09 April 2018

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 17 April 2018 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, Matlock at 3.15pm 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 – 13 March 2018

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. 18/00054/FUL (Site Visit) 7 – 15
Change of use of ground floor from D1 to C3 (residential use) and first floor from D1 to A3 (restaurant/cafe use) at Wirksworth Baptist Church, Coldwell Street, Wirksworth.

4.2 APPLICATION NO. 17/01012/FUL (Site Visit) 16 – 24
Change of use of premises from missionary training unit and bible school to hotel (use Class C1) at Cromford Court, Derby Road, Matlock Bath.

4.3 APPLICATION NO. 17/01013/LBALT (Site Visit) 25 – 31
Internal alterations at Cromford Court, Derby Road, Matlock Bath.

4.4 APPLICATION NO. 18/00127/FUL (Site Visit) 32 – 39
Use of building for mixed (A1) retail and (A3) cafe/restaurant use at The Whistlestop Discovery Centre, Matlock Bath.

4.5 APPLICATION NO. 18/00128/LBALT (Site Visit) 40 – 47
Formation of kitchen area, installation of food preparation area and creation of inner entrance and lobby at The Whistlestop Discovery Centre, Matlock Bath.

4.6 APPLICATION NO. 17/00933/FUL 48 – 54
Proposed dairy housing unit (Phase 1 of development) at Home Farm, Whitelea Lane, Tansley.

4.7 APPLICATION NO. 18/00135/FUL 55 - 64
Use of sports area as an exercise and activity park for children for various school holidays, Bank Holidays and weekends in 2018 and 2019 at the Tennis Courts, Derwent Gardens, South Parade, Matlock Bath.
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6. APPEALS PROGRESS REPORT

To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee
Councillors Garry Purdy (Chairman), Sue Bull (Vice Chairman),
Jason Atkin, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Tony Millward BEM, Tony Morley, Lewis Rose, Peter Slack and Joanne Wild

Nominated Substitute Members
Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Neil Horton, Vicky Massey-Bloodworth, Dermot Murphy, Jean Monks, Joyce Pawley, Mark Salt, Andrew Statham and 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:

- Town and Parish Councils: 3 minutes
- Objectors: 3 minutes
- Ward Members: 5 minutes
- Supporters: 3 minutes
- Agent or Applicant: 5 minutes


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 **3.15pm prompt** for the following site visits:

3.30pm  APPLICATION NO. 18/00054/FUL  WIRKSWORTH BAPTIST CHURCH, COLDWELL STREET WIRKSWORTH.

At the request of Officers to assess the impact of the proposals on the character and appearance of the building and the amenity of neighbours.

4.00pm  APPLICATION NO. 17/01012/FUL & 17/01013/LBALT  CROMFORD COURT, DERBY ROAD, MATLOCK BATH.

At the request of Ward Member to assess the matters pertaining to this major planning application.

4.40pm  APPLICATION NO. 18/00127/FUL & 18/00128/LBALT  THE WHISTLESTOP DISCOVERY CENTRE, MATLOCK BATH.

At the request of Officers to assess the impact of the proposals on the special historic character and appearance of the listed building.

5.00pm  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.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>18/00054/FUL</th>
</tr>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Wirksworth Baptist Church, Coldwell Street, Wirksworth</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Change of use of ground floor from D1 to C3 (residential use) and first floor from D1 to A3 (restaurant/cafe use)</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr &amp; Mrs Barrett-Thompson</td>
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<tr>
<td>TOWN</td>
<td>Wirksworth</td>
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<tr>
<td>AGENT</td>
<td>Indigo Architecture Limited</td>
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<tr>
<td>WARD MEMBERS</td>
<td>Cllr. Mrs I Ratcliffe</td>
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<td></td>
<td>Cllr. M. Ratcliffe</td>
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<td>Cllr. P. Slack</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>13th March 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Number of unresolved objections</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Requested by Officers to assess the impact of the proposals on the character and appearance of the building and the amenity of neighbours.</td>
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</table>

**MATERIAL PLANNING ISSUES**

- The principle of the development
- Loss of a community facility
- Impact on the character and appearance of the Wirksworth Conservation Area
- Impact on neighbours’ amenity, and
- Highway matters

**RECOMMENDATION**

Refusal
18/00054/FUL

Wirksworth Baptist Church, Coldwell Street, Wirksworth

Derbyshire Dales DC

Date: 05/04/2018

100019785
1. THE SITE AND SURROUNDINGS

1.1 The church was built in 1885-86 (designed by the architect John Wallis Chapman of London) and is an impressive and prominent building in this part of the Wirksworth Conservation Area. The building is also covered by the Wirksworth Article 4 Direction. The building's design is such that there is a ground floor (possibly used as a Sunday School) with a worship space above it at first floor. The building remains more or less intact and contains its original obscured, coloured, leaded glazing to the upper parts of the building.

1.2 It became redundant as a place of worship a few years ago and has now been sold.
2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to convert the ground floor of the church to residential accommodation and to convert the former worship space into a café/bistro. There are no proposed external changes to the building.

2.2 The applicant is currently converting the basement to a dwelling unit, albeit without planning permission. As such, this application is also part retrospective to address this matter.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- S1 Sustainable Development Principles
- S3 Development within Defined Settlement Boundaries
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- HC8 Conversion and re-use of Buildings for Residential Accommodation
- HC15 Community Facilities and Services
- HC21 Car Parking Standards
- EC1 New Employment Development
- EC6 Town and Local Centres

3.2 Wirksworth Neighbourhood Development Plan (2015-2028)
- NP2 Quality and Character of Development within the Settlement
- NP5 Principal Residence Homes
- NP6 Quality of Residential Development
- NP7 Energy-saving Standards for New Dwellings
- NP11 Loss of Existing Facilities and Open Spaces
- NP16 Energy-saving Standards for Non-Residential Development

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance
4. RELEVANT PLANNING HISTORY
None.

5. CONSULTATION RESPONSES

Town Council
5.1 - not demonstrated that the asset, as a whole, is no longer viable as required by Policy NP11 nor that all possible options have been explored to maintain the community use and therefore the proposal conflicts with the neighbourhood plan
- may exacerbate the already short supply of car parking in the immediate vicinity
- if approval granted, request that the issues of noise be addressed with planning conditions.

Environment al Heath (DDDC)
5.2 - must comply with food safety and health and safety regulations.
- request further information with regard to the following:
  - kitchen ventilation/extraction system
  - noise and odour control
  - hours of operation
  - provision for smoking outside the premises
  - details of mitigation of noise from live music
  - delivery times for supplies

Local Highway Authority (Derbyshire County Council)
5.3 - no objection
- given the former use, the town centre location and Traffic Regulation orders restricting on-street parking in the vicinity, it is considered that any objection based on the lack of parking would not be sustainable at appeal
- there should be no signage of external seating located within the highway
- any external lights should be restricted in terms of luminance and be static and shielded to prevent dazzle or distraction to passing highway users
- will need to consult refuse collection department in terms of the number and location of bins for both of the proposed uses of the building and a bin storage area for collection days should be provided clear of the highway.

Design and Conservation Officer (Derbyshire Dales)
5.4 - no objection

6. REPRESENTATIONS RECEIVED

6.1 A total of seven letters of representation have been received objecting to the proposal. A summary of the representations is outlined below:

- kitchen directly overlooks neighbour’s garden
- people working in the kitchen, who are not residents of the property, will be able to look over the garden
- noise from the kitchen
- noise from live music with no details of what is meant by ‘low-key’ – what would this mean in decibels?
- noise from patrons leaving late at night
- disturbance causing a loss of sleep to children residing in dwellinghouse opposite
- continual access and egress of customers will contribute to noise in a street that is quiet during the evening
- there are over a dozen properties within 15m of the chapel which will be affected
- smells/grease from extraction system would be emitted into neighbour’s garden
- loss of privacy to lounge and 2 bedrooms as directly opposite the front of the chapel – feel will have to have curtains closed in the evening
- concerned with regard to the arrangements for smokers who will congregate at the front of the building looking into house opposite
- no proposed opening times
- noise from church services could be heard in neighbour’s property on the opposite side of Coldwell Street – live music in the evening would impact on ability to relax and sleep in own home and no noise reduction measures are proposed
- no details of signage or additional lighting which would substantially impact on amenity
- Coldwell street already congested with cars due to resident parking – café/bistro would add to the problems
- additional parking on the road and North End have restricted the passing of larger vehicles – particularly concerned with obstruction to emergency service vehicles
- there are currently two former banks and a bistro that are vacant on the high street which are within a parade of shops and restaurants which would be more suitable for the use and not require the conversion of a heritage asset
- design and access statement states that the building does not allow ease of access to the first floor level for wheelchair users – Equalities Act 2010 requires high quality disabled access and current vacant buildings are, or could be made, compliant
- Wirksworth Neighbourhood Plan requires that all possible options be explored to maintain community use for buildings, this chapel being one of them and do not believe all uses within Use Class D1 have been explored
- matter of trade effluent has not been addressed
- no details of ventilation or air-conditioning units submitted and would expect these to be installed on the exterior of the building
- no details of the number of covers
- concern not just about existing ownership but what changes could come upon a change of ownership
- no objection to change of use of the ground floor to a dwelling.

6.2 One letter of representation has been received from a resident of Heanor supporting the proposal. A summary of the representation is outlined below:

- restoration of the church is a great idea – so many old buildings go to ruin
- a low key restaurant/café where the community can enjoy the architecture and history of the building is great idea.

7. OFFICER APPRAISAL

The Principle of the Development

7.1 The site is within a town centre location where the re-use of redundant premises for commercial uses is normally supported. However, this premises has a form of community use, albeit this would be restricted to how the church may engage with the community. In addition, permitted development rights allow for the building to be used within Class D1 of the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended) to include libraries, health centres, crèches, day nurseries, day centres, schools, museums, libraries, halls and non-residential education and training centres, for example.

7.2 Notwithstanding, Policy HC15 advises that the District Council will seek to maintain and improve the provision of local community facilities and services (including places of worship) and changes of use will only be supported where the existing use is no longer needed to serve the needs of the community, the existing facility is no longer financially or commercially viable, as demonstrated by a robust and comprehensive marketing exercise.
hatching been marketed at a realistic price for a continuous period of at least 12 months immediately prior to the submission of the planning application) and the use or facility has been offered to the community for their acquisition/operation at a realistic price. Regard also needs to be given to Policy NP11 (Loss of Existing Facilities and Open Spaces) of the Wirksworth Neighbourhood Development Plan (2015-2028). This requires that all possible options be explored to maintain community use for buildings.

7.3 Policy EC1 (New and Existing Employment Development) of the Adopted Local Plan (2017) advises that the District Council will support proposals for new business development in sustainable locations that contribute towards the creation of jobs to enhance the economic base of the Plan area. This includes focusing new retail and leisure development within town centres to support their vitality and viability.

7.4 Policy EC6 (Town and Local Centres) advises that the District Council will seek to maintain and enhance the viability and vitality of town centres, and enhancing customer choice, by permitting appropriate retail and other commercial development in centres of a scale and type appropriate to the role and function of that centre. However, it is also advised that proposals that would create a concentration of evening economy uses (A3, A4 and A5) that would give rise to social and environmental issues, will not be supported. In addition, it also required that there are adequate parking facilities to serve the town centre developments and that the developments are also accessible by public transport, walking and cycling.

7.5 The church is within the Wirksworth Conservation Area and is subject to the Article 4 Direction. Therefore, if the principle of the change of use is accepted, the proposals would have to preserve or enhance the character and appearance of the building in accordance with Policy PD2 of the Adopted Local Plan (2017). Any reuse of the building will also need to ensure that there are no significant, adverse impacts on the amenity of neighbouring properties and that the [proposals are acceptable with regard to highway safety; these matters are addressed below.

Loss of a Community Facility

7.6 The use of the building as a church is within Use Class D1 and other uses contained within this Use Class include libraries, health centres, crèches, day nurseries, day centres, schools, museums, libraries, halls, law courts and non-residential education and training centres.

7.7 Policy NP11 of the Wirksworth Neighbourhood Plan requires that all possible options be explored to maintain community use for buildings such as churches and this is supported by Policy HC15 of the recently adopted Local Plan. The use of the building as a church is within Use Class D1 and the building could be brought into other community uses within this Use Class, as set out above. As the applicant has submitted no marketing details of the premises for such uses, the proposal fails to comply with the above Policies.

Impact on the Character and Appearance of the Wirksworth Conservation Area

7.8 As there are no external changes proposed to the building, its general character and appearance will remain intact and its external visual and physical contribution to the street scene, and this part of the Conservation Area, will remain unchanged.

Impact on Neighbours’ Amenity

7.9 Concern has been raised with regard to overlooking of neighbouring residential properties. The outlook from the proposed dwelling unit is onto high boundary walls to the sides of the building and the neighbouring domestic properties cannot be looked into directly other than looking up above the wall to first floor windows; this does not constitute a significant loss of privacy. There are no windows in the proposed dwelling unit looking to the front and rear of the building.
7.10 With regard to the first floor, the windows are all stained glass to the front and side and cannot be seen out off. The windows to the rear overlook the neighbours’ gardens but there is obscured glazing to the windows, or at least the lower part of the windows, to restrict overlooking. The area where most activity would occur is to the kitchen, which has the lower pane to the window obscure glazed and, with units put in place, will mean that it would be difficult to look down onto the neighbouring properties and the upper window pane would just allow views off to the distance.

7.11 In addition, the relative distance to the dwellinghouses directly to the rear, of some 17m, and the angle of outlook to those that are on Church Street, would not result in a significant loss of privacy that would require the window to be fully obscure glazed. Nevertheless, it is considered reasonable to require a condition that all windows are retained in their current manner unless otherwise agreed in writing by the Local Planning Authority. This is to safeguard the character and appearance of the building at the same time as preserving amenity.

7.12 Concerns have been raised with regard to the level of disturbance from comings and goings from the premises. As this is a town centre location, where there would be expected to be a level of activity with people moving around and driving around the town, it is considered that the use of the premises as a restaurant will not significantly add to this. A condition can be attached restricting the opening times of the premises.

7.13 Whilst the applicant indicated that there would be ‘low key’ live music, it has been now advised by the applicant’s agent that this would not occur given the concerns raised by neighbours; this could be subject to a condition on any grant of planning permission. If such was required in the future, this would need to be licensed and require a variation of any planning condition.

7.14 It is appreciated that people may wish to smoke outside the premises and this would have to be to the front of the premises. However, it is considered that the noise generated by persons talking in front of the building would not constitute a significant nuisance given the other level of activity with traffic and other passers-by. The applicants’ agent has advised that they could erect a sign to advise customers to have regard to the neighbours; this can be a condition of any planning permission; these assurances were given verbally to the Case Officer.

7.15 There have also been concerns raised with regard to the noise and smell from the cooking operations and extraction and ventilation units which can be subject to conditions on any grant of planning permission. It could also be conditioned that any windows which could be opened on the first floor be kept shut during the hours of operation of the restaurant.

Highway Matters

7.16 Whilst the premises does not have off-street parking, nor do many of the commercial premises in the town centre. The premises, as a church, can generate the need for parking in the vicinity as could any of the permitted uses to which it could change to. There is public parking within the town centre and the Local Highway Authority has advised that given the former use, the town centre location and Traffic Regulation orders restricting on-street parking in the vicinity, it is considered that any objection based on the lack of parking would not be sustainable at appeal.

Other Matters

7.17 The Case Officer has sought to obtain written confirmation from the applicant with regard to the following:
- the obscured windows being retained;
- a window which has been incorrectly detailed on the floor plans as existing to be removed from the drawings and from consideration;
- reconsideration of the toilet facilities in order that they are not within the main hall;
- details of where refuse will be stored and collected from;
- clarification on the opening hours;
- confirmation that there will be no live music at the premises and that it will not have an ancillary use as a bar; and
- details of how the premises will be managed to limit disturbance to neighbouring residents.

This information has not been submitted but could reasonably be addressed through conditions on any grant of planning permission.

Conclusion

7.18 Whilst there would be benefits associated with the conversion of the building for employment use in terms of its contribution to the vitality of the town and, with appropriate controls placed on noise and odour emissions from the building there are unlikely to be any adverse impacts on the local environment, as the applicant cannot demonstrate that the building has been appropriately marketed or demonstrate that the existing use is no longer needed to serve the needs of the community, the proposals are contrary to Policy HC15 of the Adopted Local Plan (2017) and to Policy NP11 of the Wirksworth Neighbourhood Development Plan (2015-2028) and it is therefore recommended that planning permission be refused on this basis.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The applicant has failed to demonstrate that the building is no longer required to serve the needs of the community, that the facility is no longer financially or commercially viable through appropriate marketing or has been offered to the local community for their acquisition/operation at a realistic price. As such proposal is contrary to Policy HC15 of the Adopted Local Plan (2017) and to Policy NP11 of the Wirksworth Neighbourhood Development Plan (2015-2028).

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:

- Drawing Nos. 0058/01-01, 03-00 and 11-00 received on 16th January 2018
- Design and Access Statement received on 16th January 2018.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
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<td>Cromford Court, Derby Road, Matlock Bath</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Change of use of premises from missionary training unit and bible school to hotel (Use Class C1)</td>
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<td>Mr. G. A. Griffiths</td>
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<td>APPLICANT</td>
<td>Mr Kuldip Gill</td>
</tr>
<tr>
<td>PARISH</td>
<td>NH Architecture</td>
</tr>
<tr>
<td>WARD MEMBERS</td>
<td>Cllr. Mrs J. Pawley, Cllr. G. Purdy</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>23rd April 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major Application</td>
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**MATERIAL PLANNING ISSUES**

- Background
- The principle of the development
- Impact on the character and appearance of the area
- Highway safety
- Impact on residential amenity

**RECOMMENDATION**

Approval with conditions
Cromford Court, Derby Road, Matlock Bath

Date: 05/04/2018

100019785

Derbyshire Dales DC

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
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**

1.1 The site is a large detached Victorian stone built house with timber-framed elements which is set in an elevated position on the hillside overlooking the Derwent Valley to the east. The building was originally built in 1907 as a private residence for the works manager of Masson Mills and is a Grade II listed building. There is a detached wing to the building on its west side and a large level parking area to the south side.

1.2 The site is well enclosed by the hillside to the west and by tree cover. A Site of Special Scientific Interest (SSSI) lies to the west of the level area of the site. The site is within the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.
2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to change the use of the principle building to a hotel with the annex building being converted to associated holiday lets. The proposals to convert the buildings are set out as follows:

Main building
Lower ground level
- accommodation for hotel manager
- food storage areas
- general storage within cellar areas with potential for two fitness rooms for use by hotel residents

Upper ground level
- creation of two bedrooms, together with dining facilities, guest lounge, toilets, management office/reception area and conference/seminar facility

First Floor
- creation of 13 bedrooms

West Wing annex
- conversion to holiday lets under control of hotel management

2.2 Vehicular access is gained via a private driveway which ascends from the A6. A transport statement has been submitted giving the configuration of the driveway and seeks to address matters such as pedestrian access, cycle parking and bus routes. The applicants have indicated in their Transport Statement that access to the building by both refuse vehicles and emergency vehicles can satisfactorily be achieved. The applicant has submitted a drawing which shows a run off area at the first turning point, which is required to fully accommodate the manoeuvre and this will need to be implemented on site to facilitate improved access for larger vehicles.

2.3 The applicant advises that the Highways Statement (April 2007) was included within the previous planning application, (Ref: 07/00399/FUL), which was conditionally approved by the Local Planning Authority and, at that time, there were no adverse comments from the Local Highway Authority. Therefore, the applicant considers that service/emergency vehicle access should not be of major concern within this current planning application.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
S1 Sustainable Development Principles
S4 Development in the Countryside
S5 Strategic Housing Development
PD1 Design and Place Making
PD2 Protecting the Historic Environment
HC19 Accessibility and Transport
HC20 Managing Travel Demand
HC21 Car Parking Standards
EC1 New Employment Development
EC8 Promoting Peak District Tourism and Culture

3.2 National Planning Policy Framework (2012) - Conserving and Enhancing the Historic Environment
3.3 National Planning Policy Guidance (2014)


4. RELEVANT PLANNING HISTORY

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<tr>
<td>17/01013/LBALT</td>
<td>Alterations to listed building - Internal alterations – to be determined</td>
</tr>
<tr>
<td>09/00748/LBALT</td>
<td>Alterations to listed building - Alterations to facilitate conversion of premises to residential home for children with learning difficulties and adult carers - Granted</td>
</tr>
<tr>
<td>09/00455/FUL</td>
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<td>Alterations to listed building - external fire escape staircase – Granted</td>
</tr>
<tr>
<td>08/00830/FUL</td>
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<td>05/01019/FUL</td>
<td>Erection of garage building – Granted</td>
</tr>
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<td>05/01018/LBALT</td>
<td>Alterations to listed building - Erection of garage building – Granted</td>
</tr>
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<td>0893/0609/C</td>
<td>Erection of student bedroom accommodation – Granted</td>
</tr>
<tr>
<td>1078/685/CA</td>
<td>Change of use from hotel to residential missionary training unit and bible school - Granted</td>
</tr>
</tbody>
</table>

5. CONSULTATION RESPONSES

Parish Council

5.1 - no objection

Local Highway Authority (Derbyshire County Council)

5.2 - no objection subject to previously recommended highway conditions with respect to planning permission 08/00201/FUL for use as a hotel.

Derwent Valley Mills World Heritage Site Panel

5.3 - no objection –returns the building to one of its former uses and will allow its appreciation to a wider audience as part of the DVMWHS narrative.

Natural England

5.4 - refer to standing advice

Environmental Health (DDDC)

5.5 - comment – must comply with food safety and health and safety legislation.

6. REPRESENTATIONS RECEIVED

6.1 One letter of representation from a local resident raising concerns with regard to the increase in traffic and larger vehicles negotiating the access and given the proximity to a residential home, shopping complex and dwellings and the potential for an accident.

7. OFFICER APPRAISAL

Background

7.1 The authorised planning use for the main house is for a missionary training unit and bible school, granted in 1978, and the annex as student bedroom accommodation only in association with the use of the main building stated above which was granted in 1993. A
further permission was granted in 1995 for additional staff living accommodation. Prior to the above use, the premises was used as a hotel.

7.2 There have been planning applications submitted since the approval of the missionary training unit and Bible School which have included the use again as a hotel and as a residential home for children with learning difficulties and adult carers; these planning permissions were not implemented.

The Principle of the Development

7.3 The growth of tourism related development is considered appropriate in the countryside and is acknowledged in Policy S4 of the Adopted Local Plan (2017). Tourism makes a significant contribution to the economy of Derbyshire Dales and whilst the majority of tourists are day visitors to the District, those that stay overnight make a greater contribution to the local economy. The Council’s objective is to increase the proportion of staying visitors; and the provision of accommodation including hotels would help achieve this. To ensure that tourism contributes to the achievement of sustainable development, preference is given for tourist accommodation that involves the conversion and change of use of existing premises provided they do not have an adverse impact upon the amenity, character and appearance of surrounding land uses. The proximity to public transport is an important consideration to help support sustainable rural tourism.

7.4 The site is located within the Derwent Valley Mills World Heritage Site a designation which highlights the international importance that the area played in the Industrial Revolution. The Derwent Valley Mills World Heritage Site – Economic Development Plan states that the World Heritage site area should focus on developing and attracting businesses linked to the arts, heritage and tourism sectors. This is also supported by the Council’s Promoting the Dales Strategy which sets out an objective of attracting inward investment into the area to generate new employment opportunities. The strategy also states that the tourism is particularly well suited to the local conditions.

7.5 The use of the premises was as a hotel prior to it being converted to the New Tribes Mission and Bible School and has been previously granted planning permission in 2008 having regard to the Adopted Local Plan (2005); this permission was not implemented. Whilst the 2005 Local Plan has been replaced by the Adopted Local Plan (2017), there are no material planning treasons that would not support the principle of re-using the building for use as a hotel.

Impact on the Character and Appearance of the Area

7.6 The physical proposals for conversion are the same as those granted in 2008, which included the granting of listed building consent. To this end, it is considered that the proposals as resubmitted are again acceptable and the internal alterations are considered with the listed building consent application 17/01013/FUL, which also appears on this Agenda. It is considered that the proposals will have no significant impact on the character and appearance of the Matlock Bath Conservation Area or the outstanding universal value of the World Heritage Site. As such, the proposals are compliant with the requirements of Policy PD2 of the Adopted Local Plan (2017).

Impact on Highway Safety

7.7 The Local Highway Authority has assessed the proposals and the deficiencies of the access onto the A6 but has raised no objection, given the previous and previously approved uses. This is subject to the previously recommended conditions with regard to the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives’ and visitors’ vehicles, the provision of parking spaces, amendments to the existing access where it joins South End/A6, the enhancement of public transport facilities, the submission of a Travel Plan and details of the storage and collection of refuse from the site.
Impact on Residential Amenity

7.8 Whilst the authorised use as a missionary training unit and bible school ceased some time ago, it is not considered that the use of the hotel will lead to any significant harm to amenity beyond that of the previously approved use given the extent of the grounds within which the hotel would be situated. Whilst there may be further comings and goings by vehicles along the access, this is unlikely to be of such a disturbance to justify refusal given the location of the access and that most neighbouring properties would already experience vehicle noise impact from the A6 that would mean that any additional noise from the use of the access road would be minimal in addition to this.

Conclusion

7.9 The proposed use of the premises as a hotel will reinstate a former use of the building and preserve the character and appearance of this listed building and its setting within the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site. The premises will provide for overnight tourist accommodation which will allow for additional tourism spend within the District, generate employment opportunities and support local business.

7.10 In addition, the premises is located on a main bus route and within reasonable access to the railway stations at Cromford and Matlock Bath, thus making the premises relatively sustainable with regard to means of travelling to and from the premises other than by car. It is also considered that the proposal will not lead to a significant loss of amenity to neighbouring residents. Given the above, it is recommended that planning permission be granted.

8. RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

   Reason:

   ST02a.

2. Before any other operations are commenced, space shall be provided within the site curtilage for storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives’ and visitors’ vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

   Reason:

   To ensure the provision of adequate parking and storage facilities during the development process in the interests of highway safety.

3. The premises, the subject of this permission, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking/loading and unloading/picking up and setting down passengers/manoeuvring of residents, visitors, staff, service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason:
To ensure the provision of adequate parking facilities in the interests of highway safety to comply Policies S4 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

4. The premises, the subject of this permission, shall not be taken into use until a detailed survey has been carried out of the existing access where it joins South End/A6 and submitted to the Local Planning Authority for written approval indicating possible enhancements/modifications to the access road/South End/A6, the proposed works being completed in accordance with the approved scheme prior to the premises being taken into use and maintained throughout the life of the development free from any impediment to its designated use.

Reason:
In the interests of highway safety to comply Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. The premises, the subject of this permission, shall not be taken into use until a scheme for the enhancement of public transport in close proximity to the site has been submitted to the Local Planning Authority for written approval indicating the location and type of bus shelter and accommodation works, the proposed works being completed in accordance with the approved scheme prior to the premises being taken into use.

Reason:
In the interests of promoting sustainable transport to comply Policies S1, HC19 and HC20 of the Adopted Derbyshire Dales Local Plan (2017).

6. The premises, the subject of this permission, shall not be occupied until a Travel Plan has been submitted to and approved by the Local Planning Authority, outlining measures to encourage walking, cycling and the use of public transport for staff and customers.

Reason:
In the interests of promoting sustainable transport to comply Policies S1, HC19 and HC20 of the Adopted Derbyshire Dales Local Plan (2017).

7. Before the development commences, details of the storage and collection of refuse from the site 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.

Reason:
To ensure the provision of adequate refuse collection facilities that do not compromise the character and appearance of the Grade II listed building, the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site and to ensure that the collection of refuse does not result in a danger to highway safety to comply Policies S4, PD1, PD2 and H19 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:
1. Conditions 2, 3, 4, 6, 7 and 8 of the Approval are conditions precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.
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. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

4. This decision notice relates to the following documents:
   Site Location Plan 1:2500 received on 22\textsuperscript{nd} January 2018
   Drawing Nos. 3190/100, 101, 102, 103 and 104 received on 22\textsuperscript{nd} January 2018
   Design and Access Statement received on 22\textsuperscript{nd} January 2018
   Transport Statement received on 22\textsuperscript{nd} January 2018
APPLICATION NUMBER | 17/01013/LBALT
---|---
SITE ADDRESS: | Cromford Court, Derby Road, Matlock Bath
DESCRIPTION OF DEVELOPMENT | Internal Alterations
CASE OFFICER | Mr. G. A. Griffiths
APPLICANT | Mr Kuldip Gill
PARISH | 
AGENT | NH Architecture
WARD MEMBERS | Cllr. Mrs J. Pawley  
Cllr. G. Purdy
DETERMINATION TARGET | 23rd April 2018
REASON FOR DETERMINATION BY COMMITTEE | To be considered with the major planning application 17/01012/FUL to change the use of the premises to a hotel
REASON FOR SITE VISIT (IF APPLICABLE) | To assess this application in terms of planning application 17/01012/FUL

MATERIAL PLANNING ISSUES
- Background
- Assessment of impact on special character and appearance

RECOMMENDATION
Approval with Conditions
1. THE SITE AND SURROUNDINGS

1.1 The site is a large detached Victorian stone built house with timber-framed elements which is set in an elevated position on the hillside overlooking the Derwent Valley to the east. The building was originally built in 1907 as a private residence for the works manager of Masson Mills and is a Grade II listed building. There is a detached wing to the building on its west side and a large level parking area to the south side.

1.2 The site is within the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.

2. DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for internal alterations to the building in conjunction with planning application 17/01012/FUL to change the use of the principle building to a hotel. The details submitted are the same as those granted listed building consent 08/00320/LBALT and include.

2.2 The schedule of works for the building is detailed and advises on the retention, repair and upgrading of original features and the reinstatement of features that have historically been removed. Some modern additions such as a poor quality bathroom are proposed to be removed. The principle alterations are the insertion of new partitions to provide for ensuite bathrooms to the bedrooms on the upper floors. There will be some external alterations with the requisite soil pipes and vents, although it is considered that such matters can be reasonably addressed again with a condition on any grant of listed building consent.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 National Planning Policy Framework (2012) - Conserving and Enhancing the Historic Environment
3.2 National Planning Policy Guidance (2014)


4. RELEVANT PLANNING HISTORY

- 17/01012/FUL Change of use of premises from missionary training unit and bible school to hotel (Use Class C1) – to be determined
- 09/00748/LBALT Alterations to listed building - Alterations to facilitate conversion of premises to residential home for children with learning difficulties and adult carers - Granted
- 09/00455/FUL Change of use of premises from missionary training unit and bible school to residential home for children with learning difficulties – Granted
- 08/00882/LBALT Alterations to listed building - external fire escape staircase – Granted
- 08/00830/FUL External fire escape staircase – Granted
- 08/00320/LBALT Alterations to listed building - Internal alterations to facilitate conversion of premises to hotel – Granted
- 08/00201/FUL Change of use and conversion of premises to hotel (Use Class C1) – Granted
- 05/01019/FUL Erection of garage building – Granted
- 05/01018/LBALT Alterations to listed building - Erection of garage building – Granted
- 0893/0609/C Erection of student bedroom accommodation – Granted
- 1078/685/CA Change of use from hotel to residential missionary training unit and bible school – Granted.

5. CONSULTATION RESPONSES

Parish Council
5.1 No objection

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Background
7.1 Listed Building Consent was granted for the internal works on 4 June 2008 (giving a three-year commencement). A lawful commencement was not made and, therefore, the current application seeks to re-obtain Listed Building Consent.

Assessment
7.2 In general terms the proposals, as a replication of those considered and assessed in 2008, are deemed acceptable alterations to the listed building. The schedule of works for the building is detailed and advises on the retention, repair and upgrading of original features and the reinstatement of features that have historically been removed. Some modern additions such as a poor quality bathroom are proposed to be removed. The principle alterations are the insertion of new partitions to provide for ensuite bathrooms to the bedrooms on the upper floors. There will be some external alterations with the requisite soil pipes and vents, although it is considered that such matters can be reasonably addressed again with a condition on any grant of listed building consent.
7.3 Conditions will again also be required with respect to details of the upgrading of the four panel doors, that the five panelled doors proposed match the existing, all new joinery shall be timber and receive a painted finish, all original ironmongery shall be retained and where new doors are proposed, the ironmongery shall match that as original. Details of the proposed method for infilling the redundant doors/ openings, original doors shall be retained and locked and if necessary blocked at rear. With respect to the new Reception Area, a condition will be required with regard to the extent, location and fixing details and will need to be accompanied by a statement regarding the impact of the works on the internal fabric of the building.

7.4 There is one issue which has come to light during the Case Officer’s site visit. It has been noted that fire walls and flush fire doors have been inserted between the landings/rooms served off the atrium. The applicant advises that this was to address Fire Regulations, with regard to the previously approved scheme for the residential home for children with learning difficulties which was not implemented; he has advised that these can be removed. To this end, a condition is required to ensure that this is undertaken, and all repairs to historic fabric are made good.

Conclusion

7.5 Given the above, it is considered that the proposed alterations to create the hotel are acceptable, as previously approved and conditioned, subject to a further condition requiring the unauthorised works to the atrium being addressed. On this basis, it is recommended that listed building consent be granted.

8. RECOMMENDATION

Listed Building Consent be granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

   Reason:

   Reason ST04a.

2. Before the development commences, details of siting of all soil and vent pipes on the exterior of the building and the internal pipework shall be submitted to and approved in writing by the Local Planning Authority. These shall thereafter be provided in accordance with the approved details.

   Reason:


3. Prior to commencement of the works, written and drawn details (at a scale of 1:5) shall be submitted and approved in writing by the Local Planning Authority, regarding the methodology of upgrading the original 4 panel corridor doors for fire purposes. This should include details of the intumescent fabric and a typical detail relating to the insertion of fire/smoke inserts into the existing door frames. The works shall be carried out in accordance with that written approval.
Reason:

4. The proposed partitions which incorporate 5 panelled doors shall be an exact match to the original 5 panel doors in the property, particularly with regard to proportion and moulding details.

Reason:

5. All new joinery shall be timber and receive a painted finish. All original ironmongery shall be retained and where new doors are proposed, the ironmongery shall match that as original.

Reason:

6. Prior to commencement of the works written and typical drawn detail (at a scale of 1:5) of the proposed method for infilling the redundant doors/openings shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with that written approval. Original doors shall be retained and locked and if necessary blocked at rear.

Reason:

7. Prior to commencement of the works, drawn details (at a scale of 1:5) shall be submitted and approved in writing by the Local Planning Authority, regarding the new Reception Area. Details should include the extent, location and fixing and be accompanied by a statement regarding the impact of the works on the internal fabric of the building. The works shall be carried out in accordance with that written approval.

Reason:
8. All unauthorised enclosing walls and doors to the atrium shall be removed and the walls, ceiling and floors, and any detailing, repaired/reinstated to the former appearance within 6 months of the date of this consent in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and the works shall be carried out fully in accordance with the approved details and, on completion, the applicant shall arrange for the works to be inspected by the Local Planning Authority.

Reason:


NOTES TO APPLICANT:

Conditions 2, 3, 6, 7 and 8 of the consent are conditions precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the unauthorised partitioning of the atrium and which the applicant has agreed to remove.

This decision notice relates to the following documents:
Site Location Plan 1:2500 received on 22\textsuperscript{nd} January 2018
Drawing Nos. 3190/100, 101, 102, 103 and 104 received on
Design and Access Statement received on 22\textsuperscript{nd} January 2018
Transport Statement received on 22\textsuperscript{nd} January 2018
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>18/00127/FUL</th>
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</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Whistlestop Discovery Centre</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Use of building for mixed (A1) retail and (A3) cafe/restaurant use</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Derbyshire Wildlife Trust</td>
</tr>
<tr>
<td>PARISH</td>
<td>Matlock Bath</td>
</tr>
<tr>
<td>WARD MEMBERS</td>
<td>Cllr. Mrs. J. Pawley, Cllr. G. Purdy</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>9th April 2018</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>The premises is owned by Derbyshire Dales District Council</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact of the proposals on the special historic character and appearance of the listed building</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The principle of the development
- Impact on the special character and appearance of the listed building and Conservation Area
- Parking, and
- Impact on amenity

**RECOMMENDATION**

Approval with conditions
18/00127/FUL

Derbyshire Wildlife Trust, Whistle Stop Discovery Centre, Dale Road, Matlock Bath

Derbyshire Dales DC

Date: 05/04/2018

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The existing building is grade II listed dating from around 1849. The building is of a timber frame with herringbone brick noggin. The building has 8 tall wood mullioned windows overall, with Gothic cast iron glazing bars. It has an advanced gabled wing at centre with two windows and central doorway. There are gabled ends with old verges and overhanging, bracketed eaves. The footbridge and platform canopy have been removed.

1.2 The building is in a prominent location being a former station building and has been used as an education centre and for some time as storage by Derbyshire Wildlife Trust. Planning permission was granted in 2017 to change the use to a mixed use exhibition area, hot food takeaway and retail with associated outdoor seating area. The site is adjacent to the main car park in Matlock Bath and is within the Matlock Bath Conservation Area and within the buffer zone of the Derwent Valley Mills World Heritage Site.

2. **DETAILS OF THE APPLICATION**

2.1 Full planning permission is sought for the use of the building as a retail unit (Use Class A1) and as a café/restaurant (Use Class A3). This is submitted further to the granting of planning permission in 2017 for a mixed use exhibition area, hot food takeaway and retail with associated outdoor seating area (Use Class D1, A5 and A1). The applicant advises that research during the summer season of 2017 demonstrated that visitors to the site want a café. The maximum opening hours identified in the application form are from 10.00 to 18.00 with 16.00 closing on a Sunday and bank holidays.

2.2 However, the applicant has latterly advised that they also require the option to open until 22.00 on days during the Matlock Bath illumination season and also on days when they operate evening events for their members and supporters. These events will typically be evening bat walks in the autumn (once or twice a year), members’ and volunteer thank you events in the summer, and a limited number of community events such as wildlife talks and presentations which will all take place within the confines of the building.
2.3 It is intended to use the building to provide refreshments, an outside seating area and a vibrant, inspiring interpretation and retail area. It will also offer information about other heritage assets and attractions in the area. The project is intended to revitalise the surroundings and create a focus. It is advised that, in the peak season, 1000 people per day walk along the platform next to the Whistlestop, use the car park or walk across the level crossing to access the heights of Abraham. The applicant considers that, by reopening the station building, they will be providing visitors, by car or train, a welcoming and interesting gateway to Matlock Bath.

2.4 This application is submitted in conjunction with the listed building consent 18/00128/LBALT for the formation of kitchen area, install food preparation area and create inner entrance and lobby which is being also considered on this Committee agenda.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
   S1 Sustainable Development Principles
   S3 Development within Defined Settlement Boundaries
   S9 Rural Parishes Development Strategy
   PD1 Design and Place Making
   PD2 Protecting the Historic Environment
   HC15 Community Facilities and Services
   HC17 Promoting Sport, Leisure and Recreation
   HC19 Accessibility and Transport
   HC21 Car Parking Standards
   EC1 New Employment Development
   EC8 Promoting Peak District Tourism and Culture

3.2 National Planning Policy Framework (2012)

3.3 National Planning Practice Guidance (2014)


3.5 Matlock Bath Conservation Area Appraisal.

4. RELEVANT PLANNING HISTORY
   18/00128/LBALT Formation of kitchen area, install food preparation area and create inner entrance and lobby – to be determined
   17/00209/FUL Change of use of education centre to mixed use exhibition area, hot food takeaway and retail with associated outdoor seating area (Use Class D1, A5 and A1) - Granted
   WED/0888/0567/C Change of use of station buildings to information/exhibition centre and education centre – Permitted with conditions.
   WED/678/387/LB Change of use from light industrial to tea room and sale of horticultural produce – Permitted with conditions.
   WED/278/101/LB Change of use from light industrial to tea room and sale of horticultural produce – Permitted with conditions.
5. CONSULTATION RESPONSES

Parish Council
5.1 - no objection

Environmental Health (DDDC)
5.2 - no objection subject to submission of details of the kitchen extraction
- have forwarded details of food hygiene requirements

Local Highway Authority (Derbyshire County Council)
5.3 - presume a loss of parking/delivery area to facilitate outside seating area
- may be prudent to obtain and secure a car parking layout for the site
- given roadside parking restrictions and availability of public parking, would not be in a position to sustain an objection to the proposals on highway safety grounds.

Derwent Valley Mills World Heritage Site Panel
5.4 - proposal is a positive indicative that will complement the aims of the DVMWHS
- internal alterations seem to be sensitively considered with an understanding of those that are historic or relatively modern.

Development Control Archaeologist (Derbyshire County Council)
5.5 - no archaeological implications

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

Introduction
7.1 The issues for consideration are the principle of the change of use in this location, the impact of the change of use upon the special character and appearance of the listed building, conservation area and the impact upon amenity and parking.

Principle of the development
7.2 The existing building is the former station building situated in a prominent location adjacent to the main car park in Matlock Bath. This area has many visitors and, although out of a defined settlement, is in close proximity to the settlement and is a busy area for visitors to the area. The proposed use, which combines a retail use and a café, would support the tourism facilities in this area. As such, the proposal is supported in principle by Policy EC8 particularly as this proposal relates to the re-use of an existing building. As such the proposed change of use is considered to be acceptable in principle.

Impact on the special character and appearance of the listed building and Conservation Area
7.3 The proposal relates to the change of use of a listed building and therefore the impact such a use change will have upon the special character and appearance of the building has to be considered. In this case the original use of the station building was lost some years ago and, therefore, it is important to seek to promote viable uses of listed buildings which will aid their retention and repair. In this case the proposal is clearly seeking to place the building at the heart of the community and to aid its restoration.

7.4 The proposed uses will work well together as a community building and visitor attraction. The proposals will require alterations to the internal fabric of the building which would are
considered with the listed building consent application (ref: 18/00128/LBALT) which is also on this Committee agenda. In terms of the external alterations which require planning permission, these are limited to the need for extraction/ventilation to the kitchen. No details have been submitted but it is considered that these can be relatively minor alterations which will preserve the character and appearance of the building whilst allowing for its viable re-use. It is therefore considered that the proposed change of use is acceptable in accordance with policy PD2 of the Adopted Local Plan (2018).

7.5 As with the previous planning permission there was an intention to have seating outside the premises. The detail of the seating will have to be assessed in term of its impact upon the character and appearance of the listed building. As no details of the seating have been submitted, it is considered necessary to impose a condition to require the details of this seating to be agreed prior to its installation. It is clear that there is an intention to have seating outside the premises but this is no longer proposed with this current application.

Parking
7.6 The existing parking area for the station building is limited. However, the site is adjacent to a large public car park which serves the visitors to Matlock Bath and as such it is considered that there are ample off street parking opportunities in the area.

Impact on Amenity
7.7 Given the location of the premises away from any residential properties, and that other uses in this area are until late in the evening, it is considered reasonable to restrict the operating hours to 10.00 until 18.00 Monday to Saturday and 10.00 until 16.00 on Sundays and bank holidays as requested. It is also considered that, on occasion when they require the option to open until on days during the Matlock Bath illumination season, and also on days when they operate evening events for their members and supporters, that this is acceptable provided the building is vacated by 22.30. On this basis, it is considered that the proposal will not lead to a significant loss of amenity to residential properties in the area.

Conclusion
7.8 The proposed use of the premises as set out in the application is considered to benefit both the existing listed building and the wider area of Matlock Bath economically by providing an attraction for visitors. It is considered that, subject to conditions, the proposal satisfies the relevant provisions of the development plan and it is recommended that the application be approved on this basis.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time limit on Full
   
   Reason:
   
   Reason ST02a

2. The development hereby approved shall be carried out in accordance with the amended drawing received on 3rd April 2018 except as required by other conditions to which this permission is subject.

   Reason:
   
   To define the permission for the avoidance of doubt.
3. The premises hereby approved shall only operate between the hours of 10.00 until 18.00 Monday to Saturday and 10.00 until 16.00 on Sundays and bank holidays except during the period of the Matlock Illuminations, and for functions of Derbyshire Wildlife Trust, where the premises shall be closed and vacated by 22.30.

Reason:

In the interest of the amenities of local residents in accordance with Policies S1, S4, PD1, EC1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before the development commences, details of any extraction/ventilation apparatus to the premises shall be submitted to and approved in writing by the Local Planning Authority and this shall be provided fully in accordance with the approved details prior to the building being brought into this approved use.

Reason:

To safeguard the character and appearance of the listed building to comply with Policies S1, S4, PD1, PD2, EC1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to its installation, details of the outdoor seating area shall be submitted to and agreed in writing by the Local Planning Authority. The seating area shall be installed and retained in accordance with the agreed details.

Reason:

To ensure appropriate outdoor seating to the frontage of the listed building in accordance Policies S1, S4, PD1, PD2, EC1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

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 internal arrangements of the building.

2. Conditions 4 and 5 of this permission are conditions precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.

3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
4. This decision notice relates to the following documents:

Site location Plan 1:2500 received on 12\textsuperscript{th} February 2018
Block Plan 1:500 received on 12\textsuperscript{th} February 2018
Amended Drawing 1:50 received on 3\textsuperscript{rd} April 2018
Design and Access Statement received on 12\textsuperscript{th} February 2018
Statement of Significance and Impact received on 12\textsuperscript{th} February 2018
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>18/00128/LBALT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Whistlestop Discovery Centre</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Formation of kitchen area, install food preparation area and create inner entrance and lobby</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Derbyshire Wildlife Trust</td>
</tr>
<tr>
<td>PARISH</td>
<td>Matlock Bath</td>
</tr>
<tr>
<td>AGENT</td>
<td></td>
</tr>
<tr>
<td>WARD MEMBERS</td>
<td>Cllr. Mrs. J. Pawley, Cllr. G. Purdy</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>9th April 2018</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>The premises is owned by Derbyshire Dales District Council</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact of the proposals on the special historic character and appearance of the listed building</td>
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</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Assessment of impact on special character and appearance

**RECOMMENDATION**

Approval with conditions
1. THE SITE AND SURROUNDINGS

1.1 The existing building is grade II listed dating from around 1849. The building is of a timber frame with herringbone brick noggin. The building has 8 tall wood mullioned windows overall, with Gothic cast iron glazing bars. It has an advanced gabled wing at centre with two windows and central doorway. There are gabled ends with old verges and overhanging, bracketed eaves. The footbridge and platform canopy have been removed.

1.2 The building is in a prominent location being a former station building and has been used as an education centre and for some time as storage by Derbyshire Wildlife Trust. Planning permission was granted in 2017 to change the use to a mixed use exhibition area, hot food takeaway and retail with associated outdoor seating area. The site is adjacent to the main car park in Matlock Bath and is within the Matlock Bath Conservation Area and within the buffer zone of the Derwent Valley Mills World Heritage Site.
2. DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for works to this listed building as part of the proposals to convert the building to a retail unit (Use Class A1) and as a café/restaurant (Use Class A3) under planning application 18/00127/FUL which is also being considered on this Committee agenda.

2.2 It is intended to use the building to provide refreshments and an outside seating area is also proposed. The premises will also offer information about other heritage assets and attractions in the area. The project is intended to revitalise the surroundings and create a focus. The applicant considers that, by reopening the station building, they will be providing visitors, by car or train, a welcoming and interesting gateway to Matlock Bath.

2.3 The proposals are to replace the existing, but not an original, internal lobby with a smaller lobby and also to remove a counter. It should be noted that the original drawings submitted with this application have, on the advice of Officers, been amended to relocate the kitchen to the north west corner of the building and for the replacement counter to be set in the west side of the room to the south of the kitchen.

2.4 In addition, the applicant has submitted further details, in writing, with regard to the extraction flues/vents, the details of the size of the aperture proposed between the kitchen and servery and details of the blocking up of a latter opening in the room immediately to the south of the lobby.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 National Planning Policy Framework (2012)

3.2 National Planning Practice Guidance (2014)

4. **RELEVANT PLANNING HISTORY**

18/00127/FUL Use of building for mixed (A1) retail and (A3) cafe/restaurant use – to be determined

17/00209/FUL Change of use of education centre to mixed use exhibition area, hot food takeaway and retail with associated outdoor seating area (Use Class D1, A5 and A1) - Granted

WED/0888/0567/C Change of use of station buildings to information/exhibition centre and education centre – Permitted with conditions.

WED/678/387/LB Change of use from light industrial to tea room and sale of horticultural produce – Permitted with conditions.

WED/278/101/LB Change of use from light industrial to tea room and sale of horticultural produce – Permitted with conditions.

5. **CONSULTATION RESPONSES**

Parish Council

5.1 - no objection

6. **REPRESENTATIONS RECEIVED**

6.1 None

7. **OFFICER APPRAISAL**

**Introduction**

7.1 The proposals result from the proposed change of use of a listed building and, therefore, the impact of the associated alterations have upon the special historic character of the building have to be assessed.

**Impact on the special character and appearance of the listed building**

7.2 The replacement of the lobby with a smaller one, as detailed on the submitted drawings, is acceptable as is the removal of the non-traditional counter.

7.3 The introduction of the kitchen will require the insertion of an opening in order to access the counter area which would be set off the lobby. Details of how this opening will be provided has been submitted as additional information and this is considered acceptable. The kitchen is likely to require a means of extraction/ventilation but this is again considered reasonable to be addressed as a condition on any grant of consent;

7.4 The serving counter is proposed to be set to the rear of a doorway, which has an original decorative architraves to both sides, and which leads from the room into the lobby area. The counter is proposed to be freestanding but details of how this will be formed, without harm to the historic fabric of the building, will need to be provided by way of a condition.

7.5 To offset the formation of the opening between the kitchen and the servery, the applicant has agreed to block up a modern opening adjacent to the fire place to the room
immediately to the south of the lobby which will reinstate the character and appearance of this space.

7.6 In addition, the applicant has agreed with the Case Officer to remove the inappropriate and significant amount of lighting units to be found in some of the rooms, particularly the room where the servery is proposed. This can be addressed as a condition of any listed building consent to include details of replacements as may be deemed appropriate.

Conclusion

7.7 The proposed alterations will allow a beneficial use of the listed building. Whilst some elements of the proposal, such as the provision of extraction/ventilation and the new opening between the kitchen and servery will have some impact on the building, it is considered that these will be offset by reinstating the form of the room to the south of the lobby and removing the excessive lighting units. Given this, it is recommended that listed building consent be granted subject to conditions.

8. RECOMMENDATION

That Listed Building Consent be granted subject to the following conditions:

1. Condition ST04a: Time limit on Listed Buildings

   Reason:
   Reason ST04a

2. The development hereby approved shall be carried out in accordance with the amended drawing received on 3rd April 2018 except as required by other conditions to which this consent is subject.

   Reason:
   To define the listed building consent for the avoidance of doubt.

3. The blocking up of the existing opening in the room to the south of the lobby area, and the formation of the opening between the kitchen and serving area shall be undertaken as detailed in the additional information received on 5th April 2018.

   Reason:
   To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

4. Before the development is brought into use, details of the counter and its relationship to the door architrave shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

   Reason:
   To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

5. Before the development commences, details of a strategy for lighting the rooms of the building, to include the removal or replacement of existing lighting units, shall be submitted to and approved in writing by the Local Planning Authority and shall
thereafter be provided in accordance with the approved details prior to the premises being brought into use.

Reason:
To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

6. Before the development commences, details the location, type, materials and finish of any extraction/ventilation apparatus to the premises shall be submitted to and approved in writing by the Local Planning Authority and this shall be provided fully in accordance with the approved details prior to the building being brought into use.

Reason:
To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

7. Other than the units and facilities proposed for the kitchen, no shelving/display cabinets or equipment, such as the hot and cold drinks facilities, shall be attached to the fabric of the listed building unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

8. Prior to any outdoor seating being installed on site details of type, design, material, finish, etc, of the outdoor seating shall be submitted to and agreed in writing by the Local Planning Authority. The seating shall be installed and retained in accordance with the agreed details.

Reason:
To safeguard the special historic character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

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 internal arrangements of the building.

2. Conditions 3, 4, 5, 6, 7 and 8 of this consent are conditions precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.
3. This decision notice relates to the following documents:

Site location Plan 1:2500 received on 12th February 2018
Block Plan 1:500 received on 12th February 2018
Amended Drawing 1:50 received on 3rd April 2018
Design and Access Statement received on 12th February 2018
Statement of Significance and Impact received on 12th February 2018
Additional Information received on 4th and 6th April 2018.
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<tr>
<th>APPLICATION NUMBER</th>
<th>17/00933/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Home Farm, Whitelea Lane, Tansley</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Proposed Dairy Housing Unit (Phase 1 Of Development)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr G Neville</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Tansley</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr R Vaughan</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor S Flitter, Councillor J Stevens, Councillor D Botham</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>09th May 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major development</td>
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**MATERIAL PLANNING ISSUES**

- The principle of the development
- Visual Impact, and
- Land drainage

**RECOMMENDATION**

Approval with conditions
17/00933/FUL

Home Farm, Whitelea Lane, Tansley

Derbyshire Dales DC

Date: 05/04/2018

100019785
1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to land immediately adjacent to an existing complex of farm buildings associated with the extensive dairy farming operation at Home Farm. The site is in open countryside and sits at an elevated land level with existing buildings being located at a lower level following the slope of the land towards the highway.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to erect a new dairy housing unit to house approximately 250 dairy cows. The proposal is for phase 1, comprising half of a larger building that is envisaged at the site. It will measure 30.48m by 36.02m. The applicant owns approximately 300 acres of land in the area with the family farming the land for the past 56 years.

The applicant’s agent has submitted a supporting statement which advises that:
- In accordance with good practice and improved animal welfare the existing unit has become tired and requires upgrading, the existing livestock is housing in various locations within the farm complex and this proposal is to ensure all cattle is housed under one roof. The existing buildings on site would then be used for animal feed storage, for young calves, calving cows and sick animals.
- The new unit would be open along the two longer elevations and be closed along the two gabled elevations, these having doors at both ends and concrete panels to a height of 2m with Yorkshire boarding above.
- Through ongoing discussions regarding the application the agent has agreed to lower the pitch of the building from the 25° pitch proposed to a lower 15° pitch to reduce the overall height of the building which measures 4.8m to eaves. The roof covering has also been amended to dark grey metal sheeting.
- It is anticipated that a revised design for the roof as noted above will be submitted in plan form prior to the committee meeting.

In terms of land drainage the following information has been provided by the applicant as submitted to the Flood Authority:
- As discussed the shed is fully open sided with a concrete perimeter around each side. There will be an overhang from the roof which will be over the feed passage.
- On the ends of these cantilevers there will be guttering that will take clean rain water to a sealed tank. This rain water will be stored and harvested back to the cows.
- All other clean surface waters will be collected and put into a drain.
- Any dirty waters will be collected separately into the existing lagoon and will be used as fertiliser.
- The shed floor and 6 metre wide perimeter will be impermeable hard standing.
Initially the proposal included the construction of a new slurry lagoon, the applicant removed this from the proposal and primary consultees were re-consulted on the basis of the removal of the lagoon with the intention to continue to utilise the existing facility on site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S4: Development in the Countryside
   - Policy PD1: Design and Place Making
   - Policy PD3: Biodiversity and the Natural Environment
   - Policy PD5: Landscape Character
   - Policy PD8: Flood Risk Management and Water Quality
   - Policy PD9: Pollution Control and Unstable Land
   - Policy HC19: Accessibility and Transport
   - Policy HC21: Car Parking Standards

2. National Planning Policy Framework
   - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

- 02/02/0088 Erection of agricultural livestock building – Permitted with conditions
- 02/02/0087 Erection of agricultural building (milking parlour) – Permitted with conditions
- MAT/869/17 Erection of agricultural building – Granted

5.0 CONSULTATION RESPONSES

Parish Council
5.1 No objections to the application, with the proviso that access onto the highway is made safer and also that works are carried out to ensure that there is a sufficient drainage scheme in place to mediate the problem of water on the highway which erodes the surface of the highway.

Environment Agency
5.2 No response received

Derbyshire County Council (Highways)
5.3 No highway objections in principle on the basis the dairy housing unit will be solely for the purposes of agricultural use, to support/remain ancillary to existing farming activities carried out on surrounding controlled farmland.

Derbyshire County Council (Flood team)
5.4 Initially the Flood Authority raised some concerns regarding the proposal, following further discussion with the applicant the Flood Authority have confirmed no objection to the proposal: ‘Please find the email below from the applicant which demonstrates how the proposed development will drain. Due to the nature of the proposed plans the LLFA have no comment to make and would refer the applicant to our standing advice attached to this email.’

On receiving the amended plan deleting the proposed slurry lagoon the LLFA confirmed no objection to the proposal.

Natural England
5.5 No objection
5.6 No comments to make

Landscape Design Officer (Derbyshire Dales)

5.7 The site lies, mostly, within the existing farm complex (proposed Phase 2 development occupies the site of a barn which is scheduled for demolition under this application) though it does extend into a neighbouring field in the north west. In spite of its close association with existing farm buildings the site is in an exposed position in open countryside high up above Tansley. Though views to it from the south are largely screened by intervening land form, and those from the south east are obscured by existing buildings the proposed development will sit prominently in the foreground of wide ranging views from Knabhall Lane, in the north and northeast, towards Riber Castle and the Derwent Valley.

It is proposed to construct a barn of 2230 m² in two phases. It will be open along its sides and closed at the ends with Yorkshire boarding above a concrete plinth and two sets of doors within each gable. The roof will comprise cement fibre sheeting in natural grey with GRP roof lights. It is understood that an existing slurry lagoon will be retained rather than constructing the new one shown on the plans.

Though there is no objection in principle to the development there are concerns with the proposals as presented. These relate to the likely adverse impact on visual amenity which will be experienced from Knabhall lane when looking directly across the site toward Riber Castle and the Derwent Valley. The existing, new, cow shed is intrusive in this regard and the proposed development will add considerably to the adverse impact it has. I think this is largely to do with the materials used. Though the Yorkshire boarding is likely to weather to a more recessive grey colour it is the light grey roof that is most prominent and draws the eye. Conversely the dark coloured barn scheduled for demolition is less intrusive within the view. In fact all the older, existing buildings are dark in colour and, in combination with being sited off the skyline, are quite successfully accommodated without being visually prominent.

Adverse impact on local visual amenity might be successfully mitigated if the proposed roofing material was dark grey in colour.

Environmental Health (Derbyshire Dales)

5.8 No objection

6.0 REPRESENTATIONS RECEIVED

6.1 None

7.0 OFFICER APPRAISAL

The following material planning issues are considered most relevant to this application:
- The principle of the development
- Visual impact, and
- Land drainage

The principle of the development

7.1 The building proposed under Phase 1 as sought through this application will assist in the ongoing farming activity at Home Farm which is a well-established agricultural operation. It is acknowledged that the existing buildings on site which appear to date from around the 1970’s are outdated and a new building to house the dairy herd is required. It is considered that this is essential development that is required in a countryside location as
such the proposal is acceptable in principle in accordance with Policy S4 of the Adopted Local Plan 2017.

**Visual Impact**

7.2 In spite of its close association with existing farm buildings the site is in an exposed position in open countryside high above Tansley. Though views to the proposed building from the south are largely screened by intervening land form, and views from the south east are obscured by existing buildings, the proposed development will sit prominently in the foreground of wide ranging views from Knabhall Lane, in the north and northeast, towards Riber Castle and the Derwent Valley.

7.3 Policy PD5 of the Adopted Local Plan 2017 seeks to protect, enhance and restore the landscape character of the plan area recognising its intrinsic beauty and by resisting development which would harm or be detrimental to the character of the local and wider landscape. In this respect the proposal as submitted gave rise to concerns in terms of the visual impact of the development upon landscape character. These concerns related to the adverse impact upon visual amenity in views experienced from Knabhall Lane when looking directly across the site toward Riber Castle and the Derwent Valley. The existing cow shed is intrusive in this regard and the proposed development will add to this adverse impact. However, the adverse impact and prominence of the existing and proposed building is considered largely due to the materials used. Whilst the proposed Yorkshire boarding is likely to weather to a more recessive grey colour over time, the light grey roof covering proposed is prominent and would draw the eye to the proposed building within this landscape vista. It is important to note that the dark coloured barn scheduled for demolition is less intrusive within the view as are the existing buildings which also have this darker roof covering. It is therefore considered that a reduced roof pitch and a darker coloured roofing material, along with details of the finished land levels for the building, will largely mitigate harm to the landscape character.

7.4 Through ongoing discussion with the applicant’s agent the reduction in the roof pitch and a darker covering to the roof has been agreed and, as such, whilst the building will remain visible within the landscape, its prominence in the wide vista will be reduced. It is considered that the need for the building in this location for the ongoing operation of the agricultural activity, weighed against the landscape harm is balanced in favour of the proposal. On the basis of amended plans being received to address the above concerns, the proposal is considered to be acceptable in terms of its visual impact and its impact on landscape character.

**Land Drainage**

7.5 Concern has been raised by the Parish Council as to how the problems of surface water run-off experienced from the site onto the highway will be addressed. However, this proposal can only consider the impacts arising from the proposed development. In their initial consultation response the Lead Local Flood Authority raised concern regarding the proposal in terms of the drainage of the site. However, the applicant has had discussions with the Lead Local Flood Authority and have confirmed that; there will be guttering that will take clean rain water to a sealed tank which will be stored and harvested back to the cows, all other clean surface waters will be collected and put into a drain and any dirty waters will be collected separately into the existing lagoon and will be used as fertiliser. On the basis of this information the Lead Local Flood Authority confirmed they have no objection to the proposal. The proposal is therefore considered to be acceptable in terms of drainage.

**Conclusion**

7.6 The proposal is considered to be necessary for the agricultural activity on site and, as such, appropriate development in the countryside. The landscape harm caused by the siting of the building will be reduced by lowering the height and pitch of the roof and a
darker roofing material. The attenuation and discharge of rain water has been considered by the Lead Local Flood Authority and deemed acceptable. On this basis and subject to amended plans being received to secure the changes to the roof described above and a condition to secure an appropriate finished floor level, it is considered that the development would satisfy the relevant provisions of the development plan and a recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION
That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit On Full
   
   Reason:
   
   ST02a.

2. Condition ST06: amended plans
   
   Reason:
   
   ST06

3. Condition LA8: Detailed sections of land levels
   
   Reason:
   
   LA8 in accordance with policies PD1 and PD5 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

9.1 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 the height of the building and roofing material.

9.2 The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

9.3 The applicant is advised to consider the standing advice received from the Lead Local Flood Authority in their email of the 26th February 2018.

9.4 This decision notice relates to the following documents:
   
   Planning statement received 07.02.18
   Amended plan 1950/17/101 A received 19.03.18
   Amended elevation plan
   Welfare and building document (Ultima Cubicle) received 07.02.18
   Better housing cattle design document received 07.02.18
   Site plan received 07.02.18
   Graham Heath Construction Building detail document received 07.02.18
<table>
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<th>18/00135/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Tennis Courts, Derwent Gardens, South Parade Matlock Bath</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Use Of Sports Area As An Exercise And Activity Park For Children For Various School Holidays, Bank Holidays And Weekends In 2018 And 2019.</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mrs J Baranek</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Matlock Bath</td>
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<td>WARD MEMBER(S)</td>
<td>Councillor J Pawley Councillor G Purdy</td>
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<td>DETERMINATION TARGET</td>
<td>05.04.18</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>As the land is owned by Derbyshire Dales District Council</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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**MATERIAL PLANNING ISSUES**

- The principle of the development
- Impact upon heritage assets
- Conflict with the Matlock Bath Illuminations Event, and
- Residential amenity

**RECOMMENDATION**

Approval with Conditions
18/00135/FUL

Tennis Courts, Derwent Gardens, South Parade, Matlock Bath

Derbyshire Dales DC

Date: 05/04/2018

100019785
1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to the existing play area/pitch of the Derwent Gardens which is owned by DDDC and leased by Matlock Bath Parish Council. The site is surfaced and is partly bounded by a stone wall and railings. The fencing to the play area has been removed leaving only the upright elements. Basketball nets remain on site along with the timber kick boards to the pitch.

The play area/pitch forms part of the Derwent Gardens which is a Grade II Registered Park and Garden of around 1.5ha and is described as a public park which originated as commercial pleasure grounds in the late 19th century. Derwent Gardens has a group value with Lovers Walks (see Riverside Area), High Tor; the Heights of Abraham (see Temple Walk and the Heights of Abraham) and Willersley Castle. These parks all had common origins in that they exploited the dramatic scenic qualities of the gorge and the River Derwent. The gardens themselves are situated on a flat area of land adjacent to the river and they are enclosed by the A6, the Pavilion, the river and private land to the south.

The site is within the Derwent Valley Mills World Heritage Site Buffer Zone and Matlock Bath Conservation Area.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the temporary use of the sports area as an exercise and activity park for children. The applicant has submitted a detailed statement outlining the proposal, the pertinent points of which are summarised:

- The area was closed two years ago on safety grounds due to the high costs of repairing fences and hard surfaces.
- The Parish have explored all options available to them in trying to raise the necessary funds to bring the area into safe use and have concluded that a full refurbishment is required.
- Raising funds through precept contributions, on site fairs and grants has raised £16,500 to date against a refurbishment cost of £41,000. A number of unsuccessful grant applications have been made.
- This application proposes a tight and controlled fundraising program with the singular agenda of raising the necessary funds to refurbish the sport area, there is no other long term use of the area proposed.
- The area in its current state looks poor and unloved, without the repairs this will become a negative element with the Conservation Area.
- During the 2017 summer holiday season the Parish leased the area as a joint venture agreement whereby 20% of the takings would be paid as rent. The sum raised was £4,500 during 6 weeks.
- The Parish Council believes that the only way to fund the project is with a very limited and carefully controlled series of similar events.
- The Parish Council acknowledge that the proposal is not an ideal scenario and understands the contradiction for asking for permission for something that will in the short term harm the quality of the area. The long term benefits outweigh this short term harm through renovation of the area and its re-use as a sports pitch.
- The use is proposed until the end of the school holidays of 2019.
- Hours of operation 10.00am until 8.00pm.
- During the annual Illuminations event (Saturdays and Sundays) operating hours are proposed to be 10.00am until 5.00pm to ensure the safety of the Illuminations event is not adversely affected.
- There shall be no amplified music on site.
- One refreshment stall (with no hot food) would be on site with temporary picnic benches.

The dates that the proposed temporary use will operate are:

**2018**

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>26.03.18 - 08.04.18</td>
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<td>14.04.18, 15.04.18, 21.04.18, 22.04.18, 28.04.18, 29.04.18, 5.05.18, 06.05.18, 12.05.18, 13.05.18, 19.05.18, 20.05.18, 07.05.18</td>
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**2019**

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</tr>
<tr>
<td>26.10.19 - 03.11.19</td>
</tr>
</tbody>
</table>

### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan 2017  
   - Policy S1: Sustainable Development Principles  
   - Policy PD2: Protecting the Historic Environment  
   - Policy HC14: Open Space and Outdoor Recreation Facilities  
   - Policy HC17: Promoting Sport, Leisure and Recreation

2. Other:  
   - National Planning Policy Framework  
   - National Planning Practice Guidance  
   - Matlock Bath Conservation Area Appraisal  
   - Derwent Valley Mills World Heritage Site Management Plan
4.0 RELEVANT PLANNING HISTORY:

17/00740/FUL  Use Of Sports Area As Temporary Location For 6 Children’s Activity (Fun Fair) Rides, One Sweet Stall And Picnic Benches For Periods Between 19.07.2017 to 04.11.2017 (Retrospective), 16.07.2018 to 03.11.2018 and 15.07.2019 to 02.11.2019 - Withdrawn

16/00160/FUL Extension and renovation of tennis courts / sports area – Permitted with conditions

05/01109/FUL Refurbishment of park to include new boating shed, restoration of grottos/shelters, reinstatement of chain ferry, provision of new dry/wet play area and associated landscape restoration works – Permitted with conditions

5.0 CONSULTATION RESPONSES

Parish Council
5.1 No comments received

Derbyshire County Council (Highways)
5.2 No highway related objections in principle to the proposals. Please append an advisory note to any consent issued for the applicant to contact DCC prior to carrying out any excavation works within 4 m of the public highway to ensure the integrity of the highway asset and the safety of highway users on the adjoining highway are maintained – contact the highways hub – highways.hub@derbyshire.gov.uk.

Natural England
5.3 No comments to make

World Heritage Site Co-Ordinator
5.4 The site is located within the Derwent Gardens, which is on the register of historic parks and gardens, being a public park that originated as commercial pleasure grounds in the 19th century, listed grade II.
While the established recreational use is not inappropriate within this leisure and tourist context, ideally the site would transform to a use that required less man-made structures with a view to enhancing the more natural elements of the pleasure grounds. Historically the adjacent bowling green presumably set a precedent for this type of recreational use.
The significance of the World Heritage Site relates to the factory system as it relates to the textile industry, its contribution to the industrial revolution and its arrested presence within a rural landscape. Given that the pleasure grounds were created after the initial phases of industrial development, both the existing and proposed use of this site would not impact upon this significance. Whilst it would be desirable to enhance the condition and presentation of the World Heritage Site and its setting, it is not considered that the proposed uses, which are stated to be for a limited period, would harm the Outstanding Universal Value of the World Heritage Site. Consequently there is no objection to the proposals contained in this application.

The Gardens Trust
5.5 No comments received

Design And Conservation Officer
5.6 The site is a tennis court/basketball court adjacent to the A6. It is located within the Matlock Bath Conservation Area, the Derwent Gardens Registered Historic Park and Garden (grade II) and the Buffer Zone of the World Heritage Site. The site is partially screened from the A6 by a limestone wall. The court is tarmacked with a timber kick fence
to its perimeter and tall metal stanchions with netting. The netting to the stanchions has been removed within the last year or so and the stanchions left in place.

The proposal is to site a temporary children’s exercise and activities area during the school holidays and weekends during 2018 and 2019. The site will have one refreshments stall and picnic benches and seating.

The proposed occupancy per year of the activities area will run from Easter through to autumn half term and include all weekends and bank holidays. Whilst described as temporary its presence on the site is likely to be perceived as relatively long in duration. In that regard, whilst it is in occupancy it may be deemed to have a detrimental impact on the Conservation Area, Registered Historic Park and Garden and World Heritage Site. That impact needs to be considered in terms of the annual duration of its presence and the long-established ‘inland resort’ character and nature of Matlock Bath. It is considered, therefore, that whilst there is a potential visual harm to the identified heritage assets that harm is relatively transitory and the removal of the (moveable and non-fixed) elements when not in use and at the end of the annual period will return the site to its former appearance.

Environmental Health (Derbyshire Dales)

5.7 No objections to this application subject to the stated hours of operation in the application and also no amplified music or voice. I would also recommend a noise management plan is produced to ensure the site is properly managed and controlled and any complaints are handled alongside the relevant agency.

6.0 REPRESENTATIONS RECEIVED

6.1 None

7.0 OFFICER APPRAISAL

The key issues to consider are:

- The principle of the development
- Impact upon heritage assets
- Conflict with the Matlock Bath Illuminations Event, and
- Residential amenity

The principle of the development

7.1 The application relates to an existing sports area which is a poorly maintained facility that is closed to the community. The site is within the settlement boundary for Matlock Bath in a sustainable location albeit towards the edge of the settlement. As such proposals to increase economic activity and promote tourism and visitor numbers in this area are generally supported.

7.2 Notwithstanding the above, the site is part of a larger grade II historic park and garden, within the World Heritage Site Buffer Zone and Matlock Bath Conservation Area. As such the impact any proposed use will have upon the character and appearance of the area requires careful consideration in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan. Furthermore the area also has a community use as a sports facility within a larger park and any loss of this requires assessment in accordance with Policies HC14 and HC17 of the Adopted Derbyshire Dales Local Plan. The impact of such a use within the specified operational times also has to be considered.
Impact upon heritage assets

7.3 The site is within an extremely sensitive location, it is within the grade II registered park and garden, within the Matlock Bath Conservation Area and the buffer zone of the Derwent Valley Mills World Heritage Site. Therefore the impact of the proposed use upon the significance of these heritage assets has to be considered.

7.4 Policy PD2 of the Adopted Local Plan notes that the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

7.5 One of the core principles of the National Planning Policy Framework (NPPF) states that planning should: conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

7.6 Government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 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 more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification......Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss......Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.7 The siting of children’s activity and exercise equipment on the main entrance to Matlock Bath will have a visual impact upon the Grade II Registered Park and Garden, Conservation Area and the Buffer Zone of the World Heritage Site. The appearance of such equipment could have an adverse visual impact. However, it is acknowledged that as the proposal is of a temporary and reversible nature, the harm to the significance of those heritage assets will also be temporary and reversible. Taking the above into consideration any harm is considered to be at the lower end of less than substantial harm (in NPPF terms).

7.8 National Planning Policy Framework in paragraph 134 advises that where a proposal will lead to less than substantial harm to a heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the justification has been put forward by the Parish Council that the proposed temporary use will assist in the funding of the repair works required to enable the play area to be fully refurbished and brought back into use for the benefit of the community.

7.9 It is clear from the submission made by the Parish Council that public benefit would be derived from the temporary use of the site as a children’s activity and exercise facility that would outweigh the temporary, less than substantial harm in this case. As such the proposal is considered to be acceptable in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan and advice contained within paragraph 134 of the National Planning Policy Framework.
7.10 To minimise any harm to the local environment it will be necessary to secure details of any equipment to be brought on site prior to the commencement of development and details of the mechanism for securing the refurbishment of the site and a schedule / timetable for the completion of the works to secure the public benefit identified above.

7.11 Policies HC14 and HC17 of the Adopted Local Plan seek to maintain existing community, sports and leisure facilities. Whilst this proposal would continue the unused nature of the dilapidated site in the short term, in the long term the aim is to reinstate and improve this facility for the benefit of the community. The proposal therefore does not conflict with either of the above mentioned policies.

Conflict with the Matlock Bath Illuminations Event

7.12 The area to the frontage of the Derwent Gardens Tennis Court site is part of a ticketed/block area when the annual Illuminations event is being held. The reason this area is blocked and ticketed during this time is for site security and emergency evacuation. As such there is potential for this proposed children’s activity/fun fair to conflict with the operation of this event. However, it is clear from the submitted details that the closure of this proposed operation at 5pm on the days of the illuminations event will ensure there is no conflict with the safety of this larger event, a condition will be required to ensure appropriate operating times in this respect.

Residential amenity

7.13 It is proposed that the operation of the site will be from 10am until 8pm daily throughout the temporary period. Whilst 8pm is considered a little late in the evening for children’s activities, given the distance to neighbouring properties and the level of activity already in Matlock Bath in the evenings, it is not considered that the noise/disturbance caused by the proposed use would be such that refusal of planning permission would be warranted on the grounds of adverse impact upon residential amenity. It should also be noted that the operation due to its nature will be a supervised event and conditions will be imposed to ensure that a management plan is submitted and the hours of operation and amplified sound restricted.

Conclusion

7.14 In summary it is considered that the proposals will both the increase in tourism provision for the short term and provide public benefit through the refurbishment of the sports area in the longer term. Short term harm to designated heritage assets can be justified in this case, to aid the renovation of the site which will directly benefit these assets and the community in the longer term. The use of the play area as a children’s activity area/fun fair, for the temporary period identified in the submission, is considered to be acceptable in accordance with policies PD1, PD2, HC14 and HC17 of the Adopted Derbyshire Dales Local Plan 2017 on this basis. In accordance with paragraph 134 of the National Planning Policy Framework it is considered that the submitted justification identifies sufficient public benefit to outweigh the less than substantial harm identified.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. Statutory timeframe conditions ST02a and reason.

2. The temporary use hereby approved shall operate only on the dates set out in the letter from Matlock Bath Parish Council dated 8th February 2018.
Reason:

To clarify the permission and to ensure the Local Planning Authority retains control over this temporary event.

3. In accordance with condition 2 above, the operation of the activity area hereby approved shall cease at 5pm on Saturdays and Sundays between 08.09.2018 to 27.10.2018, and 07.09.2019 to 26.10.2019.

Reason:

To ensure the safety and security of the annual Illuminations event.

4. In accordance with conditions 2 and 3 above the temporary use hereby approved shall only take place between the hours of 10.00 am and 8.00pm daily.

Reason:

In order to protect residential amenity in accordance with Policies S1 and PD1 of the Adopted Local Plan 2017.

5. There shall be no amplified music or public address system in operation at the site.

Reason:

In order to protect residential amenity in accordance with Policies S1 and PD1 of the Adopted Local Plan 2017.

6. Prior to the commencement of the use a noise management plan shall be submitted to and agreed in writing by the local planning authority to ensure the site is properly managed and controlled and any complaints are handled alongside the relevant agency. The agreed plan shall be strictly adhered to whilst the temporary use is in operation.

Reason:

In order to protect residential amenity in accordance with Policies S1 and PD1 of the Adopted Local Plan 2017.

7. Prior to the commencement of the use details of the children’s exercise and activity equipment to be brought onto site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. details of the mechanism for securing the refurbishments of the site and a schedule / timetable for the completion of the works

Reason:

To ensure the Local Planning Authority retains control over the equipment brought onto site in the interests of the character and appearance of the area in accordance with Policies PD1 and PD2 of the Adopted Local Plan 2017.

8. Prior to the commencement of the use, details of the mechanism for securing the refurbishments of the site and a schedule / timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
Reason:

To secure the public benefits which outweigh the less than substantial harm to designated heritage assets in accordance with Policies PD2, HC14 and HC17 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

9.1 The Local Planning Authority prior to the submission 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 the nature of the submission and justification, the operating hours and potential conflict with the Illuminations event.

9.2 The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

9.3 The applicant shall contact DCC prior to carrying out any excavation works within 4 m of the public highway to ensure the integrity of the highway asset and the safety of highway users on the adjoining highway are maintained – contact the highways hub – highways.hub@derbyshire.gov.uk.

9.4 This decision notice relates to the following documents:
Design and access statement received 08.02.18
Specification received 08.02.18
Site and block plans received 08.02.18
Letter from Matlock Bath Parish Council dated 08.02.18
### Ashbourne North

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<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>
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<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></td>
<td>Notice Issued</td>
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<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00011</td>
<td>Works to roof not done in accordance with approved plans (Planning permission reference number 17/00045/FUL)</td>
<td>Blacks Cottage Coopers Close Ashbourne Derbyshire DE6 1EQ</td>
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<tr>
<td>ENF/18/00020</td>
<td>Change of use to hot food takeaway (A5) and works to a listed building (Grade II) - Shopfront changes, additional side entry and removal of bricks</td>
<td>3 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00038</td>
<td>Breach of Conditions 6, 16, 17, 18, 21 and 22 of Planning Permission 09/00496/FUL (Allowed on appeal)</td>
<td>The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ</td>
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### Ashbourne South

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<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/17/00038</td>
<td>Unauthorised works to listed building</td>
<td>Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00018</td>
<td>Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
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ENF/18/00051 Breach of condition 18 of planning application 17/00337/FUL - Working outside of permitted hours Land South Of Old Derby Road Ashbourne Derbyshire Pending Consideration

ENF/18/00052 Breach of Condition 24 (Tree Protection) of planning application reference no. 17/00250/REM Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire Pending Consideration

**Brailsford**

ENF/17/00058 Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire South Lodge Long Lane Longford Derbyshire DE6 3DS Pending Consideration

ENF/17/00125 Installation of a Biomas Generator Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD Pending Consideration

ENF/18/00009 Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire Pending Consideration

**Carsington Water**

ENF/16/00034 Unauthorised erection of Dog kennels Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ Pending Consideration

ENF/17/00041 Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire Pending Consideration

ENF/17/00082 Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF Barnwood Main Street Hopton Derbyshire DE4 4DF Pending Consideration

ENF/17/00085 Unauthorised building works comprising a change of structure on a building approved under PDA change of use. Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB Pending Consideration

ENF/17/00095 Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL. Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW Pending Consideration

ENF/17/00141 Tipping of Materials on Land The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF Pending Consideration

ENF/18/00013 Building not built in accordance with approved plans Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR Pending Consideration

ENF/18/00016 Unauthorised demolition/conversion of barn. Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire Pending Consideration
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<td>ENF/18/00015</td>
<td>Unauthorised use of land for wood processing facility</td>
<td>Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00047</td>
<td>Use of agricultural building as a lorry shed and creation of hardstanding</td>
<td>Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00053</td>
<td>Erection of garage which is abutting highway</td>
<td>The Cottage Mill Lane Shirley Derbyshire DE6 3AR</td>
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<tr>
<td>ENF/18/00055</td>
<td>Unauthorised erection of summer house, on land at Cloud Barn, Clifton Road (A515), Clifton, Derbyshire</td>
<td>Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Pending Consideration</td>
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<td>ENF/18/00034</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/17/00718/FUL</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.</td>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00100</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
<td>Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00139</td>
<td>Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building</td>
<td>Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00142</td>
<td>The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/17/00158</td>
<td>The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing</td>
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<td>ENF/17/00159</td>
<td>Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney</td>
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<td>ENF/18/00035</td>
<td>Erection of Double Garage and engineering works in association with Landscaping to front of property.</td>
<td>Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD</td>
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<td>ENF/18/00043</td>
<td>Breach of conditions 22 and 23 of planning permission 16/00789/FUL</td>
<td>Land South West Of Old Hackney Lane Hackney Derbyshire</td>
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<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>Notice Issued</td>
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<td>ENF/18/00029</td>
<td>Erection of Porches</td>
<td>17 West Drive Doveridge Derbyshire DE6 5NG</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00037</td>
<td>Change of Use to a Childcare Business</td>
<td>The Old School 22 High Street Doveridge Derbyshire DE6 5NA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE6 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 Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3).</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00064</td>
<td>Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton</td>
<td>Caravan At Valley View Broad Way Kirk Ireton Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00109</td>
<td>Use as a collection point for County Council vehicles</td>
<td>Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00045</td>
<td>Subdivision of property to create an additional dwelling and a holiday let</td>
<td>Addcrofts Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</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>Reference</td>
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<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/16/00041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking 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>
<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
<td>The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00061</td>
<td>Unauthorised works to a Listed Building</td>
<td>RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00102</td>
<td>Erection of Four Sheds</td>
<td>Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00145</td>
<td>Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT</td>
<td>1 High Street Bonsall Derbyshire DE4 2AS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00147</td>
<td>Breach of Conditions of Planning Permission Reference 11/00504/FUL</td>
<td>Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00150</td>
<td>Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00003</td>
<td>Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath,Derbyshire</td>
<td>Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00017</td>
<td>Unauthorised works to a listed building - Insertion of 3no. UPVC window frames</td>
<td>98 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00028</td>
<td>Alleged changed of use of hotel building, Temple Hotel, Matlock Bath.</td>
<td>Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00032</td>
<td>External alterations - Doorway replaced with a window and window covered up</td>
<td>County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/18/00033</td>
<td>Alleged works to change use of building</td>
<td>Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00039</td>
<td>Unauthorised Internal and External Alterations to a Listed Building</td>
<td>21 The Hill Cromford Derbyshire DE4 3RF</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/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00110</td>
<td>Development not being built in accordance with approved plans (Doors in Gable End)</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00001</td>
<td>Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years</td>
<td>The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/18/00034</td>
<td>Replacement Shop Front</td>
<td>Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00042</td>
<td>Unauthorised alteration of shop frontage</td>
<td></td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00048</td>
<td>Breach of condition of planning permission 16/00776/FUL - Appearance of front boundary wall</td>
<td>Land Adjacent Matlock Golf Club Chesterfield Road Matlock Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00054</td>
<td>Pre-commencement conditions 4, 5 and 6 of planning permission 17/00482/FUL not discharged prior to planned start on site</td>
<td>55A Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles

<p>| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/16/00053 | Unauthorised access off Riber Road. | Brookdale Riber Road Lea Derbyshire DE4 5JQ | Notice Issued |
| ENF/16/00056 | 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. | 72 Starkholmes Road Matlock Derbyshire DE4 3DD | Pending Consideration |
| ENF/16/00089 | Breaches of Planning Control | ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL | Notice Issued |
| ENF/17/00020 | Unauthorised use of land for the storage and stationing of caravans. | Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ | Notice Issued |
| ENF/17/00117 | Unauthorised engineering works and formation of access | Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE | Notice Issued |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/18/00031</td>
<td>Erection of signage and second access</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00044</td>
<td>Breach of condition 7 of planning permission 15/00566/FUL</td>
<td>Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Norbury</strong></td>
<td></td>
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<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>
<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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire.</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00113</td>
<td>Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
<td>Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00156</td>
<td>Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park</td>
<td>Roston Inn Mill Lane Roston Derbyshire DE6 2EE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00007</td>
<td>Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017</td>
<td>Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Winster And South Darley</strong></td>
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</tr>
<tr>
<td>ENF/17/00053</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Wirksworth</strong></td>
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</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>Notice Issued</td>
</tr>
</tbody>
</table>
ENF/17/00002  Unauthorised engineering operations to create a raised area
11 New Road Bolehill Derbyshire DE4 4GL Pending Consideration

ENF/17/00018  Unauthorised works to remove a fire surround in a Grade II Listed Building.
Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET Pending Consideration

ENF/17/00023  Breach of conditions on planning permission 14/00891/FUL
Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS Pending Consideration

ENF/17/00051  Unauthorised change of use of garage/store to beauty studio.
The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD Pending Consideration

ENF/17/00104  Non compliance with planting condition
Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR Pending Consideration

ENF/17/00106  Erection of High Fence Posts
2 New Road Bolehill Derbyshire DE4 4GL Pending Consideration

ENF/17/00127  Engineering operations
11A Little Bolehill Bolehill Derbyshire DE4 4GR Pending Consideration

ENF/17/00136  Artist's studio building not built in accordance with approved details
Walkers Cottage 31 - 33 The Dale Wirksworth Derbyshire DE4 4EJ Pending Consideration

ENF/17/00140  Unauthorised building works to raise the height of building approved under 16/00536/FUL
5 Cromford Road Wirksworth Derbyshire DE4 4FH Pending Consideration

ENF/17/00153  Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.
Longway Bank Wood Longway Bank Whatstandwell Derbyshire Pending Consideration

ENF/17/00154  Unauthorised change of use of land and buildings
Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF Pending Consideration

ENF/18/00002  Unauthorised erection of raised platform, above 0.3m from ground level.
14 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ Pending Consideration

ENF/18/00006  Breach of Condition 7 of 14/00462/FUL - Tree Planting
Bailey Croft Car Sales Harrison Drive Wirksworth Derbyshire Pending Consideration

ENF/18/00010  Camping Pods not erected in the approved location
Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS Pending Consideration

ENF/18/00014  New Shop Signage
26 - 27 Market Place Wirksworth Derbyshire DE4 4ET Pending Consideration

ENF/18/00022  Work activities being carried out from the site
Ashleigh House Cromford Road Wirksworth Derbyshire DE4 4FR Pending Consideration

ENF/18/00023  Unauthorised erection of fence
Land At Cromford Road Wirksworth Derbyshire Pending Consideration
| Total Open Cases | 108 |
# Enforcement Investigations Closed

## Ashbourne North

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status/Milestone</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/17/00054</td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td>Complied Voluntarily</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/18/00040</td>
<td>Untidy Site (Former Public Toilets)</td>
<td>1 Union Street Ashbourne Derbyshire DE6 1FG</td>
<td>Complaint Unfounded</td>
<td>23/03/2018</td>
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## Ashbourne South

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<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status/Milestone</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 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>Planning Application Received</td>
<td>06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received</td>
<td>25/10/2017</td>
</tr>
<tr>
<td>ENF/17/00128</td>
<td>Dwelling being built to the rear of the property</td>
<td>Rear Of  49 Derby Road Ashbourne Derbyshire DE6 1BH</td>
<td>Complaint Unfounded</td>
<td>03/11/2017</td>
</tr>
<tr>
<td>ENF/17/00134</td>
<td>Exterior Painting</td>
<td>Panda Express 7 Station Street Ashbourne Derbyshire DE6 1DE</td>
<td>Justification from Officer</td>
<td>06/11/2017</td>
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## Brailsford

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/17/00063</td>
<td>Various adverts around Brailsford</td>
<td>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</td>
<td>Not in the Public interest to pursue</td>
<td>06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00073</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Complaint Unfounded</td>
<td>15/01/2018</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Justification/Action</td>
<td>Date</td>
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<tr>
<td>ENF/17/001120</td>
<td>Are the relevant permissions in place for weddings to be held at this site</td>
<td>Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE</td>
<td>Justification from Officer</td>
<td>15/01/2018</td>
</tr>
<tr>
<td>ENF/17/001126</td>
<td>Siting of a static caravan</td>
<td>Daisy Bank Farm Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Justification from Officer</td>
<td>17/11/2017</td>
</tr>
<tr>
<td>ENF/17/001143</td>
<td>Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding</td>
<td>Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
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<tr>
<td><strong>Carsington Water</strong></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>
<td>Not in the Public interest to pursue</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Complied Voluntarily</td>
<td>26/03/2018</td>
</tr>
<tr>
<td>ENF/17/00132</td>
<td>Unauthorised installation of gas cylinder, forward of a principal elevation.</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Planning Application Received</td>
<td>16/03/2018</td>
</tr>
<tr>
<td>ENF/18/00050</td>
<td>Trellising in excess of 1m in height, adjacent to a highway used by vehicular traffic</td>
<td>Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR</td>
<td>Complied Voluntarily</td>
<td>16/03/2018</td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
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<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Planning Application Received</td>
<td>20/10/2017</td>
</tr>
<tr>
<td>ENF/17/00122</td>
<td>Addition of lean to building and slabbcd area</td>
<td>Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Justification from Officer</td>
<td>12/01/2018</td>
</tr>
<tr>
<td>ENF/17/00155</td>
<td>Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill</td>
<td>Saw Mill Osmaston Derbyshire</td>
<td>Planning Application Received</td>
<td>19/03/2018</td>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
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<tr>
<td>ENF/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Planning Application Received</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00098</td>
<td>Erection of an outbuilding</td>
<td>11 Hillside Gardens Matlock Derbyshire DE4 3SH</td>
<td>Complied Voluntarily</td>
<td>04/12/2017</td>
</tr>
<tr>
<td>ENF/17/00107</td>
<td>Extension not being carried out in accordance with the approved plans.</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Not in the Public interest to pursue</td>
<td>13/10/2017</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
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<tr>
<td>ENF/17/00114</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.</td>
<td>1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG</td>
<td>No Code []</td>
<td>26/03/2018</td>
</tr>
<tr>
<td>ENF/17/00115</td>
<td>Alleged unauthorised signage on roof of public house</td>
<td>Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ</td>
<td>Complaint Unfounded</td>
<td>06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00119</td>
<td>Access Modifications/ Modifications to Public Footpath</td>
<td>Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
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<tr>
<td><strong>Doveridge And Sudbury</strong></td>
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<tr>
<td>ENF/18/00025</td>
<td>Alleged unauthorised building works on land at The Woodyard, Pump Lane, Doveridge</td>
<td>The Woodyard Pump Lane Doveridge Derbyshire DE6 5LX</td>
<td>Complaint Unfounded</td>
<td>21/02/2018</td>
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<tr>
<td><strong>Hulland</strong></td>
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<tr>
<td>ENF/17/00065</td>
<td>Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Complied Voluntarily</td>
<td>25/01/2018</td>
</tr>
<tr>
<td>ENF/17/00138</td>
<td>Unauthorised works to listed building - External alterations including repointing works</td>
<td>Northfield Farmhouse Main Street Kirk Ireton Derbyshire DE6 3LD</td>
<td>Justification from Officer</td>
<td>28/11/2017</td>
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<td><strong>Masson</strong></td>
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<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>No Code []</td>
<td>01/11/2017</td>
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<tr>
<td>ENF/17/00078</td>
<td>Potential change of use of tennis courts to a Fun Fair from 22nd July until 3rd September 2017</td>
<td>Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire</td>
<td>Complied Voluntarily</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00111</td>
<td>Check that Garden Room has been built in accordance with submitted plans</td>
<td>Memphis Holme Road Matlock Bath Derbyshire DE4 3NU</td>
<td>Justification from Officer</td>
<td>20/10/2017</td>
</tr>
<tr>
<td>ENF/17/00112</td>
<td>Potential Engineering Operation as part of Tree Planting</td>
<td>Rock House Derby Road Cromford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00121</td>
<td>Engineering works to garden facing Alabaster Lane</td>
<td>10 The Newlands Alabaster Lane Cromford Derbyshire DE4 3QJ</td>
<td>Not in the Public interest to pursue</td>
<td>06/11/2017</td>
</tr>
<tr>
<td>ENF/17/00133</td>
<td>Engineering works being undertaken on site</td>
<td>Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN</td>
<td>Complaint Unfounded</td>
<td>10/11/2017</td>
</tr>
<tr>
<td>ENF/17/00135</td>
<td>Erection of Fence Panels</td>
<td>Brae Mount Waterloo Road Matlock Bath Derbyshire DE4 3PH</td>
<td>Complied Voluntarily</td>
<td>20/12/2017</td>
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<tr>
<td>ENF/17/00148</td>
<td>Alleged display of a sign to frontage advertising the opening of a beauty salon at the property</td>
<td>40 The Hill Cromford Derbyshire DE4 3QR</td>
<td>Complaint Unfounded</td>
<td>28/11/2017</td>
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<tr>
<td><strong>Matlock All Saints</strong></td>
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<tr>
<td>Case Number</td>
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<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>Planning Application Received</td>
<td>02/01/2018</td>
</tr>
<tr>
<td>ENF/17/00090</td>
<td>Breach of condition regarding opening hours.</td>
<td>McDonald’s 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Planning Application Received</td>
<td>15/12/2017</td>
</tr>
<tr>
<td>ENF/17/00108</td>
<td>Works undertaken to extension and spiral staircase not in accordance with the approved plans</td>
<td>Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00118</td>
<td>Construction of Outbuilding</td>
<td>11 Rutland Avenue Matlock Derbyshire DE4 3GQ</td>
<td>Complaint Unfounded</td>
<td>18/10/2017</td>
</tr>
<tr>
<td>ENF/17/00123</td>
<td>Erection of 2.5m high Fence between properties</td>
<td>131 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Complied Voluntarily</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00129</td>
<td>Erection of fence around property</td>
<td>179 Smedley Street Matlock Derbyshire DE4 3JA</td>
<td>Justification from Officer</td>
<td>04/12/2017</td>
</tr>
<tr>
<td>ENF/17/00146</td>
<td>Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)</td>
<td>10 Crook Stile Matlock Derbyshire DE4 3LJ</td>
<td>Justification from Officer</td>
<td>05/03/2018</td>
</tr>
<tr>
<td>ENF/18/00036</td>
<td>Land clearance and potential use of land as an off road motorcycle track</td>
<td>Land At Masson Hill Salters Lane Matlock Bath Derbyshire</td>
<td>Justification from Officer</td>
<td>23/03/2018</td>
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### Matlock St Giles

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<thead>
<tr>
<th>Case Number</th>
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<tbody>
<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>Justification from Officer</td>
<td>21/02/2018</td>
</tr>
<tr>
<td>ENF/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Justification from Officer</td>
<td>12/02/2018</td>
</tr>
<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00089</td>
<td>Unauthorised decking and shed.</td>
<td>1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY</td>
<td>Planning Application Received</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00130</td>
<td>Breach of Condition 3 of Planning Application 17/00025/REM - Developer not parking within the site as approved</td>
<td>Land At Asker Lane Matlock Derbyshire</td>
<td>Complaint Unfounded</td>
<td>31/10/2017</td>
</tr>
<tr>
<td>ENF/18/00024</td>
<td>Erection of industrial buildings, sheds and the siting of a chalet/caravan</td>
<td>Ox Close Farm Carr Lane Riber Matlock Derbyshire DE4 5JT</td>
<td>Complaint Unfounded</td>
<td>15/02/2018</td>
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<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
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<tr>
<td>ENF/18/00026</td>
<td>Erection of Breeze Block Wall and Parking of Caravan</td>
<td>44 The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complaint Unfounded</td>
<td>20/02/2018</td>
</tr>
<tr>
<td>ENF/18/00030</td>
<td>Unauthorised tipping of materials</td>
<td>Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire</td>
<td>Justification from Officer</td>
<td>12/03/2018</td>
</tr>
<tr>
<td><strong>Norbury</strong></td>
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<tr>
<td>ENF/11/0091</td>
<td>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</td>
<td>Home Farm Thurcaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice complied with</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/13/0050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Not in the Public interest to pursue</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/0029</td>
<td>Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed</td>
<td>WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE</td>
<td>Planning Application Received</td>
<td>12/12/2017</td>
</tr>
<tr>
<td>ENF/18/00046</td>
<td>Breach of condition 6 of planning permission 13/00417/FUL - Hardstanding for parking free from impediment to it's use</td>
<td>Spring Cottage Rodsley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Complaint Unfounded</td>
<td>19/03/2018</td>
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<td><strong>Stanton</strong></td>
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<tr>
<td>ENF/17/00149</td>
<td>Groundworks and the storage and burning of materials</td>
<td>Land Between Northwood Depot And Ashbrook Roofing And Supplies Limited Harrison Way Darley Dale Derbyshire DE4 2LF</td>
<td>Complaint Unfounded</td>
<td>24/11/2017</td>
</tr>
<tr>
<td>ENF/17/00151</td>
<td>Illuminated Signage, totem pole signage and banner advert</td>
<td>UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Justification from Officer</td>
<td>31/01/2018</td>
</tr>
<tr>
<td>ENF/18/00005</td>
<td>Removal of boundary fence and extension of lorry hardstanding into neighbouring field</td>
<td>Matlock Transport Northwood Lane Darley Dale Derbyshire DE4 2HQ</td>
<td>Complaint Unfounded</td>
<td>15/01/2018</td>
</tr>
<tr>
<td>ENF/18/00012</td>
<td>Unauthorised commencement of development relating to land at North Park Farm subject of planning application 17/00995/OUT for Mr G Lowe.</td>
<td>North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ</td>
<td>Justification from Officer</td>
<td>31/01/2018</td>
</tr>
<tr>
<td>ENF/18/00027</td>
<td>Occupied flat built inside barn</td>
<td>New Fallinge Farm Chesterfield Road Rowsley Derbyshire DE4 2NN</td>
<td>Complaint Unfounded</td>
<td>05/03/2018</td>
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<tr>
<td><strong>Wirksworth</strong></td>
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<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
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<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 Wirksowrth Derbyshire</td>
<td>Complied Voluntarily</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
<td>1 Cavendish Cottages Cromford Road Wirksowrth Derbyshire DE4 4FP</td>
<td>Complied Voluntarily</td>
<td>02/03/2018</td>
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<tr>
<td>ENF/17/00092</td>
<td>Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations.</td>
<td>Arm Lees Farm Ryder Point Road Wirksowrth Derbyshire DE4 4HE</td>
<td>Justification from Officer</td>
<td>08/02/2018</td>
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<tr>
<td>ENF/17/00105</td>
<td>Finished detail on apartment bay windows not in accordance with the approved design</td>
<td>Land At Cromford Road Wirksowrth Derbyshire</td>
<td>Justification from Officer</td>
<td>15/02/2018</td>
</tr>
<tr>
<td>ENF/17/00124</td>
<td>Erection of New Railway Building</td>
<td>Ecclesbourne Valley Railway Wirksowrth Station Station Road Wirksowrth Derbyshire DE4 4FB</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
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<tr>
<td>ENF/17/00144</td>
<td>Engineering Works</td>
<td>Barn, The Pingle Summer Lane Wirksowrth Derbyshire</td>
<td>Complaint Unfounded</td>
<td>21/11/2017</td>
</tr>
<tr>
<td>ENF/18/00019</td>
<td>Erection of building and temporary screen</td>
<td>Lant Close Farm Bolehill Road Bolehill Derbyshire DE4 4GQ</td>
<td>Complaint Unfounded</td>
<td>04/04/2018</td>
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Total Closed Cases: 68
**PLANNING APPEAL – PROGRESS REPORT**

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td>Southern</td>
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<tr>
<td>16/00929/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>16/00930/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00661/FUL</td>
<td>Penfold Lodge, Hulland Village, Ashbourne</td>
<td>WR</td>
<td>Part appeal dismissed – part appeal allowed – copy of appeal decision attached</td>
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<tr>
<td>16/00872/OUT</td>
<td>Land east of “Les Ardennes”, Mugginton Lane End, Hulland Ward</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00384/FUL</td>
<td>Poplars Farm, Belper Road, Hulland Ward</td>
<td>WR</td>
<td>Appeal allowed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00628/ADV</td>
<td>1 Dig Street, Ashbourne</td>
<td>WR</td>
<td>Part appeal dismissed – part appeal allowed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00896/FUL</td>
<td>1 and 2 Beresford Avenue, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00818/FUL</td>
<td>Oak Trees, Park Lane, Rodsley</td>
<td>HOUSE</td>
<td>Appeal allowed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00951/FUL</td>
<td>Walnut Cottage, Marston Montgomery</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00752/FUL</td>
<td>The Manor House, Church Street, Brassington</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/01079/FUL</td>
<td>Meadow Hurst, 87 Belper Road, Ashbourne</td>
<td>HOUSE</td>
<td>Appeal being processed</td>
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<td>ENF/16/00090</td>
<td>2 Primrose Cottages, St Johns Road, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00093/PDA</td>
<td>The Racecourse, Hey Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
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</table>

WR - Written Representations  
IH - Informal Hearing  
PI – Public Inquiry  
LI - Local Inquiry  
HH - Householder  

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decisions
Site visit made on 12 February 2018

by A Jordan BA Hons  MRTPI
an Inspector appointed by the Secretary of State

Decision date: 7 March 2018

Appeal A
Appeal Ref: APP/P1045/W/17/3182243
Camp Site, The Ketch, Ashbourne Road, Kniveton, DE6 1JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Vance Leahy against the decision of Derbyshire Dales District Council.
- The application Ref 16/00930/FUL, dated 9 December 2016, was refused by notice dated 28 February 2017.
- The development proposed is construction of 9 holiday chalets, provision of access and parking. The widening of Kings Head Lane and extensive landscaping.

Appeal B
Appeal Ref: APP/P1045/W/17/3182044
Camp Site, The Ketch, Ashbourne Road, Kniveton, DE6 1JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Vance Leahy against the decision of Derbyshire Dales District Council.
- The application Ref 16/00929/FUL, dated 9 December 2016, was refused by notice dated 14 February 2017.
- The development proposed is use of land as a touring caravan site with amenity block, waste disposal point and recycling area

Decisions

1. The appeals are dismissed.

Procedural Matters

2. Following the refusal of the application the Council adopted the Derbyshire Dales Local Plan 2017. This replaces the policies in the 2005 Derbyshire Dales Local Plan. Accordingly I have taken account of the policies put forward by the Council from the adopted plan in reaching a decision.

3. The site is subject to 2 appeals which represent 2 alternative proposals for the use of the site. I am advised that the site is subject to a Camping and Caravanning Licence which allows use of the land for the stationing of 5 caravans and use of the site for camping throughout the year, and for an unlimited number of tents and caravans for up to 28 days a year.

4. The Council have confirmed that following the receipt of comments from Derbyshire Wildlife Trust (DWT) they no longer wish to defend the second appeal.
reason for refusal for both appeals, which relates to the effect of the proposal on protected species.

**Main Issues**

5. Accordingly, the main issues for both appeals are:
   - The effect of the proposal on the character and appearance of the rural area;
   - Whether the development is in a sustainable location, having regard to local and national policies which seek to reduce the need to travel;
   - The effect of the proposal on the living conditions of nearby residential occupiers;

**Reasons**

*Background*

6. The Development Plan for the area is the recently adopted *Derbyshire Dales Local Plan 2017*. Policy S1 - Sustainable Development Principles’ - advises that in order to achieve a sustainable pattern of development most new development should occur within or adjacent to the defined settlement hierarchy, and where possible, enhance the landscape, support the local economy, minimise the need to travel and reduce reliance on the private car. Policy S4 ‘Development in the Countryside’ advises that the intrinsic character and distinctiveness of the landscape should be protected whilst also facilitating sustainable rural community needs, tourism and economic development. Such development should be appropriate in nature to the rural area and preserve or enhance the character and appearance of the countryside. It should also not lead to improvements or alterations to roads which could be detrimental to their character. Policy PD5 ‘Landscape Character’ seeks to resist development which would be detrimental to the character of the local and wider landscape or the setting of a settlement.

7. EC9 ‘Holiday Chalets, Caravan and Campsite Developments' supports such proposals provided they do not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape, are visually well screened by existing landscape features and are in a suitable location close to services. Policy EC8 'Promoting Peak District Tourism and Culture' also supports provision for visitors which is appropriate to the settlements and countryside and consistent with environmental objectives. Together, these policies are in line with guidance in the *National Planning Policy Framework* (the Framework) which seeks to support the growth and expansion of all types of business and enterprise in rural areas as well as recognising the intrinsic character and beauty of the countryside.

*Character and Appearance*

8. The appeal site comprises a large area of open field which lies adjacent to a Public House known as "The Ketch". The Pub comprises the main building and associated letting rooms, a car park, which sits alongside the main road, and a small children’s playground. It sits in open countryside within a small cluster of dwellings between Ashbourne and Kniveton. Access to the site is via Kings Head Lane to the south, a narrow road which runs along one side of the site from the main road. The site is largely open to the road to the south, and adjoined by sparse hedgerow to the east, north and west. As a result a large
proportion of the site is within open view of the highway and from adjoining property where it is seen as being contiguous with the open land to the east and so is perceived as forming part of the wider rural landscape. The site is crossed by a public footpath, which runs from Kings Head Lane to a point east of Green Meadows to the north. A footpath also runs along the eastern boundary.

9. In relation to Appeal A, the lodges would be screened by bunding, to be located along the south and south-eastern boundary and also to the north adjacent to Green Meadows. It is proposed that the bunds would be planted to increase screening and to provide privacy. As a result, it is likely that only those lodges closest to the parking areas would be clearly apparent from outside the site. Nevertheless, they would be very obvious to users of the footpath crossing the site, where the introduction of large timber structures in an otherwise open setting would intrude upon the rural character of the site. Furthermore, the planted bunds would themselves by clearly evident in views into the site. In the context of the gently undulating fieldscape they would appear alien and would be clearly discernible as manmade features in the open fieldscape. The planting would take time to establish, and once it did the finished development would retain an artificially imposed appearance, which would be at odds with the character of the rural landscape.

10. In relation to Appeal B, the development would include the erection of an amenity block, which would be single storey but with a high pitched roof with accommodation within it. Due to its height it would be clearly visible in views into the site along with some of the caravan pitches when occupied. The caravans, play area and amenity block would all be very evident features to users of the public footpath, and the proposed bunds intended for screening would be evident intrusions in the fieldscape. As a result the development would erode the existing pastoral character of the site.

11. I take into account the landscape analysis provided by the appellant and I concur that wider views of the site are relatively limited. I therefore find very limited harm to the wider landscape. Nevertheless, in localised views of the site, the development, including the proposed measures intended to screen the development, would be prominently visible, and this would have a detrimental impact on the existing open and undeveloped character of the site.

12. The Appeal A relates to 9 holiday chalets. Appeal B comprises a caravan park with 23 pitches. Both proposals would therefore introduce a relatively large number of people and activity onto the site. I noted on site that levels of background noise were very low, and that intermittent traffic noise on the B5035 was evident largely due to the fundamentally quiet nature of the locality. Taking into account this quiet character, noise from everyday activity, including cars entering and leaving the site and children’s play, would be likely to represent a significant departure from the existing tranquil nature of the site and its surroundings.

13. The appellant has indicated that those occupying the site are unlikely to cause disturbance, and that camping and caravanning is generally a quiet activity. Whilst I acknowledge that outside school holidays the resident population may have an older demographic, and that management measures could be put in place to reduce intrusion to some degree, the occupation of the site would nonetheless give rise to increased levels of background noise arising from cars.
entering and leaving the site and from routine day to day activities which would be apparent when in and around the site. To my mind, this is likely to be more evident in the case of the caravanning operation, given the potentially larger numbers of likely residents and more transient population. Nevertheless, both appeals would lead to noise and activity from even modest occupation which would diminish the existing quiet character of the site and its surroundings. This adds to my concerns regarding the visual impact of the proposals.

14. In the case of both appeals the proposal would erode the rural character of the area and harm its quiet character. Accordingly, they would fail to comply with policies S1, S4, PD4 and EC9 of the Adopted Local Plan which together seek to ensure that new camping, caravanning and holiday lodge developments conserve the distinct Peak District character of the area and do not have a prominent and adverse effect on the character and appearance of the immediate landscape, including the tranquillity of the area.

*Sustainable Location*

15. Policy EC9 recognises, amongst other things, the need to locate new tourism development within or in close proximity to existing settlements. The site lies in open countryside on the B5035 and is located beyond reasonable walking distances of the range of services available in Ashbourne or Kniveton.

16. The site would be able to use the Public House which has a restaurant, and the site office could provide a small range of essential campers’ supplies. Furthermore, a bus service runs around once an hour during the day and the appellant has indicated willingness to make provision for a stopping point close to the site. The site is also accessible by the network of local footpaths and would also be accessible by bike. I take account of the fact that many holiday makers seek holiday locations in relatively remote locations, away from the activity of established settlements. In this regard, the lack of accessibility identified above would for some customers be an attractive aspect of the development. Furthermore, the length of trip to access essential services would be relatively short by rural standards. I also note that the Council have previously referred to the location as sustainable although I note that this related to a smaller scale development at the Public House.

17. Nevertheless, taking account of limited public transport accessibility and the nature of the use it is likely that the majority of customers would arrive at the site by private motor vehicle. Having regard to the size of the site and the facilities available I consider it likely that customers would leave the site for services and trips out and would use their vehicle for at least some of those trips. The proposal would thereby conflict with policies EC9 and S1 of the Adopted Local Plan which in relation to camping, caravanning and holiday lodge development seeks to locate such development close to existing settlements in order to minimise the need to travel. Having regard to the relative scale of both developments and the rural nature of the location, they would also conflict with guidance in the Framework, which advises that development generating significant levels of traffic should be directed towards locations with a wider opportunity to travel by sustainable modes and so reduce reliance on the private car. This matter weighs against both proposals in the planning balance.

*Living Conditions*

18. Although the site lies adjacent to a relatively busy road, and close to a Public House, I noted on site that levels of background noise were very low. The

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Council have expressed concerns that noise associated from the development would intrude upon the tranquillity enjoyed by existing residents. The residential property of Green Meadows sits a short distance from the northern site boundary with further properties off Kings Head Lane located to the south.

19. As stated above, it is my view that taking into account the generally quiet character of the area, and the proximity of residential occupiers, particularly those at Green Meadow, noise from everyday activity, including cars entering and leaving the site and children's play, is likely to be intrude upon the quiet environment currently enjoyed by residents. In the case of Appeal A for the proposed holiday lodges, the proposed layout includes a bund to the rear of Green Meadows which I understand would be planted with vegetation. Although details of the height of the bund are not provided, I accept that such a feature could be designed to effectively screen the park from view and could, to some degree, reduce noise from activity on the site, although it is unlikely to entirely mitigate it. Whilst this is likely to lead to some reduction in the quality of living standards currently enjoyed by residents, I do not consider this effect would be so severe as to result in an unacceptable quality of accommodation. Accordingly, in relation to Appeal A, the effect of the proposal on living conditions does not weigh against the proposal.

20. However, in relation to Appeal B, for the caravan park, the effects would be more significant. The caravan park differs from the lodge development in a number of ways. The resident population has the capacity to be greater due to the greater number of pitches and to potentially give rise to more vehicular movements. Furthermore, the layout towards the north of the site would have a more intrusive effect on the neighbouring occupier in terms of noise as it lacks the proposed bunding shown on the holiday lodge proposal. The proposed layout shows the hardstanding for bay 5 around 18m from the rear elevation of the property. Bays 4 and 5 would sit slightly further away. The bays would be separated by planting, the nature of which would be secured by a planning condition, but which would take time to establish and which would be unlikely to act as an effective means of screening noise from the site.

21. As a result of the proximity of the pitches, noise from the park would be likely to be very evident when within the garden of the adjoining property. Even with the enforcement of a management regime and very dense planting, normal day-to-day activities on a campsite would be inescapable, due to the very quiet character of the area and the very close position of the dwelling to the sparse hedging on the common boundary. This would diminish the quality of the living conditions enjoyed at the property to a significant and harmful degree.

22. Therefore, in relation to Appeal B, I conclude that the harm to living conditions which would occur would conflict with policies PD1 and EC9 of the Adopted Local Plan, which together seek to resist new development which have an unacceptable effect on the living conditions and amenity of adjoining residential occupiers.

Other Matters

23. A number of residents have expressed concerns in relation to highway safety. The County Highways Authority were in support of the application, provided it could be demonstrated that the junction could be widened to accommodate towing caravans and that the access to the car park off Kings Head Lane was closed to avoid the potential for vehicular conflicts. The appeal submission is
supported by a swept path analysis which shows that towing caravans would not need to cross the centre line subject to the widening of the access. I also note that the closure of the access to the car park has been shown on a revised plan and could be secured. I am therefore satisfied than the increase in vehicular movements associated with both proposals would not be detrimental to highway safety, and this matter does not therefore weigh against the proposal.

24. I note that the appellant has made significant investments in the adjoining business, which employs up to 20 people, and that both proposals would assist in the viability of the enterprise and potentially provide additional employment in the area. It would also assist in adding to the range of tourist accommodation in the district. These economic benefits weigh in favour of the proposal in the planning balance.

25. In coming to a view I take account of the fallback position open to the appellant, which is to use the existing Camping and Caravanning Club Licence to its full capacity. I note that local residents state that the site has rarely, if ever been used to this extent. However, even if it was, both proposed developments represent a significant intensification as both developments would allow for a permanent presence on site above that facilitated by the licence. Therefore, even when I take account of the potential mitigation from screening and other aspects of the proposals, the net effect of either development would be significantly more harmful than the potential fallback in terms of noise and disturbance, visual impact and to a lesser extent increased reliance on the private car. This matter does not therefore weigh in favour of the proposal.

26. Lastly, the site lies within a short distance of a pond which has been identified as a habitat for Great Crested Newts. Following the refusal of the application, the appellant supplied an ecological appraisal, which showed amongst other things that these newts were present in a pond 40m to the southeast of the site. The report recommends further surveys to determine population levels and contains a number of suggested mitigation measures, including the licensed trapping and translocation of any newts found on site prior to development, the provision of wildflower planting and areas of neutral grassland and the potential creation of a wildlife pond to the south of the site. On this basis Derbyshire Wildlife Trust withdrew their objection and confirmed that given that the population was from a single source, they considered the likely impacts on the protected species to be clear and that there was a reasonable likelihood of Natural England granting a European Protected Species Licence for the proposed works.

27. The submitted plans contain only limited information on the form of any future landscaping measures on site. Indeed, given the layout proposed for both applications it appears to me unlikely that any significant proportions of the site would be available for wildflower meadows or a wildlife pond. If fully occupied it is likely that any undeveloped portions of the site would be under significant pressure for informal recreation and children’s play. I therefore have some reservations as to whether a condition requiring mitigation could achieve an appropriate scheme given the extent of development on site which would otherwise be approved. Nevertheless, as I have concluded that the proposals would be unacceptable in any case, this matter is in the event not determinative.
Conclusions

28. In relation to both appeals, the proposal would harm the character and appearance of the local area and would fail to reflect local and national policy which seeks to minimise reliance on the private car. In relation to Appeal B the proposal would also harm the living conditions of adjoin residential occupiers. In both cases the economic benefits of the proposal would not outweigh the harm identified.

29. Accordingly, having regard to all other matters raised, the appeals are dismissed.

Anne Jordan

INSPECTOR
Appeal Decision

Site visit made on 13 February 2018

by Elizabeth Pleasant  DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 15 March 2018

Appeal Ref: APP/P1045/W/17/3188478
Penfold Lodge, Hulland Village DE6 3EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mark Stone against the decision of Derbyshire Dales District Council.
- The application Ref 17/00661/FUL, dated 6 July 2017, was refused by a notice dated 5 September 2017.
- The development proposed is described as a “resubmission of 16/00809/FUL. Extensions to provide ancillary accommodation for dependant relatives, a swimming pool and a conservatory.

Decision

1. The appeal is dismissed insofar as it relates to the swimming pool. The appeal is allowed insofar as it relates to extensions to provide ancillary accommodation for dependant relatives and a conservatory in accordance with the terms of the application, Ref 17/00661/FUL, dated 6 July 2017, so far as relevant to that part of the development hereby permitted and subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as relevant to that part of the development hereby permitted: Site Location Plan-Streetmap; Block Plan, Scale 1:1250; Combined Site Block Plan, NM/0717/671/001; Combined Roof Plan, NM/0717/671/002; Combined Proposed Elevations, NM/0717/671/003; Combined Floor Plans, NM/0717/0671/004; Proposed Floor Plans Single Storey Side Extension, NM/0617/670/001; Proposed Elevations Single Storey Side Extension, NM/0617/670/002; Combined Proposed Elevations, NM/0617/670/003; Combined Proposed Floor Plans, NM/0717/671/004; Proposed Elevations Orangery, NM/0416/626/005 Rev A.

   3) The extensions hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Penfold Lodge.

   4) The materials to be used in the external surfaces of the extensions hereby permitted shall match those used in the existing building.
Application for costs

2. An application for costs was made by Mr Mark Stone against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Procedural Matter

3. Since the appeal has been submitted the Council has adopted its Local Plan (LP), December 2017. Details of the relevant adopted LP policies have been subsequently provided by the Council, and the appellant has had an opportunity to comment on them and so has not been prejudiced.

4. For the reasons that follow, I find the proposed extension to provide ancillary accommodation for dependant relatives and the conservatory to be acceptable and they are clearly severable physically from the proposed swimming pool. Therefore I intend to issue a split decision in this case and grant planning permission for the extension to provide ancillary accommodation for dependant relatives and the conservatory.

Main Issue

5. The main issue in this case is the effect on the character and appearance of the host property and surrounding area.

Reasons

6. Penfold Lodge is a substantial modern detached dwelling situated in a wide valley in an area of open countryside to the south of the village of Hulland Ward. It lies adjacent to, and supports the extensive agricultural buildings, glasshouses and yard area which form part of an established horticultural business.

7. The proposal comprises three elements, a single storey side extension to the dwelling to provide dependant relatives’ accommodation, a conservatory onto the rear elevation of the dwelling and a separate building to house a swimming pool within the curtilage of the dwelling. I shall consider each of these in turn.

8. The proposed conservatory would be located on the existing raised patio area to the rear of the property. It would have a simple box form with a lantern to the roof and constructed in brickwork to match the existing dwelling. It would be positioned centrally on the rear elevation of the dwelling and would not compromise the original composition of this elevation. Furthermore, it would be clearly subservient in scale and form to the host property. Given the siting of Penfold Lodge at the bottom of a clough, the conservatory would not be visible within the wider landscape. The conservatory would not therefore have a harmful effect on either the host property or surrounding countryside.

9. Policy HC12 of the LP relates to elderly needs accommodation and advises that the Council will support evidence based proposals for the creation of self-contained annexes and extensions to existing dwellings in order to accommodate an elderly or disabled dependant. In this regard where there is clear justification for a dependant or full-time carer, then planning permission will be granted provided the annexe is linked to the main dwelling by an internal door or doors and the annexe is readily convertible into an extension to the main dwelling when no longer required for family health reasons.
10. The ancillary accommodation proposed would be for the appellant’s elderly parents. The application is supported by a letter from their doctor and it is clear that by reason of their age and health the couple require care and support from their family. The accommodation would take the form of a single storey side extension to Penfold Lodge and would have a connecting doorway into the living room. Two bedrooms would be provided with bathrooms and a living/kitchen area. From the evidence before me it is clear that the extension would provide suitable accommodation to meet their needs and would be linked to the main dwelling by an internal door.

11. Moreover, although the extension would have a substantial footprint, the extension would by reason of its width and height appear visually subordinate to the original dwelling. When no longer required for family health reasons it could be easily assimilated into the main dwelling. Its materials of construction and roof form, fenestration and detailing would also reflect those of the existing dwelling. The extension would be situated within the enclosed side garden area of the dwelling and screened from wider views of the countryside by the adjoining glasshouses and trees. It would not therefore result in an encroachment into the open countryside and nor would it have a harmful impact on the overall landscape qualities of the area.

12. For the reasons given above the conservatory and extension for dependant relatives would not have a harmful effect on the host dwelling and surrounding area. They would not conflict with the development plan, and in particular with policies HC12 or H10 of the LP which seek to support elderly needs accommodation and ensure, amongst other things, that extensions are in keeping with the scale and character of the original dwelling and the site’s wider setting and location.

13. Turning to the remainder of the development, a new building for a swimming pool. This would be a substantial two-storey building that would be sited on the garden area which adjoins the side patio to Penfold Lodge. Although there would be internal access from the property’s basement area, the building would be visually separate from the dwelling.

14. The building has been designed to reflect the form of the neighbouring garage. It would be constructed in materials that would match those of the existing dwelling and garage and it would have a similar pitched roof and parapet detail. However, by reason of its scale and height it would not be visually subordinate to Penfold Lodge, and indeed it would be almost twice the size of the original dwelling.

15. The swimming pool building would be positioned within the property’s side garden area and flanked by the existing garage block and glasshouses. However, it would be much taller than the glasshouses, and by reason of its substantial scale and solid built form it would be visually prominent when viewed from the lane travelling east from Hulland Village. Although it would be situated within the existing curtilage to Penfold Lodge, it would not be in keeping with the scale of the original dwelling and would visually intrude into the wider landscape setting of the dwelling in an area of rural countryside.

16. I conclude that the proposed swimming pool would have a harmful effect on the character of the surrounding area. It would conflict with the development plan and in particular with Policies HC10, PD1 and PD5 of the LP which seek to ensure, amongst other things, that new development responds positively to the

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environment and contributes to local distinctiveness; reflects an area's character and identity in terms of scale, height and form; and resist development that would harm or be detrimental to the character of the local or wider landscape.

Other Matters

17. I have had regard to the Certificate of lawful use and development (proposed)\(^1\) granted by the Council, and I recognise that this is an available fallback scheme. However, for significant weight to be afforded to a fallback position there needs not only to be a reasonable prospect of it being carried out in the event that planning permission were refused, but it would also need to be equally or more harmful than the scheme for which permission is sought. In this case whilst the fallback scheme would have a similar footprint to this proposal, it would be significantly smaller in volume and in height. Furthermore, it would be no higher than the adjacent glasshouses and would not therefore be visible within the wider landscape. Whilst I recognise the design benefits of having a pitched roof, in this instance the proposal would not only have a pitched roof but also be an additional storey in height. Therefore, whilst a fallback position does exist, the appeal proposal would to my mind be more imposing and have a significantly more harmful effect on the character of the area. I therefore give this consideration limited weight.

Conditions

18. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guide. As a result I have amended some clarity and omitted others.

19. A condition is necessary to secure that approved plans as this provides certainty, and a condition to require matching materials is necessary to safeguard the character and appearance of the countryside.

20. In view of the self-contained nature of the accommodation proposed for dependant relatives, I have imposed a condition to require this accommodation to remain ancillary to Penfold Lodge to safeguard the living conditions of existing residents of Penfold Lodge and in view of the sites location in the countryside.

Conclusion

21. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the extension to provide ancillary accommodation for dependant relatives and the conservatory, and dismissed in so far as it relates to the proposed swimming pool.

Elizabeth Pleasant

INSPECTOR


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Costs Decision

Site visit made on 13 February 2018

by Elizabeth Pleasant DipTP MRTPi
an Inspector appointed by the Secretary of State

Decision date: 15 March 2018

Costs application in relation to Appeal Ref: APP/P1045/W/17/3188478
Penfold Lodge, Hulland Village DE6 3EQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Mark Stone for a full award of costs against Derbyshire Dales District Council.
- The appeal was against the refusal of planning permission for extensions to provide ancillary accommodation for dependant relatives, a swimming pool and a conservatory.

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The appellant claims that the Council has acted unreasonably by: failing to take into account established case law in respect of the fallback position; failing to take account of the precedent created by the dependant relative accommodation approved at Penfold Farm; and failing to take account of the conditions offered by the appellant.

4. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include: acting contrary to, or not following, well established case law; not determining similar cases in a consistent manner; and refusing planning permission on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead.

5. The Council refused the application for reasons relating primarily to the scale, mass, height and layout of the proposed development which included a conservatory, dependant relatives’ accommodation and a swimming pool. The Council had previously granted a number of certificates of lawful use or development (proposed) for extensions and an ancillary building at the appeal site. Details of those certificates were clearly set out in the relevant planning history section of the Officer Report which clearly stated that the local planning

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1 Paragraph:049 Reference ID:16-049-20140306

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authority were fully aware of the level of development permissible under the Town and Country Planning (General Permitted Development) (England) (Order) 2015. In addition those considerations were set out in the Design and Access Statement which accompanied the application and were therefore before the Council when they determined the application. Although the Officer did not explicitly set out the differences between the fallback schemes and the proposed development in their report, I have no reason to believe that they had not undertaken that assessment.

6. In any event, the Design and Access Statement also drew the Council’s attention to a neighbouring property which had been extended to provide elderly needs accommodation, and suggested a condition that would prevent the proposed dependant relatives’ accommodation from being lived in independently from Penfold Lodge. The Officer did not specifically deal with those considerations in their report. However, that does not mean that those matters were not taken into account.

7. The application before the Council was not only for dependant relatives’ accommodation, but also for a conservatory and swimming pool. The imposition of the suggested condition would not therefore have overcome the Council’s reasons for refusal in so far as they were concerned with the cumulative scale of the proposed development and the harm that would cause to the host dwelling and the character and appearance of the area. Consequently, the accommodation approved at Penfold House is not directly comparable to the development proposed in this case.

8. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also states the policies of the Local Plan that the proposal would be in conflict with. In addition, the Council did further support their reason for refusal with a written statement which gave further clarification and support to their decision.

9. In this case I was able to issue a split decision and grant planning permission for part of the proposed development. For the reasons set out above I am satisfied that the Council had due regard to the availability of the fallback position and that the imposition of the suggested condition would not have overcome the harm identified in the reason for refusal and enabled the development as a whole to go ahead.

10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process, as described in the PPG has not been demonstrated, and an award of costs is not therefore justified.

Elizabeth Pleasant

INSPECTOR
Appeal Decision

Site visit made on 13 February 2018

by Elizabeth Pleasant DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 15 March 2018

Appeal Ref: APP/P1045/W/17/3188285
Land East of Les-Ardenness, Mugginton Lane End, Hulland Ward DE6 3EE

- 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 Mrs Pamela Fox against the decision of Derbyshire Dales District Council.
- The application Ref 16/00872/OUT, dated 30 November 2016, was refused by a notice dated 12 July 2017.
- The development proposed is described as ‘Application (all matters except access to be reserved) for the residential development of up to 17 dwellings with associated infrastructure (one access off Mugginton Lane End).’

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission, with all matters except for access reserved for future consideration. A drawing showing an indicative site layout has been submitted with the application and I had regard to this drawing in determining the appeal.

3. Since the appeal has been submitted the Council has adopted its Local Plan, December 2017. Details of the relevant adopted LP policies have been subsequently provided by the Council, and the appellant has had an opportunity to comment on them and so has not been prejudiced.

Main Issues

4. The main issues in this case are:
   - Whether or not the proposed development would be acceptable in principle in this location, having regard to local and national planning policies.
   - The effect on the character and appearance of the area.

Reasons

*Whether or not the proposed development would be acceptable in principle*

5. The recently adopted Derbyshire Dales District Council Local Plan, 2013-2033 (LP) sets out the Council’s vision for new development. Policy S2 of the LP requires new development to be directed towards the most sustainable
locations and in accordance with the settlement hierarchy set out in this policy. Taking account of its accessibility to some facilities, Hulland Ward is identified as a third tier settlement. The adopted Policies Map identifies settlement development boundaries to define the physical extent of those settlements which are considered to be most appropriate and sustainable given the scale of growth envisaged. Policy S2 states that new development should be focused within the settlement boundaries in accordance with the scale, role and function unless other indicated in the Local Plan. Outside of settlement boundaries in areas of countryside, Policy S4 indicates that development will be strictly controlled.

6. In relation to the appeal site the LP identifies its location as open countryside. Although the appeal site is contiguous with an allocated housing site to the north of it, it clearly lies outside of the defined settlement boundary for Hulland Ward. There is no dispute that the Council can currently demonstrate a five year housing land supply and the development plan is not absent, silent and relevant policies are not out-of-date. Accordingly, the appeal proposal must be determined in accordance with the development plan as set out in Section 38 (6) of the Planning and Compensation Act, 2004, unless material considerations indicate otherwise.

7. Given the location of the appeal site within the countryside the proposed development would clearly conflict with the Council’s development strategy to direct new housing development to within the defined settlement boundaries of Market Towns, Local Service Centres and Accessible Settlements with some facilities. Furthermore, the appeal proposal would not comprise a form of residential development or meet any of the criteria set out in Policy S4 whereby planning permission would be permitted for development in the countryside.

8. I therefore conclude that the appeal site is not a suitable location in principle for the proposed development, in the light of local and national planning policies. It would conflict with the development plan and in particular with Policies S2 and S4 of the LP, the aims of which are set out above.

Character and appearance

9. Historically Hulland Ward developed along the A517 following the ridgeline within the landscape. More recently development has taken place to the north of this road. Development to the south of the A517 retains a close relationship with the road and with the exception of the occasional farmstead, there is a clear line of development along this side of the road and a swathe of countryside stretches out to the south of it. The settlement thus has a distinct settlement pattern.

10. The appeal site is located on the south eastern fringe of the village and comprises the southern half of an approximately 1.8 hectare field. The northern half of the field which fronts the road has been allocated for housing in the LP. Visually, development on the northern half of the site would appear as infill development between Charles Walker Close and the cluster of cottages to the east of it. Development on this allocated site would thus reflect the existing settlement pattern, following the line of the ridge, and containing development to within the existing development limits along the southern side of the main road.

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11. The appeal proposal would extend development beyond the southern development limits of the existing village. Whilst the development would be laid out in the form of a cul-de-sac, similar to other developments on this side of the road, the overall depth of development proposed would result in a marked incursion into a swath of open countryside.

12. I have taken into consideration the Landscape and Visual Impact Assessment\(^1\) submitted with the application, and I agree that from many of the viewpoints considered within it, the appeal proposal would have a negligible visual impact on the overall character of the landscape. However, views and the experience of the landscape for users of the public footpath to the west of the site would significantly change. There is presently a deep sense of enclosure on entering the footpath and travelling between Charles Walker Close and Les-Ardennes. However, on passing over the stile the experience of being part of the village dissipates immediately. Panoramic views are available over the open landscape and the village and built development is clearly left behind you. The proposed development would restrict views to the East when emerging over the style and the existing panoramic views would be lost. Consequently, the existing immediate sense of openness and feeling of being part of a swath of countryside would be significantly diminished.

13. Moreover, the distinct settlement pattern of Hulland Ward would be eroded. When traveling along Smith Hall Lane and from the layby just to the south of its junction with Muggington Lane End, the pattern of ribbon development along the road is clearly discernible. The appeal proposal would extend development well beyond the existing line of development and result in an incursion into the open countryside contrary to the established settlement pattern.

14. I recognise that there are no landscape or physical features which separate the allocated site from the appeal site. However, visually the appeal proposal would have a significantly more harmful effect than development on the allocated site when taking into account the existing settlement pattern. In addition it would encroach into open countryside. That harm would not be mitigated by new tree and hedgerow planting, or indeed by the use of vernacular building materials.

15. I conclude that the proposed development would have harmful effect on the character and appearance of the area. It would conflict with the development plan, and in particular with Policies S1, PD1 and PD5 of the LP which seek to ensure, amongst other things, that new development conserves and where possible enhances the natural environment, respects the character and identity and context of Derbyshire Dales townscapes and landscape, and resists development that harms the setting of a settlement.

Other Matters

16. The National Planning Policy Framework requires local authorities to significantly boost their supply of housing, and five year housing land supply should only be a minimum. In this regard the LP makes provision for new development to come forward during the plan period subject to certain criteria should their identified supply be lacking. The Council is however currently able to demonstrate a five year supply and the ‘titled balance’ referred to in the appellant’s statement would not apply in this instance.

\(^1\) Landscape & Visual Impact Assessment, prepared by Encom Associates, April 2017

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17. I have taken into account the Council’s need for affordable housing and note that the appellant considers that the proposed development would help to meet that need. However, I have not been provided with any planning obligation or mechanism by which affordable housing would be secured in this case. I therefore give this consideration limited weight.

18. I have had regard to the appeal decision cited by the appellant\(^2\). However, this decision was made prior to the Council adopting their LP. The considerations before that Inspector were therefore different to those before me in this case and that decision is not therefore directly comparable.

19. I accept that the site has some sustainability credentials in terms of its location and would provide some economic and social benefits in terms of housing supply and local spend. However, for the reasons set out above the appeal proposal would be in conflict with the development plan and there are no material considerations that would indicate that my decision should not be made other than in full accordance with that plan.

**Conclusion**

20. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR

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\(^2\) Appendix 8: APP/P1045/W/17/3167362
Appeal Decision

Site visit made on 12 February 2018

by A Jordan BA Hons  MRTPI
an Inspector appointed by the Secretary of State

Decision date: 3rd April 2018

Appeal Ref: APP/P1045/W/17/3189766
Poplars Farm, Belper Road, Hulland Ward, Ashbourne, DE6 3ED

- 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 Peter Bull against the decision of Derbyshire Dales District Council.
- The application Ref 17/00384/FUL, dated 2 May 2017, was refused by notice dated 25 August 2017.
- The development proposed is to replace current certificated site under the Camping and Caravanning Club which permits 5 caravans and 10 tents with planning permission for 5 caravans, 6 tents and 3 glamping pods.

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to camping and caravanning site at Poplars Farm, Belper Road, Hulland Ward, Ashbourne, DE6 3ED in accordance with application Ref 17/00384/FUL, dated 2 May 2017 and the plans submitted with it and subject to the attached conditions.

Background and Procedural Matters

2. Following the refusal of the application the council adopted the Derbyshire Dales Local Plan 2017. This replaces the policies in the 2005 Derbyshire Dales Local Plan. Accordingly I have taken account of the policies put forward by the council from the adopted plan in reaching a decision.

3. I noted during my site visit that the toilet block and hard standings were already in place on site. It is part of the appellant’s case that these are lawful, and that the use of the site under a Camping and Caravanning Club licence for 5 caravans and 10 tents, represents a valid fallback for the appellant against which the proposal before me should be considered. The council dispute the lawfulness of the operational development which has occurred on site and contend that since these works facilitate a change of use, they cannot be considered as lawful due to the time period which they have been present on site. To this end the council changed the description of development to “change of use of land to camping and caravanning site”, and considered the facilities on site to form part of the planning application. Taking into account the absence of any documentary evidence as to the lawfulness of these fixtures I have considered the facilities on site on the same basis. They are shown on the submitted plans and so, notwithstanding the appellant’s view that elements of the proposal are lawful, and do not require planning permission, I have
considered the scheme as a whole and on the basis of the council’s description of development.

4. Nevertheless, I accept that even in the absence of these facilities, the appellant would have had the ability to use the site as a camping and caravanning facility, albeit one that was less intensively used than the use as it exists on site. I return to the matter of fallback below.

**Main Issue**

5. Accordingly, the main issue for the appeal is the effect of the proposal on the character and appearance of the rural area.

**Reasons**

6. The Development Plan for the area is the recently adopted *Derbyshire Dales Local Plan 2017*. Policy S1 - Sustainable Development Principles’ - advises that in order to achieve a sustainable pattern of development most new development should occur within or adjacent to the defined settlement hierarchy, and where possible, enhance the landscape, support the local economy, minimise the need to travel and reducing reliance on the private car.

7. Policy S4 'Development in the Countryside’ advises that the intrinsic character and distinctiveness of the landscape should be protected whilst also facilitating sustainable rural community needs, tourism and economic development. Such development should be appropriate in nature to the rural area and preserve or enhance the character and appearance of the countryside. Policy PD5 ‘Landscape Character’ seeks to resist development which would be detrimental to the character of the local and wider landscape or the setting of a settlement. Policy PD1 also, amongst other things, requires that new development does not have an adverse effect on local character.

8. Policy EC9 ‘Holiday Chalets, Caravan and Campsite Developments' supports such proposals provided they do not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape, are visually well screened by existing landscape features. Together, these policies are in line with guidance in the *National Planning Policy Framework* (the Framework) which seeks to support the growth and expansion of all types of business and enterprise in rural areas as well as recognising the intrinsic character and beauty of the countryside.

9. The site comprises an agricultural field which sits alongside a farmhouse and cluster of agricultural buildings close to the junction of the main A517 and Biggin Lane. A public footpath runs to the west of the site. The landscape around the site is generally open and slopes away towards the north. It is broken up by hedgerows and small groups of trees with agricultural buildings, being the most prominent built features in the landscape. The field is edged by mature hedgerow with some boundary trees providing only intermittent views from the main road and from most of Biggin Lane. However, due to the sloping topography of the site it is more visible in longer range views from the North. Furthermore, the field is relatively large and the absence of field boundaries provides wide open views within the site itself.

10. The proposal before me would intensify the use of the site above that likely of a site with no facilities. The development comprises a camping and caravanning site with 5 caravans, 6 tents and 3 glamping pods. This comprises
the hardstanding and hook-ups already laid out on site and the amenity blocks which adjoin the existing barn. Four of the caravans would be stationed relatively close to the farmhouse, with the tents located close to the boundary with Biggin Lane further down the hillslope. The “glamping pods” would sit uphill from the tents adjacent to the cluster of farm buildings.

11. The Council consider that in the absence of adequate natural screening of the caravan and campsite, the development would be readily visible and intrusive in the landscape and detrimental to the open character and appearance of the countryside when assessed against these Local Plan Policies. I do not consider this to be the case. Views of the existing operation from outside the site are relatively restricted. At the time of my visit, in mid-winter, there was limited tree cover and I noted only intermittent views from the main highways. I accept that views from fields and public footpaths, particularly from the north and west would be more open. However, in these views the hardstandings and hook ups laid out on site are not prominent features, and the amenity buildings are barely discernible, given their size and position alongside the existing farm buildings.

12. The application provides no details of the appearance of the “glamping pods”. The site plans shows that they would be modest in size, and sited close to the farm buildings. Subject to details of colour and potential screening I see no reason why these would appear prominent or intrusive. I accept that parked caravans and cars would be more visible features, due to their colour. However, taking into account their limited number, their proposed position alongside the existing structures on site and the extent to which these are currently visible in the landscape, the vehicles would not appear as unduly prominent features. This effect could be further mitigated by the provision of appropriate landscaping, potentially as suggested by the Council’s landscape officer, in the form of a native hedgerow across the middle of the field, and the gapping up of existing boundary planting.

13. Policies in the plan advise that the impact of a proposal on the landscape should be considered before the potential for mitigation is considered. I note that Policy EC9 refers to the need for sites to be well screened by existing landscape features. However, in this case, the existing use of the site is also a relevant consideration. I am aware that the extent of the potential fallback to the appellant, is disputed. At the time of my visit, during inclement weather, I noted the site was being used by campervans, who could potentially use the site without any of the facilities already on site. Rudimentary camping could also occur, although without facilities I acknowledge this is unlikely to appeal to many. Nevertheless, even if I take the council’s view that the fallback available to the appellant would not include the existing facilities, I would nonetheless expect the site to be used to some extent. In this respect, the use of the site as proposed, with additional landscaping, would not in my view be materially more intrusive than the potential fallback.

14. I therefore conclude that when considered against the potential for screening, the proposal would not give rise to significant additional harm to the character and appearance of the local area, or to the wider landscape. Accordingly, it would not conflict with policies S1, S4, PD1, PD4 and EC9 of the Adopted Local Plan which together seek to ensure that new camping, caravanning and holiday chalet developments conserve the distinct Peak District character of the area and do not have a prominent and adverse effect on the character and
appearance of the immediate landscape. It would also not conflict with
guidance in the Framework which seeks to protect the intrinsic beauty of the
countryside.

15. I note the concerns of residents in relation to highway safety. However, whilst
I concur that Biggin Lane is narrow and generally unsuitable for use by large
leisure vehicles, I am mindful that the main point of access is from the A517,
which lies in very close proximity to the site entrance. The proposal is
therefore unlikely to lead to a significant intensification in the use of Biggin
Lane. I also take account of the fact that the County Highways Engineer has
not objected to the proposal, taking account of the use of the site possible
under the Camping and Caravanning Licence. I am therefore of the view that
given the extent of development proposed, the scheme would be acceptable in
highways terms.

16. Accordingly, the appeal is allowed. I have considered the wording of the
conditions put forward by the Council and the appellant against the advice in
Planning Practice Guidance. In addition to conditions relating to the time period
for implementation, and the approved plans, I also consider it necessary to
require further details of hard and soft landscaping not shown on the plans,
including landscape maintenance, and also of the appearance of the glamping
pods, in order to ensure a satisfactory appearance for the development. I also
consider details of lighting to be necessary in order to ensure the development
does not appear intrusive at night. Finally, in order to ensure that the site is
used as holiday accommodation, and is not used for permanent residential
occupation, I have also imposed a condition restricting the occupation of the
glamping pods and the stationing of the caravans.

Anne Jordan

INSPECTOR
Schedule of Conditions

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: site plan and unlabelled layout plan.

3. Within 3 months of the date of this permission, a scheme of hard and soft landscaping shall be submitted to the Local Planning Authority for approval. The details of which shall include:
   a) indications of all existing trees, hedgerows and other vegetation on the land;
   b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
   c) measures for the protection of retained vegetation during the course of development;
   d) all proposed additional landscaping to include all plant species and their number, planting sizes, planting densities and planting protection;
   e) means of enclosure;

The details shall thereafter be implemented in accordance with the approved plan, to a timescale agreed by the local planning authority.

4. Within 3 months of the date of this permission details of the external appearance of the glamping pods shall be submitted for approval to the local planning authority. The details shall thereafter be implemented in accordance with the approved details, to a timescale agreed by the local planning authority.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

6. Any proposals for lighting for the site shall be first submitted in writing for the consideration of the Local Planning Authority and, if approved, shall be provided and managed in accordance with the approved details.

7. The site shall be used for holiday purposes only:
   (a) The caravan pitches shall be occupied by touring caravans and campervans only; and
(b) The caravans and glamping pods shall not be occupied as a person’s sole or main place of residence; and

(c) The site owners/operators shall maintain an up to date register of the names of all occupiers of the site and of their main home addresses and shall make this information available at all reasonable times to the LPA.
Appeal Decision

Site visit made on 13 February 2018

by Elizabeth Pleasant DipTP MRTP
an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

Appeal Ref: APP/P1045/Z/17/3183990

1 Dig Street, Ashbourne DE6 1GF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Sequence against the decision of Derbyshire Dales District Council.
- The application Ref 17/00628/ADV, dated 28 June 2017, was refused by a notice dated 14 August 2017.
- The advertisement proposed is non-illuminated fascia signage and small projecting sign to advertise a business located in the building on which the signage is located.

Decision

1. That part of the appeal that relates to the fascia sign on the Dig Street elevation is dismissed. That part of the appeal that relates to the projecting sign and the fascia sign on the building’s main entrance elevation as applied for is allowed and express consent granted for their display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-

   1) The advertisements hereby permitted shall not be illuminated.

Procedural Matters

2. The appellant has advised that they no longer seek to illuminate the advertisements. I have therefore taken the description of the proposal from the appeal form as this provides a more accurate description of the advertisements. The Council have had an opportunity to comment on this amendment and have not therefore been prejudiced.

3. It was clear from my site visit that all the advertisements are being displayed and I have therefore determined the appeal on the basis that the advertisements are already in place.

Main Issue

4. The main issue in this case is the effect on visual amenity.

Reasons

5. The appeal premises lie within Ashbourne town centre and also within Ashbourne Conservation Area. It is the ground floor of a historic three storey building, although it appears that the elevations at ground floor level have been reconfigured as part of a more recent shopping centre development.
which is situated immediately to the south east of the site. However, the property is viewed in the context of traditional two and three storey brick buildings which have shops frontages at ground floor level with fascia signs directly above them.

6. The display window in the Dig Street elevation of the appeal premises does not comprise the traditional components of a shop front, for example, pilasters, stallriser, cornice detail or indeed a shop door. However, there is a distinct brick detail surrounding the window which provides a frame for it. This detail is also found around the main entrance door and windows on the south eastern elevation. In the case of the sign above the main entrance elevation the width of the sign aligns with the vertical brick detail and its sits comfortably above the premises windows and door. However, the sign on the Dig Street elevation is much wider than the window. It extends well beyond the brick detailing which frames the window and across the whole width of the premises gable. It does not therefore reflect the proportions of the window.

7. In general Dig Street has a harmonious appearance. Existing fascia signs, albeit they may differ in their individual size, design and colour, generally respect the architectural details and proportions of the shop frontages beneath them. In this case the fascia sign on the Dig Street elevation, by reason of its excessive width, appears as a visually dominant and unsympathetic addition to the street scene.

8. I recognise that the Council have also raised concerns regarding the colour of the sign, however in view of the modern shop window and the variety of colours of shop fronts within the street scene, I do not consider that the design details and colour of the sign has a significantly harmful effect on the visual amenity of the street scene as a whole.

9. Furthermore, there is a tradition for hanging and projecting signs to shops and commercial premises. The hanging sign in this case is relatively small and hangs from a simple black metal bracket. The Council do not appear to raise any specific objection to this sign and I see no reason to disagree.

10. There are examples of other signs within the town centre that do not relate well to their host building. However, as I have described above the historic part of Dig Street has a harmonious appearance which the Council wish to preserve. The width of the sign on the Dig Street elevation in this case does not relate well to the shop window and gable wall, and detracts from the overall visual qualities of the street scene.

11. I conclude that the fascia sign on the Dig Street elevation only would have a harmful effect on the visual amenity of the area. I have taken into account the Council's adopted Supplementary Planning Document, Shopfront and Commercial Properties Design Guidance, 2012 which seeks to protect visual amenity and is therefore a material consideration in this case. Given that I have concluded that this fascia would harm visual amenity, there would also be conflict with this guidance. I also find conflict with paragraph 67 of the National Planning Policy Framework which advises that poorly placed adverts can have a negative impact on the appearance of the natural and built environment.

https://www.gov.uk/planning-inspectorate
Conditions

12. In addition to the standard conditions required I have imposed a condition to specify that the advertisements should not be illuminated. This condition is required as it provides certainty and to safeguard the visual amenity of the area.

Conclusion

13. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed in so far as it relates to the fascia sign on the Dig Street elevation and allowed in so far as it relates to the fascia sign above the main entrance and the projecting hanging sign.

Elizabeth Pleasant

INSPECTOR
Appeal Decision

Site visit made on 13 March 2018

by Paul Cooper  MSc MRTPI
an Inspector appointed by the Secretary of State

Decision date: 28 March 2018

Appeal Ref: APP/P1045/D/17/3188676
Oak Trees, Park Lane, Rodsley, Ashbourne DE6 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R McLachlan against the decision of Derbyshire Dales District Council.
- The application, Ref 17/00818/FUL, dated 17 August 2017, was refused by notice dated 13 October 2017.
- The development proposed is alterations to enlarge existing window on rear elevation to create a gable feature.

Decision

1. The appeal is allowed. Planning permission is granted for alterations to enlarge an existing window on rear elevation to create a gable feature at Oak Trees, Park Lane, Rodsley, Ashbourne DE6 3AJ in accordance with the terms of the application Ref: 17/00818/FUL dated 17 August 2017, subject to the following conditions:

   1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1795-005A Floor Plans and Elevations as Proposed; 1795-004 Floor Plans and Elevations as Existing; 1795-001 Site Location Plan; 1795-002 Site as Existing.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

   4) The form and design of the timber frame to be installed to the approved window shall match the existing windows to the property in terms of its construction, detailing and painted finish.

Procedural Matters

2. Since the Council refused planning permission, it has adopted the Derbyshire Dales Local Plan (2017) (the Local Plan 2017). As a result, the Derbyshire Dales Local Plan (2005) policies quoted in the Council's decision have, so far as is relevant to this appeal, been replaced by Policies S1, S4, PD1, PD2 and HC10 in the Local Plan 2017. As such, the appeal will be determined on the basis of
the policies of the Local Plan 2017. I have consulted the main parties and given the opportunity for both to make comment on those new policies.

**Main Issue**

3. The main issue raised by this appeal is the effect of the proposal upon the character and appearance of the existing building and the surrounding area.

**Reasons**

4. Oak Trees is a brick built barn conversion that runs at an angle to Park Lane and forms part of a small complex of conversions based on a traditional farmyard setting. It comprises two sections, with the slightly taller section nearer Park Lane. There are a number of mature trees supplemented by planting on the boundary of the property with Park Lane, itself a single track lane. There is open land beyond Park Lane, giving the immediate area an overall rural character.

5. Policy S1 of the Local Plan 2017 sets out sustainable development principles whilst Policy S4 sets out criteria for development in the countryside. These are further reinforced by design criteria set out in Policies PD1, including a requirement for high quality design, and by Policy HC10. Policy PD2 deals with protection of the historic environment. The relevant Supplementary Planning Document is the Conversion of Farm Buildings Design Guidance 2005 (the SPD) which remains in place after adoption of the Local Plan 2017.

6. Oak Trees has an existing gable feature on the front elevation which formed part of the original barn. A gablet feature was added replacing a smaller, original opening as part of the conversion works to the rear elevation. This proposal looks to replicate this gablet feature on the taller section at the rear, altering a first floor window to facilitate the works. This would not lead to a dilution of the overall character of the property, but would add to the character of the conversion.

7. The SPD states that conversions should retain the character and appearance of the buildings without significant alteration and extension and I note the objection from Longford Parish Council in this regard. In this instance, the previous conversion works have given the property more of a residential appearance in terms of window and door openings, the introduction of rooflights and an external flue for a heating unit. As a result much of the original character of the barn has been eroded.

8. The existing gable feature to the front does remain one of the intrinsic character forms of the original barn and a gablet feature was introduced on the rear elevation when the conversion was carried out. The SPD states that the introduction of gablets will be resisted. However, given the fact that such a feature already exists elsewhere on the conversion, the replication of a similar element would not cause harm to the appearance of the conversion. It would add a character feature to the property that is more in keeping with its original form.

9. The proposal would have little public exposure from other properties within the complex and would have limited impact on its wider surroundings. The proposal is well designed, retaining the simple character of the barn, and as such, I find negligible conflict with the policies set out in the Local Plan 2017 or with the SPD.
Conditions

10. The Council has suggested a condition regarding the timber frame for the window. Having considered this against advice in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance, I have included it within the decision, but amended it for clarity. The historic form of the property requires that the form and design of the new window matches the dwelling over and above the use of matching materials.

11. I consider that a condition specifying the approved plans is necessary for providing certainty. A condition ensuring matching materials is necessary given the historic nature of the property.

Conclusions

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

Paul Cooper
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.