that on this site insufficient consideration and assessment has been given to the potential bat roosting within the trees, the identified badger activity on and near the site and the flora on site which may be suitable habitat for the Dingy Skipper butterfly.

7.12 Both the NPPF and Policies NBE4 and NBE5 of the local plan require that impacts of development upon protected species and important habitats are fully considered, understood and appropriate mitigation can be carried out before development can be approved. In this case there are potentially significant ecological impacts which have not been correctly identified nor assessed by the ecological report, given the previous appeal issues in this respect it would be expected that the agent would be aware of these. As such the applicant has failed to demonstrate that the development of the site will not adversely affect species and habitats in accordance with the requirements of the local plan and the NPPF.

Highway Safety

7.13 Concern has been raised by local residents that the development of the site with access from Thatchers Lane which is a narrow rural lane will lead to danger to pedestrians and vehicle conflict. The Local Highway Authority have not provided written comments as yet but have advised verbally that whilst there are concerns regarding the limited width of the road and lack of pavements and street lighting, given the extent of development that is already served from this road a refusal on these grounds could not be upheld on appeal. Therefore subject to conditions it is considered that the impact on highway safety is not such as to conflict with paragraph 32 in the NPPF.

Flooding and Land Stability

7.14 According to local residents there are existing surface water flooding problems in this area. There is concern that the development of this site will result in further flooding problems by introducing engineering works, hard surfaces and removing existing planting which slows the flow of water down the hillside. As a result of these concerns the Local Flood Authority were consulted on the application. Whilst there advice is informal it does raise issues regarding the potential drainage problems that would be associated with the development of the site. However, it is not considered that the drainage issues would be unsurmountable. Therefore, should the application be considered acceptable in principle this is considered that with additional information and reports submitted as part of any application for detail, this matter could be resolved. Such issues would also be considered as part of the building regulations.

7.15 With regard to land stability issues, as part of the building regulations for any new dwelling appropriate details would need to be submitted to ensure that the proposed engineering works were stable and did not adversely affect the stability of other properties. Therefore the issue of land stability in this regard is not considered to require detailed consideration under this outline application.
Residential Amenity

7.16 From the slope of the site and the proposed layout, concern has been raised that the development of the site will result in harm to residential amenity in terms of; loss of light, loss of privacy, overbearing, noise and light pollution.

7.17 It is considered that the development as shown on the indicative layout would have an adverse impact upon residential amenity. However, the layout plan is an indicative plan only this application is outline with all matters reserved. It is also acknowledged that the site is steeply sloping and therefore the potential for impacts on amenity is greater. However, notwithstanding this, it is considered that the site can be developed for 5 dwellings without necessarily causing harm to residential amenity. It is likely that an appropriate scheme may result in smaller dwellings more tightly packed together or larger dwellings as shown but of a lesser number. In any case as the detail of the scheme is subject to further scrutiny through any reserved matters it is not considered that a refusal is warranted on the basis of harm to amenity.

Conclusion

7.18 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.19 Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan will provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. It is therefore important to consider the social, economic and environmental benefits and disbenefits of this scheme in reaching a balanced judgement on the sustainability of the scheme.

7.20 With regard to the social role, Tansley as a whole is reasonably sustainable and close to Matlock which as a market town has some limited benefit in terms of access to services and facilities. Whilst the site is on the outskirts of Tansley which is a third tier settlement in the Deposit Draft Local Plan this particular site is accessed via a rural lane where there is no street lighting or pavements and it is therefore some distance from the centre of the village where there is ready access to services and facilities. The development is considered to perform poorly in terms of the social role of sustainability.

7.21 The economic role would be marginally served in a way by employment generated during construction along with the benefits to businesses within the village and the wider area from additional resident spend following construction whilst also adding to the vitality and viability of existing services.

7.22 In terms of the environmental role the proposal relates to the development of a green field which is prominent in landscape terms and steeply sloping. Thatchers Lane provides a clear settlement edge and is of a rural character. Therefore the development of the site would result in harm to the prevailing character and appearance of the area with adverse impact on settlement pattern and unnecessary encroachment into the open countryside beyond a defined settlement boundary. It is likely there are protected species on site and important habitat in terms of the grassland species. In view of this it has not been demonstrated that the development will not harm any protected species or habitat on the site. Overall the proposed development performs poorly for the environmental sustainability.
7.23 When all of the above matters are weighed in the balance it is considered that the development fails to meet the criteria for sustainable development and will result in significant and demonstrable harm which is not outweighed by any other benefits, as such the proposal is recommended for refusal.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reason(s).

1. The application site is steeply sloping land on the outskirts of Tansley beyond the settlement framework boundary. Thatchers Lane to the western end of the site provides a clear settlement edge and as such the development of this site would result in harm to the prevailing character and appearance of the area with adverse impact on settlement pattern and unnecessary encroachment into the open countryside beyond a defined settlement boundary. The proposal as such is contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The application does not include sufficient information in relation to ecology. In the absence of such information the development has the potential to harm protected species and habitat that may be present on the site and as such the proposal fails to meet the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained with the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:
   Site location plan received 15.12.16
   Indicative layout plan received 15.12.16
   Appeal decision relating to Land West of Field House, Starth Lane, Tansley
   Preliminary ecological appraisal relating to Land West of Field House, Starth Lane, Tansley dated October 2015.
## Application Details

<table>
<thead>
<tr>
<th><strong>Application Number</strong></th>
<th>16/00506/FUL</th>
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<tbody>
<tr>
<td><strong>Site Address:</strong></td>
<td>Tax Farm, Farley Lane, Farley, Darley Dale</td>
</tr>
<tr>
<td><strong>Description of Development</strong></td>
<td>Formation of caravan pitches and associated works including installation of septic tank (retrospective)</td>
</tr>
<tr>
<td><strong>Case Officer</strong></td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Mrs. Julie Wright</td>
</tr>
<tr>
<td><strong>Town</strong></td>
<td>Darley Dale</td>
</tr>
<tr>
<td><strong>Agent</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Ward Member(s)</strong></td>
<td>Cllr. J. Atkin, Cllr. M. Salt, Cllr. A. Statham</td>
</tr>
<tr>
<td><strong>Determination Target</strong></td>
<td>16th December 2016</td>
</tr>
<tr>
<td><strong>Reason for Determination by Committee</strong></td>
<td>To allow Members to balance the tourism benefits of the proposal with the impact on the landscape</td>
</tr>
<tr>
<td><strong>Reason for Site Visit (If Applicable)</strong></td>
<td>To consider the impact of the development in the landscape</td>
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## Material Planning Issues

- Benefits of Farm Diversification
- Impact in the Landscape
- Impact on the Setting of Heritage Assets
- Site Location

## Recommendation

Refusal
1. THE SITE AND SURROUNDINGS

1.1 The site is a steeply sloping field located in an area of agricultural land set on the eastern valley side above Two Dales. There are extensive views from the site to the north, south and west. To the north and east of the site are woodland areas. To the north west can be seen Sydnope Hall, a Grade II listed building, and its parkland setting.

1.2 The field is accessed via the farm track which eventually leads down from Farley Lane to the farmhouse and farm complex to the north west of the site.
2. DETAILS OF THE APPLICATION

2.1 Retrospective planning permission is sought for the retention of two levelled areas of land which are used for caravan pitches. These have been engineered into the sloping field and have a MOT Type 1 hard surface. The upper level has three pitches and the lower level two pitches. Each pitch is served with a water point and each level with an electricity supply. There is a septic tank on the site and chemical disposal points and water bins located to the north of each level in fenced compounds. The applicant operates the site for five touring caravans under a Caravan Club licence.

2.2 A hedge has been planted to the eastern boundary of the site adjacent to the stone wall. There is a further stone wall to the north of the site and the site is demarked to the south and west with a boundary fence. There is further planting to the rear of the southern element of the boundary fence. The applicant advises that the banks are sown with meadow flower seed and trees and hedges have been planted to attract wildlife.

2.3 The applicant advises that the field was undulating and was impossible to be used for arable farming or difficult to graze given its small size (less than an acre) and being adjacent to the farm access with no boundary fencing. It is advised that making the site suitable for farming was not financially viable and consideration was given to diversification due to a fall in profits from the agricultural business. The applicant consulted with The Caravan Club and the site has been provided in accordance with their operational guidance notes and the applicant details the utilities that have been provided to the site.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4 Development in the Countryside
SF5 Design and Appearance of Development
SF7 Waste Management and Recycling
EDT14 Farm Diversification
EDT19 Tourist Accommodation Outside Defined settlement Framewroks
NBE8 Landscape Character
NBE12 Foul Sewage
NBE16 Development Affecting A Listed Building
NBE23 Conservation Of Historic Parks And Gardens
NBE26 Landscape Design in Association with New Development
TR1 Access Requirements and the Impact of New Development
TR8 Parking Requirements for New Development

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

3.4 Deposit Draft Derbyshire Dales Local Plan
EC8 Promoting Peak District Tourism and Culture
EC9 Holiday Chalets, Caravan and Campsite Developments
EC10 Farm Enterprises and Diversification

3.5 Other
Derbyshire Dales District Council Supplementary Planning Document - Landscape Character and Design
4. **RELEVANT PLANNING HISTORY**

00/03/0207 Conversion of redundant barn to part office and part additional residential accommodation – Granted

0998/0554 Conversion of barn to single dwelling - Granted

5. **CONSULTATION RESPONSES**

  **Town Council**
  5.1 More information required.

  **Derbyshire County Council (Highways)**
  5.2 No objection

  **Landscape Design Officer (Derbyshire Dales)**
  5.3 Development has an adverse impact (see comments in Officer Appraisal of the report)

6. **REPRESENTATIONS RECEIVED**

  6.1 None.

7. **OFFICER APPRAISAL**

  7.1 It is considered that the following material planning issues are relevant to this application:

  1. Benefits of Farm Diversification
  2. Impact in the Landscape
  3. Impact on the Setting of Heritage Assets
  4. Site Location

  These are addressed as follows.

  **Benefits of Farm Diversification**
  7.2 There are undoubted economic benefits from the development. The caravan site will yield an income to the applicant to assist with the farming and management of the holding. Tourism also brings spending to the local economy and supports other rural businesses and employment in the District.

  7.3 The NPPF seeks to support a prosperous rural economy. Paragraph 28 of the NPPF states that the diversification of agricultural and other land based rural businesses should be supported and that rural tourism should be supported that benefits businesses in rural areas, communities and visitors. This is supported in principle by government guidance contained in the NPPF and by Policy EDT14 of the Adopted Local Plan (2005).

  7.4 Policy EC10 of the Deposit Draft Local Plan states:

  > Development which forms part of a farm diversification scheme will be permitted where the proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm and promotes the use of farming practices that have a positive impact on the environment.

  In addition, the following criteria must be complied with:

  a) The proposed development will stimulate new economic activity with a use compatible with its location, which retains the relative sustainability of a rural area;
b) Any new buildings are appropriate in scale, form, impact, character and siting to their rural location

c) Wherever possible new or replacement buildings should be located within or adjoining an existing group of buildings;

d) The proposed development will not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal or require improvements or alterations to these roads which could be detrimental to their character.

7.5 Policy EC8 of the Deposit Draft Local Plan also seeks to support Peak District tourism through provision for visitors which is appropriate to settlements and countryside, where this is consistent with environmental objectives and where this would relieve tourist pressures on the most sensitive areas of the Peak District National Park. Given the above, there are undoubted economic benefits to the applicant and some benefit to tourism in the District. The applicant has also advised that the field was unsuitable for agricultural use and consideration was given to diversification due to falls in profits from farming. Therefore, the development has been undertaken to facilitate the parking of five caravans to bring an income stream into the business. However, these benefits have to assessed against any harm that the development may cause.

Impact on the Landscape

7.6 Within its core principles, the NPPF states that development should recognise the intrinsic character and beauty of the countryside. This is reflected in saved Polices SF4 and SF5 in the Adopted Derbyshire Dales Local Plan (2005). Policy NBE8 of the Adopted Local Plan (2005) states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. The preamble to Policy EDT19 also advises that preference will be given to proposals that support sustainable rural tourism and that do not harm the character and appearance of the countryside, towns, villages, buildings and other features.

7.7 Specific to farm diversification, Policy EDT14 of the Adopted Local Plan (2005) advises that diversification will be granted provided it does not have an adverse impact on the character and appearance of the immediate and wider landscape. Policy EC9 of the emerging Local Plan is also considered reflective of the guidance of the NPPF and states:

Development proposals for new ..........campsite developments will be permitted provided that:

a) The development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape;

b) Any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;

c) Any on-site facilities are of a scale appropriate to the location and to the site itself; the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe, attractive 10 minute walk to regular public transport services;

d) The development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.

7.8 The field in question is set back from the road adjacent to the track that forms the access to the farm to the south east of and overlooking the farmstead buildings. Although it is tucked into the side of the hill, and views to it from the road are largely obscured, the site is open and prominent within medium to long distance views from public vantage points in the west/north west, particularly at Sydnope Hill and Bent Lane.
7.9 There are likely to be views from the south and south west but these are much more distant and any impact of the development is likely to be hardly perceptible. The site is within the view of the listed building and Registered Park and Garden at Sydnope Hall, which is a little way distant in the north, and from a public footpath that traverses land to the north east and north of the site.

7.10 The works have been undertaken in a reasonably sympathetic manner. The surfacing material is informal and appropriately coloured and the new embankments are seeded with a wildflower grass seed mix. These are currently scars on the landscape but may become less visible in views over time. Also, with only 5 pitches, the development is modest in size. An existing mature field boundary tree provides some limited screening.

7.11 However, in spite of the above, the development, particularly when caravans are present on the site, is an intrusion in the rural landscape which is prominent within views, particularly from the west/north west. The landscape currently bears up as an attractive area of green fields, scattered farms and farm buildings and wooded areas. It is considered that the highly visible caravans will be an intrusion into this landscape. In this respect, it is considered that the development has a high level of adverse impact on both local landscape character and visual amenity, particularly when caravans are in situ.

Impact on the Setting of Heritage Assets

7.12 The site can be viewed in, and from, the wider setting of the listed buildings and Registered Park and Garden at Sydnope Hall. Paragraph 134 of the National Planning Policy Framework advises that where there is harm, provided that this is less than substantial harm, development can be approved provided the public benefit outweighs the harm that is caused. In this respect, the harm caused is the experience of viewing Sydnope Hall in its context with the intrusion of caravans in the wider setting. In this regard, it is considered that the development fails to comply with Policies NBE16 and NBE23 of the Adopted Local Plan (2005).

7.13 It is considered that there is no public benefit to such a proposal other than the provision of a tourist facility to accommodate some visitors to the District. However, such harm to the historic character and appearance of the area would also harm the enjoyment for visitors to the area. It is not considered that the minor public benefit to providing such a tourist accommodation facility would be outweighed by the harm that the development would cause to the enjoyment of the wider setting of the heritage assets, being Sydnope Hall and its Registered Historic Park and Garden, and the rural landscape.

7.14 In addition, if such development were to be approved, it would also undoubtedly set a precedent for other such conspicuous forms of touring caravan development in the locality and throughout the District. In this respect, the adverse effects of this development could be multiplied as the granting of planning permission could set a precedent for additional development of a similar kind in this very attractive rural area within the view from a heritage asset in Sydnope Hall and its parkland.

Site Location

7.15 Policy EC9 of the Deposit Draft Local Plan advises that tourism accommodation, such as caravan site development, should be provided in a sustainable location within, or in close proximity to an existing settlement, with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe, attractive 10 minute walk to regular public transport services. The preamble to Policy EDT19 of the Adopted Local Plan advises that the Council will give preference to proposals that are accessible, preferably by a variety of modes of transport.
7.16 In this respect, the site is relatively isolated, with poor access to facilities and public transport and there will therefore be a heavy reliance on the car to access tourist facilities, shops and services. In this respect, it is considered that the development would not meet with this element of what is construed to form part of sustainable development.

Other matters
7.17 The Local Highway Authority has raised no objection to the proposals and it is considered that there are no other material considerations which need to be taken into account.

Conclusion
7.18 It is appreciated that the applicant would wish to diversify the agricultural operation and that the development would yield an income to benefit the farm enterprise. This would in turn assist with the applicant’s management of the holding which is to the wider public good in appreciating the rural, farming landscape. The economic benefits of the development are also the spending in the District by the tourists visiting the area. However, in this instance, it is considered that these benefits do not outweigh the impact that such a development will have on the character and appearance of the landscape and the setting of heritage assets. Therefore, when the economic benefits are weighed against environmental disbenefits in the assessment of sustainable development, the recommendation is balanced to one of refusal.

8 RECOMMENDATION

8.1 To refuse planning permission for the following reasons:

1. The touring caravan site, in the absence of adequate natural screening, is readily visible and intrusive in the landscape and detrimental to the open character and appearance of the countryside and harmful to the wider landscape setting of Sydnope Hall, a Grade II listed building with a Registered Historic Park and Garden. As such, the proposal fails to meet the environmental objectives for sustainable development and fails to comply with Policies SF4, SF5, EDT14, NBE8, NBE16 and NBE23 of the Adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.

2. The touring caravan site would be in an isolated rural location with limited access to public transport, shops and services without reliance on use of the motor car. As such, the proposal fails to meet the environmental objectives for sustainable development and fails to comply with Government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:
Site Location Plan 1:2500 received on 21st October 2016
Block Plan 1:500 received on 21st October 2016
Cross section of site received on 21st October 2016
Design and Access Statement received on 21st October 2016
Caravan Club Certificate and guidance notes received on 21st October 2016
Utilities connection information received on 21st October 2016
Supporting photographs received on 21st October 2016

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<td>Land adjacent to Brook House, Old Hackney Lane, Hackney</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of Nine Dwellings</td>
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<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
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<td>APPLICANT</td>
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<td>TOWN</td>
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<td>WARD MEMBER(S)</td>
<td>Cllr. J. Atkin</td>
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<td>Cllr M. Salt</td>
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<td>Cllr. A. Statham</td>
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<td>DETERMINATION TARGET</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact of the development on the character and appearance of the area, highway matters and neighbour amenity</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- Landscape and visual impact
- General layout and design
- Housing mix and type
- Affordable housing provision
- Impact on residential amenity
- Highway safety
- Footpath link

**RECOMMENDATION**

Approval
16/00789/FUL

Land adjacent to Brook House, Old Hackney Lane, Matlock
1. **THE SITE AND SURROUNDINGS**

1.1 The site comprises an open, sloping field to the south of Hackney Lane. To the south of the site lies the residential development at Blackrocks Avenue, with a change in levels between this cul-de-sac and the application site. There are also residential properties to the east and west of the site and to the north on the opposite side of Old Hackney Lane.

1.2 A low stone wall runs along the roadside boundary to Old Hackney Lane. To the south east/east and west of the site are boundary trees and hedges. A stream runs along the south eastern boundary of the site. Due to the change in levels long range views across the site and beyond are obtained from Old Hackney Lane.

1.3 The site is outside of any settlement Framework boundary but is included in the emerging Local Plan as a Strategic Housing Land Allocation.
2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for a development of nine dwellinghouses comprising five detached and four semi-detached properties. The development proposes that Plots 3, 4, 5, 8 and 9 are five, 4 bedroomed properties (detached) and Plots 1, 2, 6 and 7 are four, 3 bed properties (semi-detached).

2.2 The two detached and two semi-detached dwellings closest to Old Hackney Lane (Plots 1, 2, 8 and 9) are proposed to be constructed with gritstone. The remaining dwellings and garages are proposed to be constructed with brick. The dwellings are proposed to have concrete tiles for the roofs, white Upvc windows and composite doors.

2.3 The scheme has been amended from the original submitted plans to change the house types to Plots 1, 2, 6 and 7, the garage block serving Plots 8 and 9 and the orientation of Plots 1 and 2 and their car parking provision.

2.4 The site is proposed to be accessed off Old Hackney Lane via a new access. This is required to be located towards the west side of the site in order to achieve adequate visibility splays and to also allow for the access to wind down the sloping site to address the site levels.

2.5 In terms of landscaping, a small tree to the front of the site would need to be removed to provide for the access. There are no other trees on the site but a root protection area is proposed to those trees on neighbouring properties. New tree planting is shown to permeate the site.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   H4 Housing Development Outside Settlement Framework Boundaries
   H9 Design and Appearance of New Housing
   NBE5 Development Affecting Species Protected by Law or are Nationally Rare
   NBE6 Trees and Woodlands
   NBE7 Features Important in the Landscape
   NBE8 Landscape Character
   NBE24 Archaeological Sites and Heritage Features
   NBE26 Landscape Design in Association with New Development
   TR1 Access Requirements and the Impact of New Development
   TR8 Parking Requirements for New Development
3.2 Government Guidance
National Planning Policy Framework (March 2012)
National Planning Practice Guidance

3.3 Other
Deposit Draft Derbyshire Dales Local Plan (2016)
Policy HC2 Housing Land Allocations
   (HC2 (i) Land off Old Hackney Lane, Darley Dale)
Policy HC4 Affordable Housing
Policy HC11 Housing Mix and Type

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION RESPONSES

Town Council
5.1 object given ongoing highway issues in and around this development, physical infrastructure and overdevelopment and the development itself not in keeping with surrounding areas.

Land Drainage Authority (Derbyshire County Council)
5.2 no comment – refer to standing advice.

Local Highway Authority (Derbyshire County Council)
5.3 no objections to amended scheme – conditions to follow.

Landscape Design Officer (Derbyshire Dales)
5.4 no objection in principle
   some concern that parts of the development encroach very close to or even beneath the indicated tree canopies on the eastern boundary – it is important that these trees flourish and room must be allowed for their future growth
   the trees must be properly protected during the construction period which will need to be subject to a condition.

Derbyshire Wildlife Trust
5.5 no objection subject to conditions with respect to implementation being in accordance with Section 6 of the Ecology Report, the submission of a Construction Environmental Plan (CEMP), the protection of breeding birds, the enhancement of hedgerows and associated landscaping and protection of the watercourse.

Development Control Archaeologist (Derbyshire County Council)
5.6 site has no known archaeological records and the Derbyshire HER shows nothing in the near vicinity that would indicate an enhanced level of archaeological potential within the site
   no extant earthworks and nothing visible on aerial photographs or historic maps
   although the site has the usual background potential for previously undiscovered archaeology, this is very low because of the small area involved and the lack of other archaeological indicators
   no requirement for archaeological work under the policies at NPPF chapter 12.
6. REPRESENTATIONS RECEIVED

6.1 Seven letters of representation have been received. A summary of the representations is outlined below:

Principle
- Local Plan not yet complete - application is premature pending adoption of Local Plan
- refer to report to Advisory Committee on 20/01/16 which states that site designated for development in 6-10 years and therefore application is premature
- above report advises that the site would be relatively remote from any form of residential facilities/public transport and the residents would be likely to be reliant on the private motor vehicle for everyday trips
- not appropriate to be used as an infill site
- a necessary green space linking with the adjacent copse and fields across the road to continue a rural natural area
- land used for grazing cows and sheep and not used to graze horses occasionally as applicant states
- former green spaces along the A6 have been eroded over the last 40 years – these estates devoured the greenfields which were part of the rural attraction of the Area
- loss of much space between Matlock and Darley Dale which now forms ribbon development

Design and Layout
- properties in the vicinity are large houses set in considerable sized plots – proposal is for development in small plots and not compatible with the area
- not in scale or character with Old Hackney lane and fails to meet requirements of Policy H9 on design and appearance
- whilst preferring greenfield site, low density development with mixture of house types of traditional design regarded as sympathetic to general residential ambiance and street scene of this part of Old Hackney Lane
- layout appears to reasonably protect privacy to Brook House
- layout somewhat distant from the clean rows of houses on Blackrocks Avenue
- house no 1 seems to have no garage or parking access
- loss of drystone wall on the northern boundary – will lose a strong feature of the area and an integral part of the landscape

Impact on Amenity
- show several views of the application site but none showing proximity to Brook House – deliberately selective or glaring omission
- Plot 9 very close to Brook House and would have a detrimental impact on the amenities of this adjoining property
- loss of privacy to garden of 30 Blackrocks Avenue given building site being much higher

Highway Issues
- several sites for housing are proposed on Old Hackney Lane potentially increasing traffic
- direct access to Old Hackney Lane should be avoided
- single white lines either side of Old Hackney Lane
- no plans to widen Old Hackney Lane
- close to very bad bend
- narrowest point of the road
- limited visibility from site entrance
- impact on pedestrians walking
seems planners have previously intended access from the south off Stanton Moor View and Blackrocks Avenue with direct access to the A6 without the need for an unnecessarily complicated access and more family homes could be accommodated
• hedging, fence and long stone wall belongs to Derwent Living – would like to think the Planning Department would obtain their permission for access at top of Blackrocks Avenue
• recent nearby developments accessed from A6 such as Moreledge
• existing footpath on Old Hackney Lane seems to have been annexed into the site
• have modelled effect of refuse vehicle entering and exiting the site but this is only once a week
• swept path analysis shows vehicle being on the wrong side of the carriageway when existing the site in a westerly direction
• four instances of damage to roadside wall at Brook House where vehicles have mounted the footway to avoid an on-coming vehicle
• trees in the northern corner of the site could not be planted without interfering with site lines
• contend that the above fail to meet with Policy TR1.

6.2 Three letters of representation have been received with regard to the revised proposals. A summary of the representations is outlined below:
• object to revised proposals more strongly
• access to the proposed site cannot be achieved without demolition of the entire wall which will have a major detrimental impact on safety and the character of the area and flies in the face of the applicant's Planning, Design and Access Statement
• relocation of boundary wall will improve visibility but not address concerns about general traffic using Old Hackney Lane
• developer has a solution to take access via Blackrocks Avenue
• enlarged section of footway serves no practical purpose for pedestrians as it will link to the existing footway which is 33cm in width
• in the event development goes ahead, would wish that the stone from the boundary wall be re-used in its rebuilding and that it retains the aesthetic appearance of the boundary
• re-iterate previous comments

6.3 Matlock Civic Association – Object:
• access is proposed off Hackney Lane which is a narrow road with stone walled field boundaries
• road is effectively one way in places and already heavily used
• visibility set back will be detrimental to the country lane character of the road
• an alternative access off Blackrocks Avenue would be preferable (as with other development backing onto Hackney Lane)
• existing development along Hackney lane is gritstone with slate roofs which should be applied to this development
• are brownfield sites available for development in the Matlock area which should be brought forward before development on greenfield sites such as this
• as long as greenfield sites continue to be approved, the brownfield sites will remain a blight on the area.
7. OFFICER APPRAISAL

7.1 To begin with it is important to set out the current planning policy situation within which this proposal is to be assessed.

7.2 Based on new analysis of development that will come forward in the next five years it is considered that the District Council can currently identify a rolling five year supply of housing land. It is also the case that allocations within the Deposit Draft Local Plan will also provide enough housing land throughout the Plan period to meet the District Council’s objectively assessed housing needs. The Deposit Draft Local Plan is, however, still to be examined and policies and strategic land allocations contained within it can only be afforded limited weight at this time.

7.3 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) did not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the Adopted Local Plan are considered out of date. In such cases, where the development plan is absent, silent or relevant policies are out of date, planning decisions should be made in accordance with Paragraph 14 of the National Planning Policy Framework which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.4 In these circumstances, the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters and the following material planning issues are relevant to this application:

1. Principle of Development
2. Landscape and visual impact
3. General layout and design
4. Housing Mix and Type
5. Impact on residential amenity
6. Highway safety
7. Footpath Link

Principle of Development

7.5 The site has been identified in the Landscape Impact Assessment, undertaken to support the Deposit Draft Local Plan, as being in an area of high landscape sensitivity. However, the site has also been considered through the Strategic Housing Land Allocation Assessment (SHLAA) process. The site is within 10 minutes’ walk of a bus stop and has reasonable access to services and facilities within Darley Dale and Matlock. The site was considered viable, available, suitable and achievable for development. As such, it has been included as a site forming part of the District Council’s Strategic Housing Land Supply and has been allocated as a site for up to 10 dwellings in the Deposit Draft Local Plan under Policy HC2: Housing Land Allocations - Draft Allocation HC2(i).

Landscape and Visual Impact

7.6 The landscape assessment concluded that the development may have the potential for adverse impacts on landscape character and visual amenity. However, there was considered to be capacity for development on the site subject to appropriate and sufficient mitigation measures to overcome any adverse visual impact. Whilst the site would be visible from the Peak District National Park across the valley to the south, it is considered
that this will have no significant impact on its setting given the enclosed nature of the site read within existing residential development.

General Layout and Design

7.7 The development is proposed in a manner determined to a large extent by the gradient of the site, and the need to obtain appropriate gradients for the access road, and hence the ‘snaking’ layout of the access road. The dwellinghouses’ positioning largely reflects upon the contours of the site and take account of changes in levels. However, Plot 3 is set at an angle to utilise this part of the site most effectively and avoid directly overlooking 30 Blackrocks Avenue.

7.8 In terms of design, the original scheme has been amended in order that Plots 1 and 2 have a more appropriate design and in order that they present a frontage to Old Hackney Lane which is more characteristic of the area. Plots 6 and 7 have also been amended to a more appropriate design which reflects upon the design changes to Plots 1 and 2. The garages serving Plots 8 and 9 have also been redesigned to be integrated as a single building and parking spaces to serve Plots 1 and 2 that were proposed adjacent to the garages have been relocated the opposite side of the road to be accessed without having to cross the road. This allows the remaining space to be a landscaped area to add to the appearance of the development on entering the site rather than viewing a four bay car park.

7.9 In terms of materials, Plots 1, 2, 8 and 9 would be constructed with gritstone, with the remaining plots and garages being constructed with brick; samples of the materials will need to be approved as a condition of any planning permission. It is proposed that the roofs would have a concrete tile. There is concern that this could be a bulky tile which would be unlikely to be acceptable, particularly when viewed from Old Hackney Lane. As such, it is recommended that this be addressed by condition.

7.10 The applicant proposes black composite doors which are considered acceptable in principle subject to detail. It is also proposed to have white Upvc windows; whilst Upvc may be acceptable for such a development, the windows will need to be an off-white colour. Samples of the windows and doors will need to be submitted for approval.

7.11 Save for Plots 1, 2, 6 and 7 the dwellings are shown to have chimneys. Whilst it is not considered necessary to have chimneys on Plots 6 and 7, Plots 1 and 2, being of gritstone build and prominent in relation to Old Hackney Lane, will require chimneys to be detailed. In this respect, it is considered that all dwellinghouses should have chimneys rather than having just two without. This will need to be a condition on any grant of planning permission.

7.12 In terms of landscaping, there will need to be a condition to ensure that those areas that could be out of domestic curtilages are managed. This will need to also include details of hardsurfacing and boundary treatment. There will need to be particular regard to the resited boundary wall onto Old Hackney Lane and how the existing walling stone wall be utilised with samples of any further stone as may be required to be approved.

Housing Mix and Type

7.13 The mix of market housing falls short of the draft policy requirements. Policy HC11 of the emerging Local Plan advises that there should be a housing mix on residential developments, with the vast majority (90%) being two and three bedroomed properties. In the case of this planning application, the proposal is for 55% of dwellings to be four bedroomed, detached properties and 45% three bedroomed semi-detached properties. Therefore, the lack of an appropriate housing mix has to be weighed in the balance as a
disbenefit along with the other benefits and disbenefits of the scheme. In this respect, the housing types put forward are considered to make reasonable use of the site and are acceptable in creating a transition from the terraced properties on Blackrocks Avenue to the larger housing along Old Hackney Lane, with detached and semi-detached dwellings proposed on the application site.

Affordable Housing

7.14 Guidance within the National Planning Practice Guide, and Policy HC4 within the Deposit Draft Local Plan, advises that infrastructure contributions through planning obligations should not be sought on developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. However, the combined floorspace of the dwellings will exceed 1000 square metres in this case. In this respect, the Deposit Draft Local Plan Policy requires at least 30% of the net dwelling proposed to be affordable. In the preamble to this policy, reference is made to 33% being achievable without the introduction of Community Infrastructure Levy (CIL) on smaller schemes such as this. Having consulted with the housing team they have advised that they would accept an off-site financial contribution toward affordable housing in this case. A figure of £25,450 per unit has been drawn up and consistently applied to applications seeking permission for new housing development across the District.

7.15 Notwithstanding that the site could contain 11 dwellings, it has to be appreciated that the character and appearance of the area needs to be taken into account with such development and that the development proposal for the 9 dwellings is reasonable in this regard. Therefore, it is considered reasonable to base any affordable housing provision as a percentage of the dwellinghouses proposed on site. In this respect, a financial contribution of £75,586.50 would be required (£25,450 x 9 x 0.33). The applicant has agreed to make such a contribution, which would need to be secured through a legal agreement. This financial contribution could be used to assist in the funding for smaller affordable dwellinghouses elsewhere in the District and, in this regard, serves to make the housing mix associated with the overall development proposals more acceptable.

Impact on residential amenity

7.16 The dwellinghouses are proposed to be sited in such a manner as to have regard to the impact on neighbouring properties. Bank House to the west has a large bedroom window overlooking the site. However, this room also has a window looking in a south westerly direction (these are detailed in the photographs above). In terms of siting, the nearest dwellinghouse proposed at Plot 9 would have an outlook from the master bedroom which would allow some looking into the bedroom of Brook House, but this would be at an angle of some 90° to Brook House and over a distance of 10m.

7.17 The dwellinghouses proposed to the south east of Brook House (Plots 6 and 7) have rear facing bedroom windows. These are some 15m away and at a more acute angle. Plot 8 has a more direct outlook to Brook House but is some 33m away. It is considered that there will be an imposition on Brook House but not to the extent that the large, side facing window overlooking the site should stymie this side of the site from development. The interrelationship of the proposed dwellinghouses to those that exist and to each other is considered acceptable.

Highway safety

7.18 The access is located in the most appropriate location to achieve adequate visibility sightlines onto Old Hackney Lane and to also allow the road to address the site gradient. However, the original proposals have been amended further to the comments of the Local Highway Authority. This is in order to achieve adequate visibility splays from the
proposed access and requires the realignment of the boundary wall. It is proposed that the boundary wall would be set at a height of 1.8m to screen the rear gardens to Plots 1 and 2. The wall height is proposed to drop to 900mm where this reaches the side wall to the dwellinghouse on Plot 1 and continues to the entrance to the development, and is repeated in front of Plot 9, to define the entrance to the residential development. The line of the visibility splay would be within a widened, 2m footpath along this part of Old Hackney Lane.

**Footpath Link**

7.19 The applicant has detailed a potential footpath link to the pavement on Blackrocks Avenue which would allow access through the site from Old Hackney Lane as an alternative to walking along Old Hackney Lane. However, it has been advised that for the link to be provided that there would need to be an agreement with Derwent Living who local residents have advised own a piece of land and retaining wall between the application site and the adopted highway on Blackrocks Avenue.

7.20 Therefore, whilst there are undoubted benefits of providing a footpath link through the site, and the applicant has advised that the proposed footpath link is desirable to them, this may be subject to third party agreements and further investigation of the implications to the existing retaining wall (due the ground level differences) and ownerships issues need to be investigated. As a result, the applicant has advised that should planning be granted, they would investigate these matters further with the view to including the footpath within the scheme as proposed, if at all possible. However, it is considered by Officers that the provision of such a footpath is not such a significant matter to otherwise justify a reason for refusal of planning permission if such a link cannot be provided.

**Other Matters**

7.21 The site was considered in the SHLAA to have low nature conservation value and DWT have made recommendations for conditions which can be attached to any planning permission with regard to compensating for the loss of grassland, protected species and the stream. The Land Drainage Authority has raised no objection and sets out informatives to the applicant. There are no issues with respect to archaeology.

**Conclusion**

7.22 The planning policy context at the beginning of this assessment sets out the local and national policy guidance that applies in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance. Recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Local Plan (2005) have been considered to be out of date and have been afforded no weight in the decision making process.

7.23 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the District Council can now identify a rolling five year supply of housing land and allocations within the emerging Local Plan, which includes this site, which will provide enough housing land throughout the Plan period to meet the District Councils objectively assessed housing needs.
7.24 However, it is important to consider the social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme. In the case of the social role, the applicant has proposed a financial contribution to affordable housing, which has been agreed by the Head of Housing. The economic role would be served by employment generated during construction along with the benefits to the wider area from additional resident spend following construction.

7.25 In terms of the environmental role, the development is considered to be acceptable in terms of form, scale and detail. Despite concerns which have been raised, it is considered that the number of dwellings and the layout and the design of the dwellings is in accordance with the pattern of development in the area. It is considered that the proposals will result in a good quality development. As such the environmental role of sustainability has been met.

7.26 The site is within Darley Dale and relatively close to Matlock, both of which are sustainable settlements; indeed as stated previously the site has been allocated in the emerging Local Plan for the development of up to 10 dwellings. In this respect, is not considered that the development of the site as proposed, with appropriate conditions on detail, will result in such disbenefits that cannot be mitigated against. In this respect, the proposal is considered to meets the requirements of sustainability.

7.27 When all of the above matters are weighed in the balance, along with the draft allocation of the site, it is considered that the presumption in favour of development should prevail as there is no significant and demonstrable harm from the development that would outweigh the provision of the dwellinghouses to go towards meeting the housing requirements of the District.

8. RECOMMENDATION

8.1 That subject to the applicant entering into a legal agreement to make a financial contribution to off-site affordable housing, that planning permission be granted subject to the following conditions:

1. Condition ST02a: Time Limit on Full

2. The development hereby approved shall be carried out in accordance with the original submitted plans and specifications except as amended by the drawings and specifications received on 22nd December 2016 and 26th January 2017 and except insofar as may otherwise be required by other conditions to which this permission is subject.

3. Notwithstanding the details on the approved plans and specifications, before the development commences details/samples of all materials shall be submitted for approval by the Local Planning Authority. The development shall thereafter be carried out with the approved materials.

4. Condition DM12a Sample Panel to be Inspected on Site.

5. Notwithstanding the submitted details, before the development commences, details/samples of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority and all windows and door frames shall be set in an 80mm recess unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

6. Condition DM27 Rainwater Goods, etc. – Details Required.
7. Before the development commences, details of the type and positioning of any meter boxes and/soil waste pipes shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

8. Before the development commences, amended drawings for Plots 1, 2, 6 and 7, to detail the provision of chimneys, shall be submitted to and approved in writing by the Local Planning Authority and the dwellings shall be thereafter be constructed in accordance with the amended drawings.

9. No development shall commence until detailed plans showing the design, location, and materials to be used on all boundary walls/fences/screen walls and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The boundary treatments so approved shall then be completed prior to the occupation of each dwellinghouse and completed around all public areas as may be required on the completion of the development and shall thereafter be retained in perpetuity.

10. Condition LA12a Approval of Landscaping Scheme Before Commencement of Development

11. Condition LA13a Landscape to be Carried Out and Maintained

12. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

i) detail extent and type of new planting;
ii) details of maintenance regimes details of any new habitat created on site;
iii) and
iv) details of management responsibilities.

13. No development shall commence, nor shall any materials or machinery be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the crown spread of the trees and hedges to be retained as detailed on the approved drawings (or such other fencing as is agreed in writing with the Local Planning Authority). The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.

14. No works of construction shall take place on the site outside of the following hours:

   Monday to Friday 08.00 to 20.00
   Saturday 09.00 to 13.00
   Sunday/Bank Holidays No construction.

15. The development shall be carried out in accordance with the recommendations and mitigation measures proposed in the Preliminary Ecological Appraisal received on 26th October 2016 and details of measures for additional habitat features to provide
biodiversity gains for the development, such as the inclusion of bat and swift boxes within the building design, shall be submitted to and agreed in writing and provided prior to the occupation of each dwelling providing such facilities.

16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

17. Before the development commences, details of enhancement to hedgerows and associated landscaping, in line with the recommendations made in the ecological report, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in Accordance with the approved details.

18. Before the development commences, details of how the watercourse will be kept separate from the curtilages of the dwellinghouses and measures for its maintenance shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the approved details.

19. Before development commences, a buffer of 6-8m shall be provided between the watercourse and any building works, storage of materials, etc, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in full accordance with the approved details.

20. No trees or shrubs that may be used by breeding birds, shall be removed between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting activity on the site during this period, and details of measures to protect any nesting birds during this period have been first submitted to and approved in writing by the Local Planning Authority.

21. If the footpath link to Blackrocks Avenue cannot be provided, amended drawings shall be submitted to and approved in writing by the Local Planning Authority to detail the deletion of the footpath between Plots 3 and 4 and to include revised details of how the boundary will be provided. The works shall thereafter be implemented in accordance with the approved details prior to the occupation of Plots 3 and 4.

Highways Conditions

Reasons

1. Reason ST02a

2. To define the permission for the avoidance of doubt.

3-8. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, H9 and NBE8 of the adopted Derbyshire Dales Local Plan (2005) and with government policy contained in the National Planning Policy Framework.

9-11. To ensure the satisfactory appearance of the development to comply with Policies SF5, H9, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and with government policy contained in the National Planning Policy Framework.
12. To ensure the proper maintenance and management of landscaped areas and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and with the aims of government policy contained in the National Planning Policy Framework.

13. To safeguard trees on adjoining sites and in order ensure the satisfactory appearance of the development to comply with Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and with the aims of government policy contained in the National Planning Policy Framework.

14. To safeguard the amenities of neighbouring residents during the development process.

15-16. In order to retain and enhance, via management, the biodiversity value of the area, in order to compensate for the loss of grassland habitat to the development, in accordance with Policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local Plan (2005) with the aims of government policy contained in the National Planning Policy Framework.

17-19. In order to retain and enhance the biodiversity value of the area to comply with Policies NBE4, NBE5 and NBE7 of the Adopted Derbyshire Dales Local Plan (2005) with the aims of government policy contained in the National Planning Policy Framework.

20. To protect protected species and their habitats within and adjacent to the development site to comply with Policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and with the aims of government policy contained in the National Planning Policy Framework.

21. To address the matter of whether the footpath can be provided and in order to ensure the satisfactory appearance of the development to comply with Policies SF5, H9, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and with the aims of government policy contained in the National Planning Policy Framework.

Highway reasons

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to highway matters and the design and layout of the development.

2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97. The fee must be paid when the request is made.
and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. NFA28: Wildlife and Countryside Act

4. The applicant is advised to refer to the standing advice of the Land Drainage Authority (Derbyshire County Council).

5. This decision notice relates to the following documents:

   Site Location Plan 1:1250 received on 26th October 2016
   Drawing Nos. MAT-HT-0-1A, 03, 05 and 06 and MAT-GAR.1 received on 26th October 2016
   Additional Drawing No. D5004-01 received on 22nd December 2016
   Amended Drawings for Site layout and Plots 1, 2, 4, 5, 6 and 7 and garages to Plots 8 and 9 received on 26th January 2017
   Planning and Design Statement received on 26th October 2016
   Arboricultural Report received on 26th October 2016
   Preliminary Ecological Appraisal received on 26th October 2016
### APPLICATION NUMBER
16/00861/FUL

### SITE ADDRESS:
1 Wenslees, Darley Bridge

### DESCRIPTION OF DEVELOPMENT
Change of use of outbuilding to holiday let

### CASE OFFICER
H Frith

### APPLICANT
Miss Stacey Lindfield

### PARISH/TOWN
South Darley

### AGENT
None

### WARD MEMBER(S)
Councillor Colin Swindell

### DETERMINATION TARGET
1<sup>st</sup> February 2017

### REASON FOR DETERMINATION BY COMMITTEE
As the applicant is an employee of the Council

### REASON FOR SITE VISIT (IF APPLICABLE)
N/A

### MATERIAL PLANNING ISSUES
- Principle of development
- Parking provision
- Flood risk

### RECOMMENDATION
Approval
16/00861/FUL

1 Wenslees, Darley Bridge

Derbyshire Dales DC

Date: 01/02/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
Website: www.derbyshiredales.gov.uk
1. THE SITE AND SURROUNDINGS

The application site is a small garden building of stone construction situated to the western end of the garden to no. 1 Wenslees. The site is within an open countryside location immediately adjacent to the river Derwent with a small cluster of dwellings immediately adjacent to the site.

2. DETAILS OF THE APPLICATION

Planning permission is sought to change the use of the building and convert it to a holiday let with accommodation within one living space with no upper floor. No external alterations are proposed.

The applicant has submitted a supporting statement, the key points of which are summarised:

- The building was constructed in 2010 as a hobby room/workshop and has since been used as domestic storage.
- The proposed accommodation would only be suitable for two people.
- The accommodation would also be used as a guest suite for visiting family.
- The site is within flood zone 2, the floor level at the time of construction was raised 20cm and sockets are at 1m above floor level.
- Interior fittings will be non-porous and washable.
- Advice in the event of a flood will be given to guests.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development In The Countryside
   SF5: Design And Appearance of Development
   EDT19: Tourist Accommodation Outside Defined Settlement Frameworks
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For New Development
2. National Planning Policy Framework
   National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

10/00689/FUL Single storey extension and erection of detached garden room – Permitted
with conditions.

5. CONSULTATION RESPONSES

Parish / Town Council
5.1 Do not object

Environment Agency
5.2 No objection but would advise consultation with Lead Local Flood Authority

Derbyshire County Council (Flood Team)
5.3 No objections in principle providing the information included within the planning statement
is followed.

5.4 Derbyshire County Council (Highways)
No objection to this application to change the existing garden room to a holiday let. It is
recommended the existing car parking area is retained free from any impediment to its
designated use throughout the life of the development and that one of the existing parking
spaces is designated to the holiday use.

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of Development
2. Parking provision
3. Flood risk

Principle of Development

7.1 Policy EDT19 of the Adopted Derbyshire Dales Local Plan states that:
Outside defined settlement frameworks planning permission will only be granted for new
tourist accommodation where:
a) it involves the re-use, adaptation or change of use of buildings, and;
b) the buildings… is of permanent and substantial construction, and;
c) the form, bulk and general design make a positive contribution to the character and
appearance of its surroundings, and;
d) the building … can be converted without extensive alteration, rebuilding or extensions,
and;
e) the conversion does not have a detrimental impact upon the character and appearance
of the building …or its surroundings.

7.2 The National Planning Policy Framework advises in Part 3 that plans should;
Support the sustainable growth and expansion of all types of business and enterprise in
rural areas…through conversion of existing buildings;
Support sustainable rural tourism… the provision and expansion of tourist and visitor
facilities.
7.3 The conversion of this small rural building without alteration or extension and within walking distance of the services and facilities of Darley Bridge is considered to be acceptable. The conversion will provide economic benefit and promote sustainable rural tourism in line with the Part 3 of the NPPF. The small scale of the building would not allow permanent living accommodation within the building. To ensure the use remains as tourist accommodation it will be necessary to impose conditions in this regard.

Parking Provision

7.4 There is adequate space within the property boundary to allow parking for both the existing dwelling and the holiday let. A condition will be necessary to ensure this parking remains available.

Flood Risk

7.5 The Environment Agency raised no objection to the application but recommended that the local flood authority be consulted. The local flood authority was consulted and they advised that there is no objection subject to the advice within the supporting statement being followed. It is therefore reasonable to impose a condition with regard to the use taking place in accordance with the submitted statement. On this basis the proposal is acceptable in terms of flood risk.

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions.

1. Condition ST02a: time limit on full

2. The existing car parking area shall be retained free from any impediment to its designated use throughout the life of the development with one of the existing parking spaces being designated to the holiday use.

3. The use shall operate in accordance with the submitted statement in regard to flood risk.

4. Condition RD24: Holiday Occupancy (temporary holiday accommodation or accommodation ancillary to the use of the dwelling house no. 1 Wenslees)

5. Condition RD25: Holiday occupancy – length of occupation (28 days and 56 days)

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations to the existing outbuilding or the provision of new outbuildings shall be carried out without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reasons:

1. Reason ST02a

2. To ensure adequate parking in the interests of highway safety in accordance with policy TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
3. To minimise flood risk in accordance with guidance contained within the National Planning Policy Framework.

4-5. The development is considered appropriate as a holiday facility only due to its restricted size and being outside of any Settlement Framework boundary in accordance with Policy EDT19 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

6. In order to ensure the building remains viable only as a holiday let and to protect the character and appearance of the surrounding area in accordance with Policies SF5 and EDT19 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. This decision notice relates to the following documents:
   Location plan and block plan received 07.12.16
   Floor plan received 07.12.16
   Supporting statement received 07.12.16
<table>
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00915/FUL</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Lime Tree Business Park, Lime Tree Road, Matlock</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Change of Use from Office (Use Class B1) to place of Worship (Use Class D1)</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>G. A. Griffiths</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Church in the Peak</td>
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<td><strong>TOWN</strong></td>
<td>Matlock</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>First Plan</td>
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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Councillor Mrs. D. Botham Councillor S. Flitter Councillor Mrs. J. Stevens</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>15 February 2017</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Requested by Ward Member given level of objections</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>N/A (recently visited)</td>
</tr>
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**MATERIAL PLANNING ISSUES**
- Principle of the development
- Highway safety
- Impact on residential amenity
- Impact on existing businesses

**RECOMMENDATION**
Approval
16/00915/FUL

Lime Tree Business Park, Lime Tree Road, Matlock

Derbyshire Dales DC

Date: 01/02/2017

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application building is currently a vacant office building close to the vehicle access and front of Lime Tree Business Park. The Business Park is accessed off Lime Tree Road to the west and, after driving past the application building, the site opens into a parking area with 13 relatively modest sized business units abutting the space on the east and south. The Business Park is surrounded by residential development.

1.2 The southern edge of the Business Park abuts the Old Matlock Conservation Area. The site is defined as a strategic employment site and is located within the Settlement Framework Boundary for Matlock in the Adopted Derbyshire Dales Local Plan (2005).

2. **DETAILS OF THE APPLICATION**

2.1 Full planning permission is sought to change the use of the office into a place of worship. There are no external alterations proposed and the internal alterations are proposed to provide the following:

- 2 meeting/conference rooms
- reception
- kitchen
- two offices
- two offices/meeting rooms
- a flexible office/meeting room to be used by Jigsaw Café half a day per week
- a general store
- store room for clothes bank and café
2.2 This planning application has been submitted further to refusal of planning permission (ref: 16/00189/FUL) to change the use of the premises into a Church. This was refused for the following reason:

1. Insufficient case has been submitted to demonstrate that the premises is no longer required for predominantly employment purposes. As such, it is considered that the application is contrary to Policies EDT2 and EDT4 of the Adopted Local Plan (2005) and policy contained in the National Planning Policy Framework.

2.3 Given the above, the applicant has now submitted details of marketing which has been undertaken by Fidler Taylor since 11th July 2016, and since the application was refused, and consists of the following information:

- Letting particulars advertised via:
  - Fidler Taylor
  - Rightmove Commercial
  - Nova Locca (a commercial property website used by the majority of commercial agents in the area)
  - Estate Agents Clearing House (EACH) (commercial property information service circulating to 11,5000 agents in the UK)
- adverts in Derbyshire Times and Nottingham Evening Telegraph and in the Estates Gazette (with e-mail mailshot and three monthly online advert); and
- a V board on the site.

The property is shown to be To Let at £25,000 per annum.

2.4 It is advised by Fidler Taylor that the marketing exceeds that which would normally be undertaken for a property of this type and age and that they consider that the premises had been adequately exposed to to the local, regional and national markets over a three month period up until November 2016. Their records show no enquiries have been made and no viewings requested and that this is indicative of the general levels of demand for a property of this type, size, age and dated form of specification which is also compounded by the edge of centre location.

2.5 The applicant advises that it is proposed to use the site for a number of daytime uses, with limited evening use, which they consider is consistent with the site's designation as an employment and business premises within the Local Plan. The applicant is aware that the Business Park is currently in use during typical office hours (Monday-Friday, 9am-5pm) and from discussions with the landlord, in very limited use at the weekend (music recording, tuition and practice studio).

2.6 It is advised that during the week there will be a negligible change. However, the evening/weekend activities are proposed to be limited in frequency and scale and limited to the following:

- Band practice – Monday evening between 7.30 and 9.30pm (4-5 people)
- Youth group – Tuesday evenings between 7.30 and 9pm (12-15 people).
- Monthly prayer meeting – Thursday evening between 7.30 and 9.30pm (30-35 people).
- Sunday morning meeting – on site between 9.30am and 1pm, with worship typically between 10.30 and 11.15.
- Sunday evening prayer meeting – between 7.30 and 9.30pm. (30-35 people).
2.7 The applicant considers that the impact will therefore be negligible. The applicant advises that the uses exist already and have operated successfully in their current locations throughout Matlock, without issue. The youth club and pre-school group are staffed and run by members of the church for members of the church and their friends. The Totzone Parent and Toddler group is open to those in Matlock with pre-school children and the numbers of attendees are limited. In terms of daytime uses, the charitable activities, such as the Food and Clothes Bank, are limited to once-a-week, or less frequent, sessions as follows:

- Jigsaw Café – Wednesday 2-4pm (12-18 people)
- Jigsaw Foodbank - Thursday 11-1pm (10-15 people)
- Jigsaw Clothes Bank – quarterly on a Saturday 11am-1pm (15-20 people).

Items are stored through the week on site, but then distributed and handed to clients during the allotted hours.

2.8 The applicant advises that, underlying all of the uses proposed, the site could be used for any form of B1a-c type use, which could include a light industrial use, if the demand was there. The applicant states that, to the best of their knowledge, the hours are uncontrolled so there is nothing preventing an intensive 24/7 light industrial user occupying the premises, such as a food preparation organisation. The applicant states that the proposals must be viewed in this context and, in the absence of any alternative, make use of this vacant building.

2.9 The applicant considers that the proposed uses should not add to security and privacy issues any more than if another business user moved in to the premises. It is advised that the uses will be indoors and that the various activities can be carefully managed to ensure there is no impact on the security and privacy of the surrounding properties.

2.10 The applicant acknowledges that, whilst the proposals will have the potential to increase footfall in hours when the Business Park is not currently in use, this will mainly be the case on Sundays. It is advised that the noise generated by transit to and from a building, particularly when on a business park, is not grounds for refusal. It will be the responsibility of the applicant to manage the activities within the premises to ensure there is no impact on noise levels when the building is in use. The applicant accepts a management plan, to include mitigation measures and effective management of the premises, when used out of normal working hours, could be conditioned. The applicant states that the evening activities will also be limited in number but that it is also noteworthy that there are existing users of the park – music recording, tuition and practice studio, for example – which operate out of hours.

2.11 In terms of traffic and parking, the congregation currently meet on Sundays at County Hall and the applicant advises that the car parking is successfully managed. As existing, someone will meet cars as they enter the car park wearing a hi-vis vest, with another person within the car park identifying the space for the cars to utilise. It is advised that many of the current congregation walk to the Sunday Service and this will continue. Furthermore, it is advised that the Business Park receives the lowest amount of traffic on a Sunday and, therefore, there will be ample provision to avoid overspill into surrounding streets. The existing Business Park users will have their spaces retained and will be unused, ensuring there is no conflict with business users, should they decide to visit at this time. The applicant considers that effective car parking management can also be conditioned.
2.12 The applicant has given regard to the premises being on a Strategic Employment Site in the context of Policies EDT2 and EDT4 of the Adopted Local Plan (2005). It is advised that the property owner has made efforts to find a suitable occupant for the unit since Summer 2015. The applicant considers that potential tenants have been put off by the size and poor, outdated condition of the unit and slow internet access. The property owner has advised the applicant that the former tenants occupied the premises for 20 years and retained the same £/sqft rate for their whole rental period. The applicant considers this is further evidence of the lack of demand for the premises, which if existent, would of course have resulted in increased rental return.

2.13 The applicant advises that there are examples of modern purpose built offices reverting to alternative uses as a result (Deepdale in Bakewell, for example). The applicant and Fidler Taylor, advise that demand in Matlock and the wider area is limited to smaller units; the applicant considers this is evident by the generally high level of occupancy throughout the remainder of Lime Tree Business Park (albeit it is advised that occupancy changes fairly regularly).

2.14 The applicant considers that there would be little return, if any, from subdividing the application building to create smaller units, nor will this necessarily guarantee tenants. In this respect, the applicant considers this is not a viable option and Fidler Taylor conclude that the offer tabled by the applicant is the only viable, realistic use for the premises. The applicant advises that if the option isn’t pursued, the building will remain vacant and unused. The applicant considers that this demonstrates that there is no demand for the unit and, with regard to Policy EDT4 of the Adopted Local Plan (2005), the office space is not required.

2.15 In addition, as outlined within the applicant’s Planning Statement, occupancy by the church will retain full and part time employees, with the view to expand. The applicant advises that the proposed uses include a series of B1 and D1 uses, albeit a significant element of B1 uses, in various guises, are retained. The flexible office, seminar and conference space, to hire as required, will ensure the preferred B1 use of the property is maintained.

2.16 The applicant considers that, whilst the proposed use of the building may not be exactly like a traditional office (staff working between 9am and 5pm, Monday to Friday), there are a number of elements of the proposed use which remain consistent. There will be two full time members of staff working from the site and, in addition, there will be a series of support staff working on a paid part-time basis (currently three, expected to increase to five), as well as a number of volunteers (ranging from 15 – 40, depending on the use).

2.17 The applicant considers that this ratio of full/part time employees to the size of the unit, is not dissimilar to that in the neighbouring units, where they are advised that there are one or two occupants. However, the difference is that the multi-use space proposed offers a much wider range of employment opportunities, for a range of people, including full and part time, as well as volunteering positions. Additional positions will also be created to manage the different uses and to ensure the safe and efficient running of the multi-use space. It is therefore considered by the applicant that the proposals would have a positive impact on the current business use and employment in the area.

2.18 The applicant has referred to planning cases in Loughborough, Nottingham and Chesterfield where churches have been granted on commercial estates. The site in Loughborough was granted on Appeal and issued with a personal permission in 2014, with a requirement that the premises be returned to B2/B8 use when the church use ceased; the applicant has advocated this type of condition if this was considered necessary in allowing for the change of use. The site in Nottingham was a conversion of transport depot which operated close to a variety of B1, B2 and B8 business uses on a major business park. However, it should be noted that this appears to have been an expansion
of an existing church, with a congregation of some 1400, which appears to have been granted planning permission in its own right as a new build development adjacent to the commercial development.

2.19 The premises in Chesterfield was allowed on Appeal given that there were 4.5 full time positions and 20 part time voluntary positions together with the longstanding vacancy of the building and limited number of opportunities of preferable sites elsewhere. The Planning Inspector advised that the proposal would not permanently inhibit future use for B1, B2 or B8 use and would involve a small and strictly marginal amount of floorspace in the context of Chesterfield’s employment land and building stock. Overall, the effect of the change of use on the availability of employment land in Chesterfield was considered not be significant and the alternative use, for a church, allowed for in Local Plan Policy EMP7, would be satisfactory.

2.20 The applicant also refers to Paragraph 22 of the NPPF, which states:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

The applicant advises that it is the above context in which the application proposal should be viewed, and supported. However, if there remains a concern regarding the long term retention of large B1 office/employment premises in Matlock, the applicant is prepared to have a personal condition limiting non-B1 occupancy of the premises to the applicant only. This means that if the church does vacate, the use will revert back to B1 use.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF1: Development Within Settlement Frameworks Boundaries
SF5: Design And Appearance Of Development
SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment
EDT2: Existing Strategic Employment Land And Business Premises
EDT4: Other Existing Employment Land And Business Premises
NBE21: Development Affecting A Conservation Area
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development
CS3: Provision of New Community Facilities and Services

3.2 Other:
National Planning Policy Framework
National Planning Practice Guidance
Old Matlock Conservation Area Appraisal
Emerging Derbyshire Dales Local Plan

4. RELEVANT PLANNING HISTORY
16/00189/FUL Change of use from office (Use Class B1) to place of worship (Use Class D1) - Refused
0896/0517 Erection of four Class B1 business units – Granted
0190/0075 Light industrial building – Granted
0588/0370 Industrial starter units with ancillary car parking - Granted
5. CONSULTATION RESPONSES

**Town Council**
5.1 - object as location is considered too close to residential properties for band practices, youth clubs or similarly noisy events.

**Derbyshire County Council (Highways)**
5.2 - comments as previous application
- not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal
- advise that if the Local Planning Authority is minded to approve the application, that a further dialogue is requested as to how all the proposed uses, including the toddler and youth groups, food/clothes banks and a café, could be reasonably controlled by condition.

**Design and Conservation Officer (Derbyshire Dales)**
5.3 - site adjacent to the Old Matlock Conservation Area
- appears to be no external alterations to the unit or its setting
- impact on the Conservation Area will be negligible.

**Environmental Health (Derbyshire Dales)**
5.4 - no objection
- recommend a condition requiring the applicant to submit a Noise Management Plan detailing how they intend to manage noise emanating from their building so as not to cause a nuisance to neighbouring residents
- have provided a model Noise Management Plan which provides examples of ways in which noise nuisance can be mitigated.

**Economic Development (Derbyshire Dales)**
5.5 - evidence of marketing activity undertaken has been provided although it could be argued that a 3 to 4 month period is a relatively limited time frame
- although the potential wider community benefits of the application are understood, the question remains as to whether the uses proposed are suitable on one of the District’s Business Parks
- the potential impact from the proposed change of use on other activities on the business park / industrial estate needs to be taken into account - proposal refers to uses such as parent and toddler and youth groups which, considering the single access and communal parking area serving the site, could be incompatible with business activities.

6. REPRESENTATIONS RECEIVED

6.1 One letter of representation has been received objecting to the application. A summary of the representation is outlined below:

- letter advises that representing the views of residents of 14, 16, 18 and 20 Lime Tree Road.
- usage of the site has been very low profile between 9 am and 5pm and not impacted on residents
- applicants want to make use of the facilities 6 days a week (no proposed use on Saturdays) - concerns are applicants intention to use premises outside of peak hours and 120 people (and growing) expected to attend Sunday Service between 9am and 1pm with another meeting at 7pm – 9.30pm
• also band practice on Monday (7pm-9.30pm with 4-5 people), youth group on Tuesday (7.30-9.30 with 12-15 people and monthly prayer meetings on Thursdays (30-35 people)
• intend to hire out large meeting/conference rooms for seminars and conferences
• will be 2 full time and 3 part time staff (due to increase to 5) and up to 40 volunteers which will seriously increase the footfall and noise pollution throughout office hours in the week and at evenings and weekends, particularly when Sunday Service is held when residents want to relax and enjoy their weekends in peace and quiet
• will significantly affect privacy and, due to night time usage, will increase vulnerability amongst residents
• fire exit and large windows directly overlook properties
• concerned fire exit will be used as a main exit
• noise from services in Summer months when windows are open
• believe proposal contravenes Paragraph 29 of the NPPF referring to noise pollution
• impact on parking which is already at a premium, particularly on Sunday - already heavily parked with visitors to Hall Leys Park and carvery at the Red Lion
• assume parking not required at Business Park on a Sunday which is not the case
• Business Park not a viable option with need for additional 25 vehicles for 25 adults and 30 children for Tot-Zone and increased risk of accidents
• e-mail of 27/04/16 seeking to address residents’ concern not made publically available but do not consider applicants have made concerted efforts to put residents’ minds at rest over this re-submitted proposal
• used to be a hedge between site and 16 Lime Tree Road
• perturbed by Officer’s pre-application advice that would be likely to recommend approval based on marketing evidence
• request at very least that building is sound proofed, a high fence erected, fire exit used only for such a purpose and air-conditioning units provided in order to keep windows shut.

6.2 Seven letters of representation have been received supporting the application. A summary of the representations is outlined below:
• Totzone is an extremely valuable baby and toddler group each week, no charge to attend and vital part of local community - would be great for them to have a permanent home
• parking facilities in Matlock town centre make it difficult to get children out of the car and into playgroup and will avoid having to walk along busy roads
• not just about a place of worship but provides a base for many community enterprises that the church provides
• as a volunteer, know that the food bank is an incredible asset for the area and hundreds of local people have benefitted over the years
• food bank provides for 50 local families – some collect and there is a delivery service
• food bank must have a base which is fit for purpose
• a local resident advises that she and her daughter rely on the weekly delivery of food parcels and have become friends with the people delivering who uplift her spirits
• Jigsaw project gives weekly food parcels to homeless and vulnerable people and they can attend the Jigsaw Café on a Wednesday afternoon for free meal and can socialise with others in the community
• Jigsaw has a clothes bank where free clothing can be accessed and often a source for second hand beds and furniture
• would be a massive loss to the community if Jigsaw was unable to be maintained and appropriate accommodation is clearly necessary for Jigsaw to survive and grow to meet an ever increasing demand for Matlock and the surrounding area.
7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of development
2. Highway safety
3. Impact on residential amenity
4. Impact on existing businesses

**Principle of Development**

7.1 Policy CS3 is supportive of the provision of community facilities where these are well related and accessible to the community to which it is proposed to serve, would not have an adverse impact on the character and appearance of the area and is in keeping with its surroundings and the character and appearance of the building. In this respect, the use would be in a sustainable urban location with means of access by public transport, walking and cycling, thus limiting the reliance on the car. The building is also single storey allowing it to provide access for persons with mobility difficulties.

7.2 However, the premises is in a business park designated by Policy EDT2 of the Adopted Local Plan (2005) as a Strategic Employment Site. This policy states that, within such an area, planning permission will not be granted for development that would result in a loss of any buildings from industrial or business use. It could be argued that the Church has a level of employment with 2 full-time jobs and 3, possibly rising to 5, part time jobs. However, this is considered to fall well short of the potential that the building has to offer in terms of employment opportunity given its floorspace.

7.3 Policy EDT4 does allow some flexibility to change the use of business premises to non-employment uses where the continuation of such is no longer required or the use is incompatible with its surroundings. In this respect, the use of the building for an office(s) is compatible with the Business Park and the residential area within which it is located.

7.4 These Policies need to be considered as to whether they are up to date with government policy in the National Planning Policy Framework (NPPF). This states in Paragraphs 18, 19 and 20 that there is a commitment to securing sustainable economic growth and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 21 states that local planning authorities should allocate a range of suitable sites to meet a number of uses, including commercial use and Paragraph 156 also advises that local planning authorities should set out strategic priorities for the area which should include policies to deliver jobs; it is considered that this must also relate to the protection of employment opportunities. In this respect, it is considered that Policies EDT2 and EDT4 remain consistent with the NPPF.

7.5 However, Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Therefore, an assessment has to be made of whether the continuation of the use as an office(s) is no longer required. The applicant has advised that the building would need subdivision to smaller units much like the remainder of the Business Park which requires investment from the landlord with a return which is not guaranteed. It is also advised that there is another, smaller vacant unit. In this respect, the applicant considers the unit will be vacant for some time.

7.6 The applicant has referred to three Appeal decisions in the East Midlands where permissions have been granted for changes of use of commercial premises to churches or extension to a church. However, each planning application has to be considered on its merits and locality. The recent Objective Assessment of Housing and Economic
Development Needs (September 2015) concluded that the District Council would be justified in seeking to protect existing sites, including Lime Tree Business Park, for continued employment use. This assessment has informed the policies in the emerging Local Plan and is consistent with the Policies EDT2 and EDT4 of the Adopted Local plan (2005). Policy EC2 of the Draft Derbyshire Dales Local Plan (2016) also seeks to protect existing employment sites, including Lime Tree Business Park, with proposed policy requiring that the redevelopment or change of use of existing business or industrial premises for non-employment uses only be permitted where the continuation of the premises in business use is constrained to the extent that it is no longer suitable or commercially viable for business use as demonstrated by marketing evidence.

7.7 The applicants have advised that the unit was vacated by the previous tenant, a computer software consultancy, in February 2016. However, the applicant has submitted evidence that the premises has been marketed to a reasonable extent and it is advised that the property owner has attempted to find a new occupier through their extensive contacts; this is now considered sufficient in the view of Officers to test the market.

7.8 Given the above, it is considered that a church use can be compatible with surrounding employment use, and does itself offer some employment provision, and sufficient case has been presented to demonstrate that the offices are no longer required for predominantly employment purposes. As such, it is considered that the application as presented addresses the above Local Plan Policies.

Highway safety

7.9 The proposals could introduce a different level of comings and goings than the existing businesses. The principal differences would be the level of visitors to the Business Park as a result of attending church services and the other functions and services the Church proposes.

7.10 In this respect, the impact of the proposal has been considered by the Local Highway Authority which has advised that, generally, the small scale of the other units limits the number of employees. The applicant has submitted a Transport Statement in support of the proposals. There are 54 communal parking spaces on the site and it is noted that some units are currently vacant, including the larger building the subject of the application. Under these circumstances it is unlikely that the car park survey is representative.

7.11 It is accepted that there are residential areas within reasonable walking distances and that there are links to public transport in the vicinity. There are also Traffic Regulations Orders restricting parking on Lime Tree Road. It is noted that some of the traffic movements would be outside the AM and PM peak flows on the adjacent network. Therefore, the Local Highway Authority considers that, whilst the proposals would result in an increase in traffic movements over the current situation, it is unlikely that this would ‘severely’ impact the adjacent highway network.

7.12 It is noted that there would be the introduction of children into a business park environment. Of concern is the potential impact from the proposed change of use on other activities on the business park/industrial estate also needs to be taken into account. The information submitted with the proposal refers to uses such as parent and toddler and youth groups which, considering the single access and communal parking area serving the site could be incompatible with business activities. In this respect, the Local Highway Authority has advised that it is understood that no HGVs are allowed on site and, as such, the situation would not be dissimilar to a supermarket car park where all users of the communal car parking area, whether in a vehicle or on foot, have a duty of care to act in a reasonable manner taking into account all other users of that shared space.
Impact on Residential Amenity

7.13 One of the core principles of the NPPF is to secure a good standard of amenity for existing and future occupants of land and buildings. Paragraph 131 of the NPPF states that planning decision should avoid noise from giving rise to significant adverse impacts on health and quality of life. However, it also states that development will often create some noise and this should be mitigated to reduce such adverse impacts. Given the nature of the proposed change of use, it is considered that this could have an impact on local residents, but the extent of this needs to be assessed.

7.14 There are dwellinghouses some 14–25 metres to the north of the building. These properties would already have the potential to experience a degree of disturbance from the commercial site, particularly with comings and goings from the car park. It is considered that for those on the opposite (west) side of Lime Tree Road that there would also be a degree of noise impact from the traffic on Lime Tree Road. Dwellinghouses to the south of the site have the intervention of other business units on the site and should not experience significant disturbance. In this respect, the impact of the comings and goings on the site is considered insufficient to amount to a significantly adverse impact on these residents.

7.15 There are concerns with regard to the potential levels of noise emanating from the building during congregations and other activities. The dwellinghouses to the south west of the site are the closest in this respect, the nearest dwellinghouse being only 6m from the building and close to the meeting rooms where the level of activity and potential noise is likely to be higher. However, it is considered that the potential noise emanating from the building could be addressed through a condition that would seek to mitigate excessive noise with a noise impact assessment and mitigation measures as may be required.

7.16 The applicant states that the building could be used for commercial purposes 24 hours a day, 7 days a week; this is accepted and could equally be applied to other units within the business park. However, as a B1 use, this would be carried out without disturbance to neighbours, to be compliant with such a Use Class designation, and therefore there is considered no merit in such an argument favouring a church use of the application building. However, the level of comings and goings and noise emanating from the building is not considered likely to introduce such a level of noise and activity on this commercial site that would justify a recommendation of refusal.

7.17 There is concern with regard to overlooking of the properties at 14-20 Lime Tree Road, to the south west of the site. It is considered that this area is unlikely to be used to any extent other than to facilitate the means of escape from the fire exit at this end of the building. It is considered reasonable that a condition is attached to ensure that this door is used for no purpose other than a means of escape.

Impact on Existing Businesses

7.18 It is considered that the Church could co-exist with existing business premises provided measures are put in place to ensure there is no conflict over parking provision and that the activities associated with the Church are contained within the buildings and comings and goings managed to ensure no conflict of interest.

7.19 With the original application documents, the applicant advised that there were 10 spaces that would be allocated to the Church and a further 18 spaces which are ‘flexible’ spaces. However, the applicant also advised that all the car parking spaces (54 in total) will be available for use by the Church on Sunday. This raised significant concern with regard to the impact on existing and future business operations if they are restricted in their ability to have available parking over the whole weekend.
7.20 Given that the business units are starter units, there could be a desire to operate such units on a Sunday. In this respect, the applicant has advised that car parking spaces for the other business units would be safeguarded. However, it is considered that if planning permission were to be granted for the proposed change of use, a full car parking strategy that would not inhibit existing business operations, would need to be submitted for approval.

7.21 There is some concern with the loss of the employment nature of the premises and how this helps to underpin the character of the site as an employment area. However, this is difficult to quantify and is not considered, in its own right, to be a substantive reason for refusal of planning permission.

Conclusion

7.22 A church use can be generally compatible with an employment site, and some level of employment will result from the use, although this is likely to be substantially below the employment potential of the building. However, given the extent of marketing which has been undertaken, and that the building has now been vacant for a period of some 12 months, it is considered that sufficient case has been presented to demonstrate that the office space is no longer required. As such, it is considered that the application as presented addresses Policies EDT2 and EDT4 of the Adopted Local Plan (2005) and policy contained in the NPPF.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a  Time Limit on Full

2. Before the premises is brought into use as a church, details of all activities and the times when they will be held shall be submitted to and approved in writing by the Local Planning Authority. All activities shall be restricted to the agreed times and there shall be no other activities permitted at the premises unless otherwise agreed in writing by the Local Planning Authority.

3. Notwithstanding the Town and Country Planning (Use Classes) Order (2015), in the event that the premises ceases to be operated as a church by the Church in the Peak, and its ancillary uses agreed in accordance with Condition 2 above, the use of the premises shall revert back to a use within Use Class B1 of the Town and Country Planning (Use Classes) Order (2015) unless otherwise agreed in writing by the Local Planning Authority further to the submission of a planning application.

4. Before the development commences, a parking strategy for the site, detailing the parking provision requirements to serve each of the activities proposed at the premises, shall be submitted to and approved in writing by the Local Planning Authority and the car parking shall be implemented in accordance with the approved details for the life of the use of the premises by Church in the Peak unless as may otherwise be agreed in writing by the Local Planning Authority.

5. Before the change of use is undertaken, a scheme for noise attenuation at the premises shall be submitted to and approved in writing by the Local Planning Authority. The works to provide such attenuation measures shall be implemented prior to the building being brought into use for the Church in the Peak and such attenuation measures shall be retained and maintained for the life of the use of the premises as a church.
6. The fire escape to meeting/conference room 2 shall not be used for any purpose other than as an emergency means of escape.

Reasons

1. Reason ST02a

2. To define the permission for the avoidance of doubt and to safeguard the amenities of the area to comply with Policies SF1, SF5 and CS3 of the Adopted Local Plan (2005) and guidance contained in the National Planning Policy Framework.

3. To define the permission to safeguard the amenities of the area to comply with Policies SF1, SF5 and CS3 of the Adopted Local Plan (2005) and guidance contained in the National Planning Policy Framework.

4. To ensure adequate parking facilities in the interest of highway safety to comply with Policy TR8 of the Adopted Local Plan (2005) and guidance contained in the National Planning Policy Framework.

5. To safeguard the amenities of the area to comply with Policies SF1, SF5 and CS3 of the Adopted Local Plan (2005) and guidance contained in the National Planning Policy Framework.

6. To safeguard the amenities of the area to comply with Policies SF1, SF5 and CS3 of the Adopted Local Plan (2005) and guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The applicant is advised to contact the District Council’s Environmental Health Section for a model Noise Management Plan which provides examples of ways in which noise nuisance can be mitigated.

2. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

3. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 21st December 2016
   Block Plan 1:500 received on 21st December 2016
   Drawing No. GKD-CITP-D05 received on 21st December 2016
   Transport Statement received on 21st December 2016
   Planning, Design and Access Statement received on 21st December 2016
   Marketing Details received on 21st December 2016
## Active Enforcement Investigations

### Ashbourne North

<table>
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<tr>
<th>Case Number</th>
<th>Description</th>
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<th>Status</th>
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<tbody>
<tr>
<td>ENF/12/00110</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway.112 Park Avenue, Ashbourne, DE6 1GB</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accommodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting.</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00005</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway.112 Park Avenue, Ashbourne, DE6 1GB</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
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### Ashbourne South

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<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00103</td>
<td>Alleged replacing of timber windows for plastic, within a conservation area.</td>
<td>The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<td>Code</td>
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<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
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<td>Brailsford</td>
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<tr>
<td>ENF/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00087</td>
<td>Failure to provide pre commencement details as per conditions 2 and 6 of planning permission 16/00400/PDA - Change of use of agricultural building to dwelling house.</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00106</td>
<td>Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as &quot;Rick Yard Orchard&quot;, Church Lane, Brailsford.</td>
<td>Rick Yard Orchard Church Lane Brailsford Derbyshire</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/17/00009</td>
<td>Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio.</td>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Pending Consideration</td>
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<td>Carsington Water</td>
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<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings“ at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
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<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
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<td>ENF/17/00010</td>
<td>Unauthorised building/demolition works</td>
<td>Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL</td>
<td>DC Application Submitted</td>
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<td>Clifton And Bradley</td>
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<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
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<td>Darley Dale</td>
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<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
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<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
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<td>ENF/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
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**Dovedale And Parwich**

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<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
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<td>ENF/15/00092</td>
<td>The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.</td>
<td>Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
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</table>

**Doveridge And Sudbury**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/15/00001</td>
<td>Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.</td>
<td>Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00039</td>
<td>Unauthorised change of use of agricultural outbuildings to office/business use.</td>
<td>Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL. Building not built in accordance with approved plans. Also the demolition of an existing double garage and erection of new garage with accommodation above and link to newly built timber clad building, (15/00459/FUL).</td>
<td>81 Aston Lane Sudbury Derbyshire DE6 5HG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Hulland**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Muggington Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
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</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrows Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised installation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00066</td>
<td>Alledged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS</td>
<td>Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings.</td>
<td>Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone.</td>
<td>Bus Stop Near To The Fountain. Bonsall.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, deckin and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
### Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL</td>
<td>10 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code) 13/00005/FUL.</td>
<td>19 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00006</td>
<td>Unauthorised erection satellite dish.</td>
<td>12 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
<td>Brookdale Riber Road Lea Derbyshire DE4 5JQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>72 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00057</td>
<td>Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>78 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Pending Consideration</td>
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</tr>
<tr>
<td>ENF/16/00089</td>
<td>Breaches of Planning Control</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00102</td>
<td>Unauthorised excavation of front garden and tipping of excavated material in the rear garden.</td>
<td>157 Hurst Rise Matlock Derbyshire DE4 3EU</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Norbury**

<table>
<thead>
<tr>
<th>ENF/11/00091</th>
<th>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurcaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF</th>
<th>Home Farm Thurcaston Road Marston Montgomery Derbyshire DE6 2FF</th>
<th>Notice Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Wirksworth**

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<thead>
<tr>
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<tbody>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtilage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
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</tr>
<tr>
<td>ENF/16/00080</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
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**Total Open Cases**: 82
<table>
<thead>
<tr>
<th>Location</th>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
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<tbody>
<tr>
<td>Ashbourne South</td>
<td>ENF/16/00062</td>
<td>Breach of condition 26 of planning permission 13/00854/REM - erection of 38 dwellings and associated public open space and infrastructure (approval of reserved matters), Land off Lodge Farm Chase, Ashbourne, Derbyshire</td>
<td>4 Bower Close Ashbourne Derbyshire DE6 1TA</td>
<td>Complied Voluntarily</td>
<td>29/09/2016</td>
</tr>
<tr>
<td>Brailsford</td>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Appeal Allowed</td>
<td>21/12/2016</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>Carsington Water</td>
<td>ENF/16/00074</td>
<td>Alleged unauthorised timber building to front of property known as Dragons End, Town Street, Brassington</td>
<td>Dragons End Town Street Brassington Derbyshire DE4 4HB</td>
<td>Complied Voluntarily</td>
<td>11/10/2016</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00099</td>
<td>Unauthorised erection of external flu pipe on building fronting a highway and within the conservation area of Hopton.</td>
<td>Henmore Grange Main Street Hopton Derbyshire DE4 4DF</td>
<td>Complied Voluntarily</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>Clifton And Bradley</td>
<td>ENF/16/00072</td>
<td>Alleged unauthorised building works on Mill Lane at Shirley.</td>
<td>Thatch Lodge Mill Lane Shirley Derbyshire DE6 3AR</td>
<td>Complaint Unfounded</td>
<td>27/09/2016</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00091</td>
<td>Unauthorised change of use of land from Agricultural to domestic curtilage, to the rear of property known as 2 Yew Tree Lane, Bradley.</td>
<td>2 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accommodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Planning Application Received</td>
<td>02/02/2017</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00096</td>
<td>Breach of condition relating to site storage and off road parking.</td>
<td>Rose Cottage Snapes Lane Snelston Derbyshire DE6 2DL</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td>Darley Dale</td>
<td></td>
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</tr>
<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td>16/08/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Planning Application Received</td>
<td>14/11/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Complied Voluntarily</td>
<td>20/12/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00069</td>
<td>Unauthorised erection of wooden carport structure</td>
<td>Slayleigh 1 Rotherwood Villas Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>21/11/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00075</td>
<td>Alleged unauthorised garage.</td>
<td>Whitworth House Dale Road North Darley Dale Derbyshire DE4 2FS</td>
<td>Complaint Unfounded</td>
<td>04/10/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00082</td>
<td>Alleged unauthorised engineering operations.</td>
<td>Oker House Moor Lane Darley Dale Derbyshire DE4 2HG</td>
<td>Complied Voluntarily</td>
<td>19/10/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00092</td>
<td>Engineering operations to create a car park.</td>
<td>Milners Off Road Limited Old Road Darley Dale Derbyshire DE4 2ER</td>
<td>Planning Application Received</td>
<td>23/01/2017</td>
<td></td>
</tr>
</tbody>
</table>

**Dovedale And Parwich**

| ENF/16/00061  | Unauthorised erection of lamposts within an agricultural field, to facilitate vehicular parking. | Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA | Complied Voluntarily | 04/11/2016 |

**Doveridge And Sudbury**

| ENF/13/00019  | Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. | Land North East Of Holmea Farm Bungalow Marston Lane Doveridge Derbyshire | Notice complied with | 30/01/2017 |
| ENF/16/00081  | alleged breach of condition 4 of planning permission 16/00419/FUL - cond'n 4 states, No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. | Abbotsholme Stud Marston Bank Rocester Derbyshire ST14 5BP | Complied Voluntarily | 03/11/2016 |

**Hulland**

| ENF/16/00043  | Unauthorised engineering works on land at Whinney Hill Farm | Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Planning Application Received | 02/02/2017 |

**Masson**

| ENF/15/00052  | Installation of plastic windows in a listed building. | 101 The Hill Cromford Derbyshire DE4 3QU | Notice complied with | 10/01/2017 |
| ENF/16/00039 | Problem beginning to cause damage and staining to the historic fabric of a Listed Building | Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE | Complied Voluntarily | 17/08/2016 |
| ENF/16/00058 | Unauthorised facia advertisement. | F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 22/11/2016 |
| ENF/16/00070 | Alleged engineering operations | Land To The South Of Yeats Lane, Cromford. | Complaint Unfounded | 21/09/2016 |
| ENF/16/00077 | Untidy site | Promenade Fish And Chip Shop 128 - 132 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 05/10/2016 |
| ENF/16/00083 | Alleged change of use for selling tea and coffee. | Simon Dunn Chocolatiers 52 - 54 North Parade Matlock Bath Derbyshire DE4 3NS | Complaint Unfounded | 12/10/2016 |
| ENF/16/00084 | Unauthorised banner advertisements. | RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 01/02/2017 |
| ENF/16/00085 | Alleged unauthorised alterations to a Listed Building. | Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE | Complaint Unfounded | 18/10/2016 |

**Matlock All Saints**

| ENF/16/00054 | Engineering operations on land the East side of 80 Jackson Road. | 80 Jackson Road Matlock Derbyshire DE4 3JQ | Complaint Unfounded | 16/08/2016 |
| ENF/16/00060 | Condition 4 on Planning Permission office code 08/00087/FUL "Erection of Conservatory" | 15 Bank Gardens Matlock Derbyshire DE4 3WA | Complied Voluntarily | 17/08/2016 |
| ENF/16/00093 | Breach of condition relating to Tree protection on land off Bakewell Road at Matlock | McDonald’s 43 Bakewell Road Matlock Derbyshire DE4 3AU | Not in the Public interest to pursue | 10/01/2017 |
| ENF/16/00094 | Alleged unauthorised advertisements. | 8 Snitterton Road Matlock Derbyshire DE4 3LZ | Complaint Unfounded | 14/11/2016 |
| ENF/16/00098 | Unauthorised side extension. | 21 Imperial Road Matlock Derbyshire DE4 3NL | Planning Application Received | 23/01/2017 |

**Matlock St Giles**

<p>| ENF/15/00088 | Unauthorised play equipment at The Gate Inn, Tansley. | Gate Inn The Knoll Tansley Derbyshire DE4 5FN | Appeal Allowed | 07/11/2016 |
| ENF/15/00098 | Unauthorised engineering operations on fields to the South West of Derwent Treescapes. | Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ | Planning Application Received | 16/08/2016 |</p>
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<td>ENF/16/00002</td>
<td>Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Complied Voluntarily</td>
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<td>ENF/16/00018</td>
<td>Unauthorised extensions to existing stables and field shelter.</td>
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<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Complaint Unfounded</td>
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<td><strong>Stanton</strong></td>
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<td>ENF/16/00067</td>
<td>Unauthorised erection of a timber fence adjacent to a highway.</td>
<td>2 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
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<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
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**Total Closed Cases**: 43
**PLANNING APPEAL – PROGRESS REPORT**

Report of the Corporate Director

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<td>Mayfield Road, Ashbourne</td>
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<td>Barn &amp; Lane, Brick Kiln Lane, Wash Green, Wirksworth</td>
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<td>16/00385/FUL</td>
<td>Land opposite 30 Bedehouse Lane, Cromford</td>
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<td>16/00564/FUL</td>
<td>Land off Alders Lane, Tansley</td>
<td>WR</td>
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**WR** - Written Representations  
**IH** - Informal Hearing  
**PI** – Public Inquiry  
**LI** - Local Inquiry  
**HH** - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision
Site visit made on 30 December 2016

by JP Sargent  BA(Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2017

Appeal Ref: APP/P1045/W/16/3155019
Orchard View, Yeldersley, Ashbourne, Derbyshire DE6 1LR

- 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 Mrs Jackie Thraves against the decision of Derbyshire Dales District Council.
- The application Ref 16/00206/FUL, dated 17 March 2016, was refused by notice dated 13 May 2016.
- The development proposed is a single storey dwelling on garden/redundant orchard plot.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues in this case are whether the development would result in an undue reliance on the private motor vehicle and its effect on the character and appearance of the area, and if harm would be caused by these matters whether that harm would be sufficient to outweigh other material considerations.

Reasons

Reliance on the motor vehicle
3. The appeal site is a grassed garden area to the side of a bungalow called Orchard View in the designated countryside. It is some 4.18km from Ashbourne and I was told of no services nearer, while the closest bus stops are about 1.1km away on the A52\(^1\). Given these distances and despite the few other buildings close by, I consider it to be an isolated location.

4. Manual for Streets, which can be applied to lightly trafficked lanes in rural areas, says walking offers the greatest potential to replace short car trips, particularly those under 2km. It then adds that it encourages mixed use neighbourhoods where daily needs are within walking distance of most residents\(^2\). However, the lanes between the appeal site and the A52 are generally narrow, unlit and with no pavements. When this is taken with the distance involved, although people may be willing to walk to or from the bus stops on an occasional basis I consider it most unlikely they would rely on this arrangement for regular commuting between the new house and the day-to-day services they required. Similarly, those living at or visiting the appeal site would not be likely to walk or cycle to or from Ashbourne on a regular or

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\(^1\) The parties have given these distances in miles, saying it is 2.6 miles to Ashbourne and 0.7 miles to the bus stops. I have assumed that a mile equates to 1.609km.

\(^2\) Paragraph 4.4.1
consistent basis due to the quality of the lanes, the distances involved and the significant hill when leaving the town. Therefore, the advice in Manual for Streets is noted, but I consider that if one did not have access to personal motorised transport living at the site would create a sense of isolation, while visiting the site would be difficult.

5. In coming to this view I have noted the appeal decision at Endon Riding School\(^3\) to which the Appellant referred. However, in that case a range of facilities, including a post office, a convenience store, a doctor’s surgery, a church, a children’s nursery, a primary school, pubs, hairdressers, a village hall, shops and leisure facilities were all within 2km of the appeal site, which was much less than the distance between similar services and this current scheme. Although the bus stop is 1.1km from Orchard View, when there one still has to wait for a bus and then travel on to the desired destination, and so its attraction is not as great as the more extensive, albeit more distant, services available in the Endon Riding School case. Therefore that decision concerns a materially different situation to the one before me.

6. I have also had regard to the development proposed on the former airport. That is to be a large housing scheme with ancillary commercial and community facilities including local convenience shopping and a public house, and it would be much closer to the appeal site than Ashbourne. However, I was not told it had as yet been approved, and I had no details of how it would be laid out or the nature of the access from the appeal site to any services that may be available. That scheme has therefore not had a decisive effect on my reasoning.

7. Accordingly I conclude the development would result in an undue reliance on private motorised transport in conflict with the aims of sustainability in the National Planning Policy Framework (the Framework).

**Character and appearance**

8. This site sits in an undulating rural landscape comprising fields that are generally separated by hedges and interspersed with copses, and although it is part of a garden, its nature means it is not now at odds with its surroundings.

9. The proposal would be relatively low, would be concealed to some degree by the boundary hedge, and would be below the adjacent bungalow. I also appreciate that the design incorporates detailing often found on buildings in the countryside. Despite these points though, what is proposed would have a clear domestic character, and this would mean it would be an encroachment of discordant built form into this location. As a result it would diminish the rural nature of the surrounding landscape. Whilst I accept the site is a garden already, I have nothing before me to show any future use of the land in connection with Orchard View would have a comparable impact on the area.

10. Accordingly I conclude the proposal would constitute an encroachment of discordant built form that would erode the rural character of the surrounding landscape thereby conflicting in this regard with Policies SF5 and NBE8 in the Derbyshire Dales Local Plan and the Framework.

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\(^3\) Appeal APP/B3438/W/15/3140510 dated 12 May 2016 concerning Endon Riding School, Coltslow Farm, Stockton Brook, Stoke-on-Trent ST9 9LH
Other matters to outweigh the harm

11. The Framework says local planning authorities are required to identify a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing against their housing requirements with an additional suitable buffer. It adds that if this cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date. Moreover, where the relevant policies are out-of-date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

12. At the time the application was determined the Council said it could not identify a 5 year supply of deliverable housing sites. While the scale of this shortfall was not stated it is of note that the Appellant did not say it was great. However, by the time it wrote its appeal statement the Council contended it could show the required supply, though scant evidence was submitted in support of this and, as far as I am aware, this contention had not been tested independently. Therefore, on balance I am not in a position to assume a 5 year supply of housing sites now exists, and so I share the Appellant’s position and shall determine the appeal on the basis that there is still a shortfall. I shall also assume that shortfall is only small or moderate.

13. Furthermore, although Local Plan Policies NBE8 and SF5 are not directly related to housing to my mind their requirement for development to protect or enhance the countryside or local landscape in effect restricts the locations where housing could (and could not) be developed. I have therefore treated those as being out-of-date.

14. The proposal would go some way to addressing any such shortfall. This is a benefit of the scheme that should be given significant weight, and such a view has been taken by other Inspectors in decisions cited by the Appellant. However, numerically any such contribution from the provision of one house would be very limited and so, while I have noted the Inspector’s views in the appeal at Rookery, in my opinion this can be only a moderate benefit at most. In my opinion, the significant weight I can afford to this moderate benefit is outweighed by the harm I have identified.

15. Moreover, while the Appellant has said this bungalow would assist in addressing the needs of housing for the elderly that contention does not sit comfortably with her view that the bus stop 1.1km away is within reasonable walking distance. To my mind given how far the dwelling would be from services and facilities this is a poor location for such housing and so that matter has not been afforded significant weight.

16. No other special circumstances to justify housing here have been offered and so, even if taken together I find any benefits from the factors given are significantly and demonstrably outweighed by the harm identified.

17. I am also aware of the emphasis in the Framework to approve sustainable development. While I accept this scheme would offer some slight economic

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4 Paragraph 47
5 Paragraph 49
6 Paragraph 14
7 APP/B3438/A/14/2217581 dated 20 October 2014 concerning Equestrian building at Mount Pleasant Farm, Well Lane, Gillow Heath, Staffordshire ST8 6QR and APP/P3420/A/14/2222484 dated 22 October 2014 concerning 48 High Street, Rookery, Stoke-on-Trent ST7 4RL
benefits resulting from the construction process and the purchasing power of the occupiers, my concerns about its location and its impact on the surroundings mean it would not address the environmental aims of sustainability and, by impacting on those who did not have access to personal motorised transport, it would also be contrary to the social role of sustainability. Therefore, given the scale of these concerns, I consider this scheme would not fall under the definition of sustainable development contained in the Framework.

Conclusions

18. Accordingly I conclude this scheme would be in a location that resulted in a reliance on private motorised transport, and it would detract from the rural character of the location. This harm would significantly and demonstrably outweigh the benefits cited and so the scheme would be in conflict with the Framework when taken as a whole.

J P Sargent

INSPECTOR
Appeal Decision

Site visit made on 20 December 2016

by Alexander Walker  MPlan MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2017

Appeal Ref: APP/P1045/W/16/3159479
Unit 1, The Cedars, Main Street, Hollington, Ashbourne, Derbyshire DE6 3HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
- The appeal is made by Neil Heldreich against the decision of Derbyshire Dales District Council
- The application Ref 16/00178/PDA, dated 1 March 2016 was refused by notice dated 9 May 2016
- The development proposed is the change of use of agricultural building to dwelling house (Use Class C3) and associated building operations.

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the change of use of agricultural building to dwelling house (Use Class C3) and associated building operations at Unit 1, The Cedars, Main Street, Hollington, Ashbourne, Derbyshire DE6 3HA in accordance with the details submitted pursuant to Schedule 2, Part 3, Class Q of the GPDO, subject to the conditions contained within the Schedule attached to this decision.

Procedural Matters

2. I have used the description of the proposal as set out in the Council’s decision notice. This is a more concise description than that found in the application form.

3. The appellant seeks prior approval for the conversion of the appeal building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO).

Background and Main Issue

4. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants permission for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraph Q.1 specifies limitations to Class Q.
5. A previous prior approval application\(^1\) was submitted for a similar scheme. The application was refused and subsequently dismissed at appeal\(^2\). Based on the evidence presented to him the Inspector concluded that he was not persuaded that the last use of the building was for agricultural purposes and that a new use had not been introduced. The Inspector also stated that he accepted that further evidence could be adduced as to the building’s last use. Furthermore, he found that the proposed curtilage was too large and the effect of the proposed access on the character and appearance of the area was uncertain.

6. In addressing the previous Inspector’s findings, the proposal before me has reduced the size of the curtilage and the proposed access would utilise the existing access to The Cedars. The Council raise no objection to these elements of the proposal and based on the evidence before me, I concur with this view. The appellant has also provided a number of statutory declarations regarding the last use of the building. The Council’s only reason for refusal is that the site was not solely used for agricultural use, as part of an established agricultural unit on the 20 March 2013.

7. The main issue in this appeal therefore is whether the proposed change of use constitutes permitted development pursuant to Class Q(a) of Part 3 of Schedule 2 to the GPDO, having regard to whether the site was solely in agricultural use, as part of an established agricultural unit, within the applicable timeframes.

**Reasons**

8. Paragraph Q.1 of the GPDO states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins. The Council contends that the building does not satisfy clause (i) or (ii). It is not disputed that clause (iii) cannot be satisfied.

9. The appellant confirms that they purchased the property in 2010 and there is sufficient evidence to indicate that prior to this the building was in agricultural use as part of an established agricultural unit. This is supported by a number of statutory declarations submitted with the appeal. There is no evidence that the appellant continued the agricultural use of the building and he does not contend that it was in agricultural use on 20\(^{th}\) March 2013. Therefore, the nub of the argument is whether or not the proposal satisfies clause (ii).

10. At the time of my site visit, the building was not in use and was empty. Other than a small number of minor alterations including the replacement of two doors, one on the east elevation and one on the west, and a first floor window in the southern gable, there appeared to be no evidence of any modernisation of the building and it has retained its original agricultural form.

11. The appellant confirms that the building was used for the storage of domestic items whilst the dwelling and the barn were being renovated and that the items were stored there for approximately three weeks. During this time the site was visited by an Officer of the Council who witnessed the items as evidenced in the photographs submitted, which themselves are inconclusive. Whilst the storage of

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\(^1\) Council Ref 14/00429/PDA
\(^2\) Appeal Ref APP/P1045/A/14/2228127
appeal building was put to such use I do not accept that it constituted an intervening use that would amount to a material change in the use of the building.

12. I have had regard to the furniture restoration business that operates from adjoining single storey building that benefits from planning permission. The planning permission did not include the appeal building. The Council refer to a letter of objection that the former owner of the property submitted for the previous prior approval application. Whilst I have not been presented with the letter, the Council confirms that it was claimed that the appeal building was used as a workshop and storage in association with the adjoining business. However, the appellant has confirmed, in the form of a statutory declaration, that the appeal building has not been used in association with the business for the reason that the existing workshop is sufficient for the needs of the business and the appeal building is not watertight. I am persuaded by the appellant’s argument that as the business deals with antique furniture, the building is unsuitable for such a use, which was evident from my own observations.

13. Based on the evidence before me, I am satisfied that on the balance of probability the building was solely used for agricultural purposes as part of an established agricultural unit prior to the appellant purchasing the property in 2010. Furthermore, I am also satisfied that no intervening use amounting to a material change in the use of the building has taken place since. Therefore, I find that the proposal would comply with paragraph Q.1 (a) of the GPDO.

Other Matters

14. PPG advises the starting premise for Class Q is that the permitted development right grants planning permission, subject to the prior approval requirements. The provisions of the GPDO require the local planning authority to assess the proposed development in respect of; transport, highways and noise impacts of the development; flooding and contamination risks on the site; whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling house; and, design or external appearance. The Council has assessed the application against these criteria and does not object on these grounds, subject to a condition requiring the hedge along the site frontage to be cut back to improve visibility when exiting the site. On the basis of what I have read and seen of the site, and the proposed conversion, I agree with the Council’s assessment.

Conditions

15. The appellant should note that the GPDO requires at paragraph Q.2(3) that the development must be completed within a period of 3 years from the date that the prior approval is granted. A number of other conditions apply to such development, including paragraph W(12) of the GPDO which requires that the conversion is carried out in accordance with the details provided in the application.

16. In the interests of the character and appearance of the building and the area, a condition is necessary regarding doors and windows. Conditions are also necessary regarding the provision of parking spaces and prohibiting gates or
other barriers within 5m of the highway boundary in the interests of highway safety.

17. Given that the curtilage of the building is well screened from public views and is relatively small in size, I do not find that a condition regarding landscaping and hard surfacing is necessary.

18. I have had regard to the suggested condition concerning the provision of space for the storage of plant, materials, site accommodation, loading and unloading of goods vehicles, etc. However, given the scale of the development I do not find that such a condition is necessary.

19. The proposed development would not benefit from many of the permitted development rights under Schedule 2 part 1 of the GPDO. Therefore, a condition that would effectively remove these rights is not necessary. I do not consider that exceptional circumstances have been demonstrated to justify the removal of any permitted development rights that the development would benefit from.

Conclusion

20. I therefore conclude that in relation to Class Q sufficient information has been provided to enable me to allow the appeal.

21. For the reasons given above, I find that the proposed change of use is permitted development under Class Q and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

1) Prior to the first occupation of the hereby approved dwelling, details of new doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation of the hereby approved dwelling.

2) Prior to the occupation of the hereby approved dwelling, a plan indicating an area for the parking and manoeuvring of vehicles shall be submitted to and approved in writing by the local planning authority. The approved plan shall be fully implemented prior to the occupation of the dwelling and shall be retained for its intended purpose in perpetuity.

3) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open into the site only.
Appeal Decision

Site visit made on 5 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th January 2017

Appeal Ref: APP/P1045/W/16/3160380
Land on the south side of the road between Flakes Barn and the Cemetery, West End, Brassington, Derbyshire DE4 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs J and D Allsop against the decision of Derbyshire Dales District Council.
- The application Ref 16/00088/OUT, dated 5 February 2016, was refused by notice dated 13 April 2016.
- The development proposed is a mixed use development comprising of residential dwellings and a village shop including diversion of a public footpath and affordable housing.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with the matter of access to be determined. Matters of appearance, scale, layout and landscaping are reserved for future consideration, though an indicative site layout (1403-01) has been provided which suggests a development including 8 dwellings and a village shop could be accommodated. I have determined the appeal on that basis.

3. The description of development in the heading above has been taken from the planning application form. The Council’s decision notice, however, provides a different wording. The appellant indicates that the revised description was not agreed between the parties. Accordingly, I have used the one given on the original application.

Main Issue

4. The main issues are:
   - the effect of the proposal on the character and appearance of the surrounding landscape; and,
   - whether the proposal would preserve or enhance the setting of the Brassington Conservation Area.
Reasons

Character and Appearance

5. The Derbyshire Dales Landscape Character and Design Supplementary Planning Document 2007 locates the appeal site within the Derbyshire Peak Fringe and Lower Derwent landscape character area. The appeal site, and the countryside beyond, is identified as 'Settled Farmlands' landscape type. Guidance set out in the Landscape Character of Derbyshire 2004 document (LCD) identifies the landscape as being gently undulating to rolling pastoral, characterised by densely scattered hedgerow trees and trees along watercourses. Villages and sparsely scattered farmland provide the impression of a settled landscape. The wider area features discrete, small villages such as Brassington which are intrinsic to the well settled character of the surrounding landscape.

6. The appeal site is a gently undulating field of pasture on the southern side of West End – the main thoroughfare through the village of Brassington. The site is bound by a low stone wall along the road frontage and scattered hedgerow trees. It has a public footpath which runs south along the eastern boundary of the site. It adjoins a cemetery on one side and a single dwelling, known as 'Flakes Barn', on the other. The site has a notable slope as it extends away from West End towards the open countryside beyond. Consequently, the appeal site exhibits several of the key characteristics of the surrounding landscape.

7. The northern side of West End contains a relatively tight-knit collection of predominately residential buildings. In contrast, built form on the southern side of West End is fragmented and dispersed. The road draws an unequivocal distinction between the clustered built form to the north and the rolling landscape to the south. As a result, given its proximity to Brassington, the appeal site is a prominent example of where the relationship between the village and the surrounding landscape is at its most apparent and sensitive.

8. The area is not part of a designated landscape, but is nevertheless a landscape of considerable value, as noted in the LCD. It is clear from the evidence before me that the landscape is valued by the local population and exhibits several positive characteristics from which importance is placed within the countryside.

9. Saved Policy NBE8 of the Derbyshire Dales Local Plan 2005 (LP) states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. I note that Inspectors in recent appeal decisions have concluded that limited weight should be afforded to Policy NBE8 as it is at odds with the balanced approach to landscape impact set out in the National Planning Policy Framework (the Framework). While Policy NBE8 is framed in unduly restrictive terms and does not reflect that balanced approach, the concern with protecting the character and appearance of the countryside and landscape is supported by paragraphs 17 and 109 of the Framework.

10. The proposal seeks outline consent for a development shown on indicative plans as comprising 8 dwellings and a village shop. It is indicated that 3 of the dwellings would be affordable housing. The indicative layout shows the shop and terraced dwellings located on the frontage of West End, with additional dwellings behind.
11. The appellant considers that the proposal presents an opportunity to provide an attractive and interesting development which would integrate well with and would provide a distinct edge to the village, whilst also maintaining a rural feel. I note the indicative layout shows dwellings along the frontage which would reflect the traditional pattern of development found within the village. I have also considered that the dwellings would be designed to reflect those within the village and the findings of the appellant’s Heritage Assessment which notes that the scheme would be set down from the highway.

12. However, the development of the site would involve a significant change in the character of the land. Replacing the gently undulating and open pasture with built development would be in stark contrast to the defining characteristics of the area. In my view, this would be a harmful encroachment into a largely unfettered element of the surrounding landscape.

13. Moreover, whilst there would be pockets of open space within the site and dwellings would be arranged at a relatively low density, the proposal would nevertheless obscure the legibility of the important relationship between the village and the key characteristics of the landscape within which it lies. Furthermore, the proposal would involve the removal of a section of the existing attractive wall which forms a clear boundary between the village and landscape beyond.

14. Whilst I recognise that there are other areas of open land adjacent to the village which make similar contributions to the character of the area, their presence would not compensate for the loss of the open nature of the appeal site.

15. I conclude, therefore, that the proposal would have harmful effect on the character and appearance of the surrounding landscape. Consequently, the proposal would conflict with Saved Policy NBE8 of the LP. It would also conflict with Saved Policies SF5 and H9 of the LP which state that development should preserve or enhance the quality and local distinctiveness of its surroundings and should be in scale and character with its surroundings.

**Heritage Assets**

16. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. Statute allows for change in the setting of heritage assets, where change does not harm the significance of the asset. This is also reflected in Paragraph 131 of the Framework which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.

17. The appeal site lies outside of, but adjacent to, the boundary of the Brassington Conservation Area. The Brassington Conservation Area Appraisal (BCAA) identifies the conservation area as being characterised by a well-preserved settlement pattern and several buildings of historical value. The village displays a tight-knit development with groups of buildings clustered together along the edge of streets. There are pockets of open space which help break up the settlement and which preserve its rural character and roots as they connect with the surrounding landscape. The relationship between the
original medieval village and the rural landscape within which it sits makes an important contribution towards the significance of the conservation area.

18. The setting of the conservation area is characterised by the surrounding landscape, which the BCAA identifies as having one of the best preserved examples of this historic landscape in Derbyshire. The approach from the west of Brassington encompasses views across the rising landscape in which the village sits and from the south, the surrounding landscape forms a significant and important foreground to the village. Indeed, the BCAA identifies places, such as the appeal site, where the rural setting is so immediate that it is part of the street scene. The vistas, buildings and landscape are directly connected. The BCAA notes that the setting of the village is particularly sensitive to encroachment from new development.

19. The proposal would result in a significant encroachment of new development within the open and relatively unfettered surrounding landscape. This would be in stark contrast to the prevailing character and appearance of the setting of the conservation area. Furthermore, it would obscure the juxtaposition of the appeal site’s relationship to the village, introducing a somewhat prominent grouping of buildings. As a result, it would erode the important relationship between the historical significance of the village and the key characteristics of the landscape which forms its setting.

20. To the north-east of the appeal site is the Grade II Listed Building, Brassington Hall. However, there is no evidence that the appeal site has any historical association with the hall and the proposal would be some distance from the listed building. As such, I agree with the main parties that the proposal would not have a harmful effect on the setting of the listed building.

21. Nevertheless, I conclude for the reasons above that the proposal would fail to preserve or enhance the setting of the Brassington Conservation Area. Consequently, the proposal would conflict with Saved Policy NBE21 which states that planning permission for development proposals within or adjacent to a Conservation Area will be granted provided that they preserve or enhance the character or appearance of the area.

22. In finding harm in respect of the significance of heritage assets, paragraph 134 of the Framework sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, the degree of harm would be less than substantial in the context of paragraph 134. Such a conclusion of the degree of harm to the setting of the conservation area does not equate to a less than substantial objection to the grant of planning permission. Nevertheless, a balance must be struck.

Paragraph 134 Balance

23. The parties agree that the appeal site is suitably located in terms of access to services, facilities and employment opportunities. On the evidence before me, I have no reason to disagree. However, such a matter would be a neutral factor in the balance, rather than a benefit.

24. The evidence before me suggests that there is some need for 3 bedroom affordable homes in the area. It is proposed to provide 3 affordable houses which would be of significant benefit to the area. However, there is no
mechanism before me to deliver such a provision. This limits the weight I can afford it as a benefit. The proposal would, however, make a modest, but nevertheless important, contribution towards the overall supply of housing in the area. This carries significant weight.

25. I also consider that the proposed shop would be a sizeable social and economic benefit to the village and I note that the proposal would help support and maintain existing services within the village. Economically, the proposal would also boost employment during the construction phase and increase spending in the local economy upon occupation of the proposed dwellings.

26. On the other hand, the proposal would fail to preserve or enhance the setting of the Brassington Conservation Area. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The definition of ‘designated heritage asset’ in Annex 2 of the Framework includes conservation areas. Consequently, I find that the harm to the significance of heritage asset in this instance weighs more heavily than the public benefits of the scheme.

Other Matters

27. Policies SF4 and H4 of the LP seek to restrict development, including new housing, in the countryside. The proposal would conflict with those policies. Nevertheless, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

28. The appellant argues that the Council is unable to demonstrate a five year housing land supply, in line with paragraph 47 of the Framework. The appellant concludes that the supply is around 4.5 years. The Council disputes this, indicating that it can demonstrate a 5.8 year supply of housing.

29. If I were to conclude that there is a shortfall in the supply of housing to the extent suggested by the appellant, then policies SF4 and H4 of the LP, as they are policies which effect the location and supply of housing, would not be up-to-date and paragraph 14 of the Framework would therefore be engaged.

30. Paragraph 14 states that at the heart of the Framework is a presumption in favour of sustainable development. For decision taking this means that where relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significant and demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as whole; or specific policies in this Framework indicate development should be restricted.

31. Footnote 9 to the Framework indicates that those specific policies include policies relating to designated heritage assets. Paragraph 134 of the Framework is a specific policy that indicates that development should be restricted. As set out above, I have found that the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset. To that end, the restrictive policies of the Framework in respect of designated heritage assets apply. As a result, the presumption in favour of sustainable development as set out in paragraph 14 of the Framework is dis-
applied in this case. Whether or not a 5 year housing land supply can be demonstrated is not therefore determinative in this appeal.

32. The Council was recently minded to approve a scheme for 22 dwellings at Old Hall Farm, Marston Montgomery which, like Brassington, is identified as a Tier 4 village in the emerging Derbyshire Dales Local Plan – Pre Submission Draft Plan 2016. However, in that case the Council concluded that the public benefits of the scheme would outweigh the less than substantial harm identified in respect of heritage assets. Moreover, the Council found that there would be no harm to the character and appearance of the landscape. That is not the case here. In any event, I have considered this appeal on its own merits. I therefore afford the scheme at Old Hall Farm little weight.

33. I have considered the concerns of neighbouring residents and Brassington Parish Council in respect of the need for new housing in the area and the conflict with the emerging Brassington Community Plan. However, given my findings in respect of the main issues above, they do not draw me to any different overall conclusion.

Conclusions

34. I have found that the proposal would result in less than substantial harm to a designated historic asset. In addition, I have identified significant harm to the character and appearance of the landscape. The proposal would conflict with the development plan when taken as a whole.

35. Although the proposal would bring benefits of significant weight, I consider that these matters would not be sufficient to outweigh the totality of the harm, giving great weight to paying special attention to the desirability of preserving or enhancing the setting of the conservation area, as reflected in paragraph 132 of the Framework.

36. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR
Appeal Decision

Site visit made on 4 January 2017

by John L Gray  DipArch MSc Registered Architect

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

Decision date: 20 January 2017

Appeal Ref. APP/P1045/W/16/3158359
Land at Lower Street, Doveridge, Derbyshire, DE6 5NS

- 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 Mrs Angela Ainsworth against the decision of Derbyshire Dales District Council.
- The application, ref. 15/00809/FUL, dated 9 November 2015, was refused by notice dated 11 March 2016.
- The development proposed is a new low energy dwelling and associated outbuilding and landscape proposals submitted under para. 55 of the NPPF.

Decision

1. The appeal is allowed. Planning permission is granted for a new low energy dwelling and associated outbuilding and landscaping on land at Lower Street, Doveridge, Derbyshire, DE6 5NS, in accordance with the terms of the application, ref. 15/00809/FUL, dated 9 November 2015, subject to the conditions set out in the schedule attached to this decision.

Clarification

2. The application was specifically made with reference to paragraph 55 of the National Planning Policy Framework (NPPF). That reference is superfluous in the decision itself; the attached conditions secure what is necessary.

Main Issues

3. The main issues in the appeal are whether the proposed dwelling would be truly outstanding or innovative, whether it would reflect the highest standards in architecture, whether it would significantly enhance its immediate setting, whether it would be sensitive to the defining characteristics of the local area and whether it would harm the significance of the Willows, a grade II listed building. The first four of these flow directly from the fourth bullet point of paragraph 55 of the NPPF, which may enable a new dwelling in the countryside because of the exceptional quality or innovative nature of its design.

Reasons

Truly outstanding or innovative?

4. A design should be “truly outstanding or innovative, helping to raise standards of design more generally in rural areas”. It can be difficult to be truly innovative – individually, most things have been done at least once in one form or another. Here, the Design and Access Statement says that the design approach “entails taking full advantage of location, of topography, of geology
and of local resources and skills, making the ‘whole’ more than the ‘sum of the parts’”. It later refers to a “layered, seasonally responsive approach” with the characteristics of various spaces able to be varied according to use and season.

5. One may highlight (in no particular order of importance) constructional mass as a means of stabilising temperatures, the construction materials (with limited energy used in their manufacture and transport), the orientation of the building (to enable effective solar heating and solar shading), the means of excluding solar gain while maintaining relatively large areas of glazing, high levels of insulation, controlled ventilation, low carbon technologies for the heating of space and water and a water management system. Taken together, these aspects enable the proposal to be described as truly outstanding.

6. In addition, the research and teaching proposals, while not directly related to the planning system, would contribute towards raising standards of design – not only in rural areas (which is what paragraph 55 seeks) but generally in the fields of architecture and environmental technology.

**The highest standards in architecture?**

7. The proposal is in no way a showy piece of architectural design. Nor should it be. The Design and Access Statement says that the “holistic contextual approach” to design means that “the building will very naturally ‘belong’, being developed from the defining characteristics of the area”. That is very much so.

8. It would be a low (single-storey) building, enabling it to sit comfortably in the context of the generally flat landscape in an arc to the south; equally, it would not be at all prominent or dominant when seen from the dwellings to the north. The north-west and north-east facades would be growing walls, creating an echo of the boundary hedge and trees alongside to the west, and also further south, helping to integrate the building with its surroundings. Although the brown roof is to be welcomed for what it is, it is probably equally important that it be flat, the lowness of the design further helping that integration. The use of timber cladding, decking and solar shading would do still more. And, where there would be the more traditional elements of building to be seen, the glazing in particular, they would be very carefully sub-divided and articulated.

9. All in all, this would be a building with no pretensions. Its design would draw fully on its surroundings. It would sit very comfortably and naturally in its context. In the words of paragraph 55, it would be a building “reflecting the highest standards in architecture”.

**Enhancement of the immediate setting?**

10. Paragraph 55 requires a proposal to “significantly enhance its immediate setting”. Part of the appeal site (to the north and north-west of the proposed house) is the domestic curtilage of The Willows; it would not be expected to change to any great extent. To the south-east of the proposed house is a rough paddock on ground generally lower than the garden of The Willows. The appearance of this land could be enhanced by becoming part of a domestic curtilage – but care needs to be taken to ensure that its essential character as part of the countryside would not be lost. In essence, what is required is not so much significant enhancement as a landscaping scheme which builds on and improves the existing character of the site (not only its physical nature but also, importantly, its biodiversity) at the transition between village and countryside. The proposal incorporates that and a planning condition to secure the approval and implementation of a suitable landscaping scheme can achieve
what is necessary. The immediate setting of the house – its site – would thus be appropriately enhanced.

**Conclusion on the first three main issues**

11. The Council does not particularly take issue on these three main issues, which can be considered fully met. It focusses instead on the impact of the proposal on the essential character of Doveridge and on the setting of the Willows.

**Sensitive to the local area?**

12. The Council queries the relevance of paragraph 55 of the NPPF on the basis that this would not be an isolated dwelling in open countryside but would instead be located close to a village identified in the draft Local Plan as a third tier settlement for development. It considers the paragraph 55 justification “somewhat skewed”. On the other hand, it does refer elsewhere to the land south of Lower Street as “this rural area”.

13. The phrase ‘open countryside’ is regularly used in plans to mean any location beyond defined settlement limits. No indication of a settlement boundary for Doveridge has been submitted. The Willows has an extensive curtilage and the proposed dwelling would be at about the point where what is obviously garden gives way to what is obviously countryside. The appeal site extends into what is clearly countryside. The first bullet point of paragraph 55 is “the essential need for a rural worker to live permanently at or near their place of work in the countryside”. That does not exclude sites close to settlements but beyond their boundaries. In similar vein, neither should the fourth bullet point. Based on the characteristics of the appeal site, there is no reason why paragraph 55 should not apply. In any event, the Council’s position is adequately covered by the fourth criterion for houses of exceptional quality, sensitivity to the defining characteristics of the local area, which must apply equally to both the open countryside and nearby developed areas.

14. At first glance, the defining characteristic of this southerly edge of Doveridge appears to be that houses are found on the north side of Lower Street and farms, including farmhouses, on the south side. It is not, however, as straightforward as that. Brookfield and Field View, immediately west of The Willows, are relatively recent houses and The Willows itself, while perhaps originally a farmhouse, is clearly no longer so. Also, Old Byre, the modern bungalow at Glebe Farm, looks neither old nor like a converted byre and thus does not appear to be obviously part of that traditional settlement pattern.

15. The appeal site is visually well-contained – by The Willows, Brookfield and Field View to the north, by hedgerows and trees along much of its western boundary and by the extensive, utilitarian and unattractive buildings of Deepmoor Farm to its west. It is open to the south but views from that direction are restricted by the tapering nature of the site with the farm buildings on its east side and the vegetation along its western boundary. The proposed dwelling would have a very low profile and would feature the growing wall on its north-west side. It would sit down in the landscape, it would sit down in relation to the houses to its north and, to the extent that it would be seen at all, any visual impact would be softened by its design and the compatibility of that with the existing vegetation around the site boundaries. Put simply, it might not fit precisely with the historical pattern of development but it would nevertheless be sensitive to what are nowadays the defining characteristics, built and natural, of the local area.
The setting of the Willows

16. The Willows is listed in grade II as dating from the 17th century and enlarged in the 20th century. It is clear from the list description that it is listed for its architectural and constructional characteristics. The 20th century range is specifically stated not to be of listable quality. There is no indication in the description that the building’s setting (historical or current) contributes to its significance (although, as a description primarily for identification purposes, that does not weigh heavily). From the south (from the appeal site), only the 1½-storey style and the steepness of the roof pitches hint at an older building. The overall impression, created largely by the uniform rendered finish and the very neatly designed single-storey extensions, is essentially one of a pleasant house, not necessarily an historic one. From Lower Street, the age of the house is apparent from its timber-framed style, although it seems that brick infill has replaced the original wattle-and-daub, and there is evident group value with Slade House and Brookside Cottage on the north side of the street.

17. The proposed house would certainly stand within the setting of The Willows. That setting, however, consists of a large domestic garden giving way to a paddock and contributes nothing to the significance of the listed building itself. Even that significance is substantially obscured from the south by what has been done to the building (not susceptible to serious criticism in design terms but rather obscuring its historic characteristics). There can be no argument that the proposed house would harm the significance of the listed building.

Conclusion on the main issues

18. The conclusion on the five main issues is that the appeal proposal achieves what one would expect of it against the criteria in the fourth bullet point of paragraph 55 of the NPPF. Looked at overall, including the landscape proposals for the site, the scheme would be truly outstanding and innovative, helping to raise the standards of design in rural areas; it would reflect the highest standards in architecture; it would enhance its immediate setting; and it would be sensitive to the defining characteristics of the local area. On the last of these points, the proposal would not adhere precisely to the historical pattern of development in this part of Doveridge but the location and design mean it would be sensitive to it; also, since the significance of The Willows as a listed building gains nothing from its setting to the south, the proposal cannot be argued as insensitive to the listed building.

19. The Council says that, despite it being able to demonstrate a 5-year housing land supply, the policies saved from the adopted Derbyshire Dales Local Plan are out of date and the appeal proposal should therefore be assessed against the requirements of paragraph 14 of the NPPF. The conclusion on the main issues that the proposal satisfies paragraph 55 of the NPPF means, however, that there are no adverse effects which can outweigh its benefits.

20. The reasons for refusal refer to Local Plan Policies NBE16 (on development affecting a listed building), NBE8 (on protection of the local distinctiveness of the landscape) and SF5 (on the design and appearance of development). The conclusions on the main issues indicate that there is no conflict with these policies that could lead to dismissal of the appeal.

21. In light of these conclusions, the appeal may be allowed. The nature of the proposal does, however, mean that planning permission should only be granted subject to conditions that will ensure its design quality is realised.
Conditions

22. The Council suggested eight conditions in the event that the appeal was allowed. In addition to the statutory time-limiting condition, they deal (in the order they are set out) with construction methodology, access and parking, the approved plans, materials, hard and soft landscaping and the removal of permitted development rights. A construction methodology condition is necessary in the interests of preventing both harm to the amenities of neighbouring residents and obstruction of the highway while the house is being built. All of the other suggested conditions are reasonable and necessary if a house satisfying the requirements of paragraph 55 is to be achieved.

23. A condition is necessary to identify the approved plans and ensure that what is built is what has been granted permission. Access and parking are shown on the application plans but manoeuvring provision could be more explicitly explained. Conditions controlling external materials and landscaping are essential when what is proposed is a house of exceptional architectural quality and innovation. The materials condition may reasonably refer to items such as windows, doors and rainwater goods as all details are important to the quality of the design. The growing wall and brown roof warrant a condition of their own to avoid possible ambiguity between materials and landscaping. The landscaping condition should deal with the retention of existing trees and should also refer to Appendix B1 to the Design and Access Statement, the landscape philosophy being integral to the design approach. The removal of permitted development rights is important as any future alteration or extension could diminish the architectural quality of what is now being approved.

John L Gray
Inspector
Appeal Ref. APP/P1045/W/16/3158359
Land at Lower Street, Doveridge, Derbyshire, DE6 5NS
Schedule of conditions attached to planning permission

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 plans: drawings nos. 120033(PL)01/A and 02-08 inclusive.

3) Development shall not begin until details of parking and manoeuvring areas within the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the parking and manoeuvring areas shall thereafter be kept available at all times for those purposes.

4) Development shall not begin until details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted, including doors, windows and rainwater goods, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and/or samples.

5) Development shall not begin until full details of the growing walls and brown roofs, including construction and planting specifications and a maintenance scheme, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

6) Development shall not begin until details of both hard and soft landscape works, in general accordance with the provisions of Appendix B.1 (Landscape Design) to the Design and Access Statement dated November 2015, have been submitted to and approved in writing by the local planning authority. These details shall include:
   i) a statement setting out the design objectives and how these will be delivered;
   ii) an indication of all trees within and along the boundaries of the site, details of those to be retained and measures for their protection during the course of the works;
   iii) existing and proposed finished levels or contours;
   iv) boundary treatments;
   v) vehicle access, parking and manoeuvring layouts (subject to condition 3 above);
   vi) pedestrian access and circulation areas;
   vii) hard surfacing materials;
   viii) planting plans, including written specifications and schedules of plants, noting species, sizes and proposed numbers/densities;
   ix) provisions for heating and water management;
   x) an implementation programme and maintenance scheme.
   The landscaping works shall be carried out in accordance with the approved details and implementation programme. The completed scheme shall be managed in accordance with the approved maintenance scheme.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1 of Schedule 1 to the Order shall be carried out.

8) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall be adhered to throughout the construction period and shall provide for:
   i) the parking of vehicles of site operatives and visitors;
   ii) loading and unloading of plant and materials;
   iii) storage of plant and materials used in constructing the development;
   iv) delivery, demolition and construction working hours.
Appeal Decision

Site visit made on 4 January 2017

by John L Gray  DipArch MSc Registered Architect

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

Decision date: 20 January 2017

Appeal Ref. APP/P1045/W/16/3160144
Land off Mapleton Road, Ashbourne, DE6 2AA

- 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 Miss Dawn McGhee against the decision of Derbyshire Dales District Council.
- The application, ref. 16/00254/FUL, dated 5 April 2016, was refused by notice dated 17 June 2016.
- The development proposed is a new 4-bedroom dwelling, detached garage and associated works.

Decision: the appeal is dismissed.

Main Issue

1. There is really just one main issue in the appeal. It is whether the proposed dwelling would be incongruous and visually intrusive in this location.

Reasons

2. The appeal site lies very clearly in the countryside. There are several houses in the vicinity, and also the car park and buildings related to the Tissington Trail, but they all sit within a countryside setting. The buildings on the edge of Ashbourne are visible on the skyline to the south-east but, even in winter, are screened by hedgerow trees; they do not intrude unduly into what is essentially an attractive rural scene.

3. Bridge Barn, just south-west of the land owned by the appellant, gives the impression of being a converted single-storey farm building, although it is actually a relatively large property. Brooklands Farm, a little further to the west, is a substantial dwelling but also looks like it is still a working farm. Tan Mill Farm, on the north side of Mapleton Road, appears to have two dwellings and some converted farm buildings but also active agricultural buildings. One way or another, all of these buildings or groups look as if they belong in the countryside.

4. There are also two dwellings a little to the east of the appeal site, between Mapleton Road and the land owned by the appellant. They probably date from around the middle of the 20th century and look out of place in the rural scene, in principle as well as appearance, introducing an inappropriate and incongruous urban influence.

5. The Tissington Trail is a former railway line. The trees along the old line give the scene around Mapleton Road a more enclosed feel, tending to obscure the extent of countryside beyond to the north-east. Its use as a railway walk has
brought a car park, another somewhat urban influence – but the leisure use cannot offer any precedent for a new dwelling.

6. A dwelling on the appeal site would appear divorced from other development in the vicinity. It would even stand apart from the two dwellings to the east, which themselves are an example of inappropriate development in the countryside. The steps said to ensure that the dwelling would fit comfortably into its surroundings would not actually have that effect. A 2-storey dwelling would not be adequately screened by the existing established hedges while the double garage, albeit much smaller than the dwelling, would simply be another building, accentuating the extent of a development not obviously related to its rural location.

7. The Council could not demonstrate a 5-year housing land at the time of the application but now believes it can. Even if it cannot, however, that does not render any proposal for a dwelling automatically acceptable. If Policy SF4 saved from the Derbyshire Dales Local Plan is out-of-date, it is only in terms of what may or may not constitute countryside. In relation to this appeal, the site is in the countryside and criterion (a) of SF4 remains consistent with the first bullet point in paragraph 55 of the National Planning Policy Framework (NPPF). The same applies to criterion (a) of saved Policy H4; and, while the proposal is said to be affordable for the appellant, the need for it is not identified, as required by criterion (b). Accordingly, the appeal proposal conflicts not only with the policies of the Local Plan but also with more up-to-date policy in the NPPF.

8. The identification in the SHLAA of the land to the rear of the appeal site offers little support. A SHLAA normally looks at all potential development land without creating any assumption that planning permission would be granted on a site it assesses. In this case, the site was discounted for highways reasons. Nor can the fact that the appeal concerns a single dwelling weigh in its favour. It might not raise the same highways objection as the larger site but, as reasoned above, other things act against the proposal.

9. To conclude on this main issue, the proposed dwelling would be an incongruous and inappropriate intrusion into what is clearly countryside – a pleasant rural scene – without any justification that could lead to the principle being accepted. To allow it would conflict not only with the saved policies of the Derbyshire Dales Local Plan but also with the NPPF.

Other matters

10. On design, it is difficult to argue that the proposed dwelling would fail against any of the individual criteria of saved Policy H9. It is also difficult to argue that the design would necessarily be out of place in this location. A desire to continue traditional styles in rural areas is understandable but, without commenting on the suitability or otherwise of the proposed design, there has to be a place for modern architecture that is in keeping with those styles. What makes this proposal inappropriate is the proposed location, as reasoned above under the main issue. The quality of the particular design does not add unduly to that objection. Even if it were wholly traditional in its appearance, a dwelling here would be inappropriate in principle and would thus run contrary to criteria (a) and (c) of saved Policy SF5.

11. Reason for refusal no. 1 is essentially about sustainability, though it overlaps with reason for refusal no. 2 on the character and appearance of the countryside. The appeal site is no more than about 0.5km from the centre of
Ashbourne, close enough that it cannot automatically be said to be an unsustainable location. It is on a bus route and close to a bus stop – it may be an infrequent service but would be capable of being used, even if only in one direction. There is, however, a disincentive to walking or cycling in the absence of both footways and lighting along what is a relatively narrow stretch of road; it is not, though, a particularly busy road. On balance, the lack of sustainability argued by the Council could not on its own be a reason to dismiss the appeal.

**Conclusion**

12. Neither of the other matters raised above, or indeed any other matter raised in the representations, can outweigh the conclusion on the main issue, which leads to the decision to dismiss the appeal.

*John L. Gray*

Inspector
BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.