7 March 2016

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 15 March 2016 at 6.00pm at the Elim Pentecostal Church, Waterside Park, Waterside Road, Ashbourne DE6 1DG.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the ELIM PENTECOSTAL CHURCH, Waterside Park, Ashbourne at 4.00pm 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 MEETINGS

   Planning Committee – 16 February 2016

   NB Application 15/00814/OUT – residential development of up to 57 dwellings (outline) on land adjacent to Bakewell Road, Matlock has been stayed pending review.

3. INTERESTS

   Members 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 Member 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 their 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.

4.1 APPLICATION NO. 15/00886/OUT (Site Visit)
Residential development of up to 17 dwellings (Outline), access and layout at Land to the East of Derby Road, Doveridge.

4.2 APPLICATION NO. 15/00313/OUT
Residential development of up to 33 dwellings (Outline) at Land adjacent to Biggin View, Hulland Ward.

5 APPEALS PROGRESS REPORT
To note a report on appeals to the Planning Inspectorate.

NOTE
For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),
Jason Atkin, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack, Andrew Statham and Jo Wild.

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Chris Furness, Alyson Hill, Angus Jenkins, Vicky Massey, Jean Monks, Joyce Pawley, Mark Salt, Andrew Shirley, Jacquie Stevens, John Tibenham.
SITE VISITS
Members will leave the Elim Pentecostal Church, Ashbourne at 4.00pm prompt for the following site visits:

4.20pm Application No. 15/00886/OUT
LAND TO THE EAST OF DERBY ROAD, DOVERIDGE.

Requested by Officers to allow Members to assess the impact of the development on local landscape character and to fully appreciate the issues involved.

5.00pm RETURN TO ELIM PENTECOSTAL CHURCH, ASHBOURNE

COMMITTEE SITE MEETING PROCEDURE
You have been invited to attend a site meeting of the Council’s Planning Committee/Advisory Committee. The purpose of the 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.
15/00886/OUT

Land East of Derby Road, Doveridge

Derbyshire Dales DC

Date: 04/03/2016

100019785
THE SITE AND SURROUNDINGS:
The site comprises part of an agricultural field, some 0.6ha in area to the south east of Doveridge, off Derby Road. It lies immediately to the north of Bell Cottages which form part of a small cluster of dwellings that have developed on both sides of Derby Road at its junction with Bell Lane.

Along the site frontage is a grass verge, timber post and rail fence and hedge. The northern boundary is defined by an agricultural access track with associated hedgerows and a substantial belt of young woodland attached to a neighbouring property. To the east the boundary is unenclosed with open and expansive countryside beyond, though a feature of the landscape on this side is the main A50 which runs in a cutting some 300 - 400 metres from the site.

On the western side of Derby Road the site is separated from the core of the village by an expanse of parkland associated with the Manor House, a Grade II* Listed Building.

The local topography is less undulating/ rolling than the Landscape Character Type, but characteristic of this area on the eastern flank of the Dove Valley where the ground rises steeply to form a distinct escarpment before gradually falling away to the east forming a series of incised valleys. The field and its neighbours to the east are on the back side of the scarp, (which is prominent feature of the village) and falls gently towards Brocksford Brook in the east. It is an open landscape affording potential long views through it from higher ground associated with Somersal Herbert.

Access to the site is currently through a gate at the south western corner, on the boundary with no. 1 Bell Cottages.

THE APPLICATION:
Outline planning permission is sought to erect up to 17 no. dwellings on site, with all matters other than access reserved for subsequent approval. Having initially sought to agree layout the applicant has requested that this matter be withdrawn to enable opportunity for suitable drainage and surface water attenuation measures to be provided on site. The submitted site layout plan is therefore indicative only. It shows a row of ten properties positioned a short distance back from Derby Road and seven additional properties behind / to the east. The dwellings along the site frontage are presented as two blocks of three terraced and two pairs of semi-detached dwellings. The layout of the dwellings behind is much looser. Detached dwellings with garages are shown to occupy five of the plots and a pair of semis on the remaining two plots. Access into the site will be via a new centrally positioned service road. The road will continue into the site and branch off to the north and south.

The indicative layout plan shows the existing hedgerows to the north, south and west boundaries of the site to be strengthened and a new hedgerow planted along the eastern boundary. A footway is also shown to replace the verge on the southern side of the access point and a road crossing point established.

Within the Supporting Planning, Design and Access Statement it is stated that the dwellings will be 2 and 1.5 storey's in height, which will reflect the properties to the south and the proposed dwellings opposite the site. With regard to appearance it is advised that the final details of the properties (stated to be bungalows, which is deemed to be an error) will be set out within a reserved matters application.

The Landscape and Visual Appraisal concludes that any impact on local landscape by virtue of loss of open countryside is highly localised and limited on the basis that:

- There are significant differences between the site and the general character of the LCT.
- No existing features of the landscape will be affected.
- Though development would represent an intrusion into the countryside “this is inevitable on any greenfield site outside of an existing village”
- Though the Landscape Sensitivity Study suggests that the Derby Road acts as a strong limit to development there are numerous instances of existing development to the north and east of Derby Road, at Bell Lane and at other locations on the edge of the village.
- The site to the north west has planning permission for housing development. The settlement pattern is, therefore, evolving. The application site will, as a consequence, be brought closer to the core of the village reducing the contention that it is isolated.

The appraisal makes a number of recommendations which have been incorporated within the indicative layout.

RELEVANT HISTORY:
15/00714/OUT Erection of 2 no. Bungalows (on land to the south of Bell Villas / Cottages) Refused

CONSULTATIONS:
Parish Council:
A detailed letter of representation has been received by the Parish Council objecting to the proposed development on the following grounds:

- The proposal would constitute inappropriate development outside of a defined settlement boundary in the countryside contrary to saved Policies SF4 and H4 of the Derbyshire Dales Local Plan 2005 and the policies of the National Planning Policy Framework.

- Insufficient evidence has been provided to demonstrate that the site and any future occupiers would not be adversely affected by noise pollution from the A50 to the north. In the absence of such evidence it is considered that the development would be contrary to the National Planning Policy Framework and National Planning Practice Guidance.
The District Council on its recently released SHLAA map has designated the site as undevelopable.

The Parish Council acknowledges that there may be benefits arising from this development however these benefits are not considered unusual for a residential development of this type nor are they unique to this site. Most importantly, whilst there are acknowledged benefits, the Parish Council feels they must be considered against identified adverse impacts and it requests that the above criteria are given appropriate consideration and the planning application should be refused.

Local Highway Authority:
Whilst Derby Road is subject to a 30mph speed restriction, during a recent site visit it was evident passing vehicle speeds are regularly exceeding the speed limit, presumably due to Derby Road’s straight alignment, good forward visibility significant carriageway width and wide highway margins. This is reflected in the speed reading results within the Highway Impact Statement, which states the wet weather 85%ile readings are 40.27mph for vehicles travelling in the north western direction and 39.73mph for vehicles travelling in the south eastern direction.

In accordance with current design guidance, these speed readings result in recommended emerging visibility splays of 2.4m x 102m to the north west and 2.4m x 104m to the south east. These sightlines are achievable as illustrated on application drawing number F15199/01 Rev B. However, this drawing also included a wheel tracking drawing illustrating how a refuse vehicle can enter and exit the site and it seems both manoeuvres involve the vehicle crossing over the centreline on Derby Road. This can be rectified by increasing the radii on the access. This should be carried out and illustrated on a modified drawing before any works commence.

Internally, drawing number 1225-003 Rev B illustrates all 17 dwellings being served via the one central, 5m wide access from Derby Road. At least 2 car parking spaces are being provided for each plot and adequate space is available for service and delivery vehicles to enter the site to turn and exit in a forward gear. However, a minimum of 5.5m clear depth should be provided where the parking spaces are served directly off the internal road, so the carriageway width behind plots 1-10 should be a minimum width of 5.5m. Again, this should be illustrated on an amended drawing prior to any works commencing.

The applicant is proposing to construct a pedestrian crossing on Derby Road to link pedestrians to the existing footpath on the opposite side. Forward visibility for both pedestrians and drivers on Derby Road is well in advance of minimum recommendations so the Highway Authority has no objections to this. A 2m wide footway is being provided across the site frontage, linking into the existing footway to the south.

Subject to conditions and advisory footnotes to secure the amendments outlined above, appropriate splays and parking and manoeuvring areas, amongst other requirements, the Highway Authority raise no objections.

Derbyshire Wildlife Trust:
The Trust can advise that adequate ecological survey work has been undertaken in support of this planning application for the Council to determine it. A series of conditions are recommended if the Council is minded to grant permission.
Head of Housing:
On the basis that the local housing need has been met through the approval of other sites within the village, would accept a financial contribution towards the delivery of affordable housing elsewhere within the Derbyshire Dales District in this case.

Principal Environmental Health Officer:
No comments received at the time of preparing this report.

Derbyshire County Council (Strategic Infrastructure):-
Request that the development be afforded access to high speed broadband services and that new homes be designed to Lifetime Homes standard.

The County Council advise with regard to education contributions the that the proposed development falls within the normal areas of Doveridge Primary School and Queen Elizabeth’s Grammar School. We anticipate that the proposed development of 17 dwellings would generate the need to provide for an extra 3 primary, 3 secondary pupils and 1 post 16 pupil.

They advise that Doveridge Primary School has current capacity for 105 with 82 pupils on roll, latest projections indicate the numbers falling to 48 during the next 5 years (surplus of 57) and Queen Elizabeth’s Grammar School has a current net capacity of 1,384 with 1,301 pupils on roll. Projections indicate numbers falling to 1,197 within the next 5 years (surplus of 187).

Current pupil numbers, projections and an analysis of recently approved planning permissions indicate the relevant normal area primary and secondary school would have sufficient capacity within the next five years to accommodate the additional pupils arising from this development; therefore no education S106 contribution would be required at this time.

County Council Minerals:
Whilst noting that the site lies within the sand and gravel resource, advise given the scale of the development proposed that it would neither be practical nor reasonable to ask the applicant to consider extracting the relatively small amount of mineral beneath the site. In light of the above, that County Council conclude that the proposed application would not adversely impact the minerals safeguarding interest.

Local Drainage Authority:
Have issued a holding objection on the basis of inadequate information submitted with regard to drainage.

The Local Drainage Authority have requested the following information to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water drainage:

- Appropriate evidence to support how the site will drain.
- Basic calculations of the greenfield/brownfield runoff and discharge rates for the site.
- A quick storage estimate to show the required storage volume of surface water on site.
REPRESENTATIONS:
Representations from 22 local residents have been received, objecting to the proposed development. The main points raised can be summarised as follows:

**Principle**

- The site is outside the settlement framework boundary and therefore contrary to saved policies SF4 and H4.
- Development of this site would lead to the loss of an open area of land.
- How does a development of 17 dwellings with associated parking and traffic help the move to a low carbon economy?
- The site has been rejected as a suitable housing site as part of the Local Plan process.
- The local plan advisory committee have rejected the site.
- The development is outside the main settlement area.
- These housing plans, along with 4+ more sites are destroying our village.
- Such a large population change will change the community village feel.
- Developers are steamrolling their applications through before the neighbourhood plan gathers momentum.
- This is a greenfield site. There are numerous brownfield sites that could be used
- Quantity of houses is far too high for such a small site.
- Under the Localism Act, it clearly states that the community should have a say in what happens in their surroundings. The District Council must listen to the views of the villagers whose quality of life this development and other developments in the village affect.
- Doveridge agreed a development plan with the District Council for circa 30 houses to be built in the village. Planning permission has already been granted for a development off Bakers Lane in Doveridge which exceeds 100% to the original development plan housing figure.
- Doveridge is disproportionately taking the brunt of housing proposals within the Derbyshire Dales District.

**Access / Highway Safety**

- The site access offers poor visibility due to bends in the road and road parking at Bell Cottages.
- The access is near to Bell Lane, which has very poor visibility onto Derby Road.
- The proposed access is very close to the recently approved Bakers Lane development creating more traffic and congestion.
- Reference is made to the lack of footway and street lights along Bakers Lane and Bell Lane to access the school.
- The development proposes to add another access onto Derby Lane where it has already been acknowledged that there are increased risks of accidents due to visibility concerns.
- Derby Road, the only access and exit artery east of the village is already busy and traffic is set to increase at around 140 vehicles from the Bakers Lane development.
- Derby Road has a footpath on one side, but the direct route from the proposed site to the centre of the village is via Bell Lane which does not have a footpath or passing places for vehicular traffic.
• The improvement of removing two Uttoxeter roundabouts on the A50 is intended to speed up traffic. This and adding a new slip-road at the western side of Uttoxeter will almost double the road journey from Doveridge to Uttoxeter due to the increase in traffic.
• Combined with other developments 358 new vehicles will be added to the 1360 that are already in the village. This increase is not proportionate, sustainable or fair.
• The farmers field behind will only be accessed by one entry point thus increasing the amount of heavy machinery passing down the road.
• The road is poorly lit.
• Part of the beauty of Doveridge is the network of narrow lanes which connect the different parts of the village. The additional traffic will lead to congestion, pollution and dangerous conditions for the many pedestrians and cyclists who regularly use them.
• How many junctions can this short stretch of road support?
• The volume of traffic will prove a hazard to the many cyclists who use Derby Road and to vehicles exiting the Bell Lane junction.

**Drainage / Flooding**

• Reference is made to sewage back up in the area and the history of flooding on Derby Road in this area.
• The field floods due to an underground spring at present. The field copes but with houses on it will probably affect the water table.
• The sewerage networks like the houses immediately opposite is over 100 years old. We have had numerous occasions where blockages have occurred. The sewerage and subsequent drainage cannot cope with any further development.
• A flood risk assessment has not been submitted. This stretch of Derby Road is a well-known area for flooding.
• The field we believe has a natural spring in the centre.
• This development will impact on the risk of flooding on Bell Lane.
• With all these houses proposed there is the problem of water drainage. Already the farms on Lower Street suffer from severe flooding after a storm with less soak-able ground it could be devastating for them.
• Derby Road is known to flood in the vicinity of the entrance of Fosters Crane Hire.

**Pressure on Local Services and Facilities**

• It is considered that the village school is oversubscribed.
• The school may have places but not to double its intake.
• Concern is raised with regard to the effects on existing infrastructure.
• Doveridge does not have natural gas.
• The waste water infrastructure already struggles.
• The village service and facilities will not be able to cope.
• We have no doctors surgery within the village and nearby practices at Sudbury and Uttoxeter are approaching full capacity.
• Public transport is limited and does not serve Ashbourne, Derby or Derbyshire.
• Water pressure is low as is electricity output.
• Significant housing development within Ashbourne Uttoxeter will mean that schools will stop accepting Doveridge children.
• Taking into account the demand for school places in Doveridge from the Bakers Lane development and what is likely to be passed within the council neighbourhood plan there will be no school places left in the village without a new school being put in place.
• There are very few amenities and facilities in Doveridge. Realistically any new occupiers would have little choice other than to drive in private cars to Derby, Stoke or Uttoxeter for day to day provisions and services.
• There are no bus services to towns within Derbyshire. The existing service to Uttoxeter has been cut.
• Doveridge is a commuter village. Where will newcomers work?
• A 32.2% population (based on the cumulative development coming forward) rise is far too high and will inevitably exert severe pressure on local services and infrastructure such as the school, medical services, sewerage system, roads and public transport.
• The village with the application for 185 houses near the A50 and the 70 houses on Bakers Lane will not be able to cope with the influx of people.
• There is only one shop, one small school and no doctors.
• Development in this location is not sustainable due to the lack of facilities and very limited public transport system.
• Doveridge is 3 miles away from the nearest town.
• Doveridge has a limited supply of agricultural jobs available. Building on greenfield sites will decrease any future employment.
• Electricity levels in the village are low and power cuts are frequent.
• The number of proposed developments is too high.
• Our roads and parking are at breaking point.
• There are no medical facilities in the village.
• The school is too small.
• Public transport is minimal to surrounding towns which means there will be a much larger volume of traffic.
• We just don't have the infrastructure to cope with a large influx of people. The density of housing suggested at the Bakers Lane site, the Hall Drive site and the present caravan site is too much.
• Houses should be built where there is work, schools, shops and recreational facilities close at hand, not in villages.
• Although the village school currently has places available, these are mainly in year groups 5 and 6. This is because most children transition to nearby Uttoxeter middle school after year 4 as our local Derbyshire secondary school is 12 miles away.
• This is the fifth planning application for housing development with one outstanding. At what point does it become unsustainable?
• Despite the rail links (from Uttoxeter to Derby, Stoke and Burton) and restricted bus service private transport remains the most important and convenient mode of transport.

Noise

• Reference is made to noise from the concrete section of A50. Whilst it is considered that double glazing will dampen some of the noise in the houses it will not have any affect in the gardens.
• The site is considerably closer to the A50 than any other developments so far and noise level has to be an important aspect to any housing development this close to the road.
• Doveridge has suffered for many years the noise and air quality pollution from the A50.
• Noise will inevitably result should building work commence.
• Noise from the A50 will be heard even with UPVC windows and doors firmly shut.
• Reference is made to the incompatibility of the development with the neighbouring crane hire business. It is considered that additional housing in close proximity to the firm will be detrimental to new neighbours and affect the enjoyment of their property.

**Impact on character and appearance**

• Concern regarding overcrowding of houses is raised.
• Building on the open grassland along Derby Road would create a ribbon development more in-keeping with suburbia.
• The visual impact on entering or leaving the village will be destroyed. It will give a much more urban feeling. Currently there are a few older terraced properties near the junction with Bell Lane. These are conducive to the surrounding countryside and entrance to the village.
• This development is yet another development along the east side of Doveridge and represents further ribbon development which has already been turned down for two bungalows principally on these grounds.
• The development can be seen as obtrusive to the parkland associated with the listed Manor House.
• The development is obtrusive in its location and how it fits into the Bell Lane cottages.
• The east side of Derby Road is basically a rural area with farmland interspersed with one or two dwelling that have formed part of the village for many years. The council have recently refused an application in this location.
• The Councils Landscape Character and Design SPD seeks to protect and enhance the character, appearance and features important to the landscape. This application does nothing to add to the landscape in Doveridge.
• Owing to the current proposals currently due for Doveridge this development should it go ahead would totally enclose Derby Road rendering it a complete avenue of houses.
• Development will turn the village of Doveridge into nothing more than an over developed urban sprawl.
• Due to the existing planning application which has already been approved, along with the other development which is being considered at Babbs Lane, should this application be passed then the approach into Doveridge along Derby Road will be totally enclosed, with no open areas of countryside left. This will have a significant detrimental effect on the village.

**Other matters**

• Within the application it is stated that the site is not used for agricultural purposes but has been maintained to residential standards having been mown regularly. Grass is a valuable agricultural crop and despite the size of the field this is no reason to justify the development.
The proposed development sits right next to our boundary line. All privacy and security will be completely compromised.

Our home continues to endure cracks due to the volume of traffic.

The site is not suitable for affordable housing due to the lack of services and facilities.

The occupants of no. 2/3 Bell Cottages make reference to a right of way they have along the side of no. 1 Bell Cottages for 25 years and do not wish for any changes as a result of this application.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005):
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H12: Alternative Provision For Affordable Housing Outside Of Settlement Frameworks
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE8: Landscape Character
NBE12: Foul Sewage
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development
L9: Safeguarding Public Rights of Way

Other:
Derbyshire Dales District Council Landscape Sensitivity Study (August 2015) by Wardell Armstrong
The Housing and Economic Development Needs Assessment (September 2015) by G L Hearn

ISSUES:

Planning Policy Context

1. Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan.

2. The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

3. On the basis that the District Council is unable at this time to demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF), Paragraph 49 advises that policies for the supply of housing should not be considered up to date
and applications for housing applications should be considered in the context of the presumption in favour of sustainable development. Recent appeal decisions have confirmed this position, in that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been afforded no weight in the decision making process.

4. Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The remainder of this report will analyse the scheme against this policy requirement and in making this balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.

5. Within the National Planning Policy Framework at paragraph 17 are a series of core planning principles. They state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, recognise the intrinsic character and beauty of the countryside, support the transition to a low carbon future in a changing climate, taking full account of flood risk, allocate land for development on land of lesser environmental value and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, amongst other considerations.

6. Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and the consultee and public comments received the key themes that emerge are:

   a) The sustainability of location, in terms of access to services and facilities and density
   b) The impact of development on the character and appearance of the area / local landscape
   c) Highway / pedestrian safety
   d) Provision of infrastructure through developer contributions / infrastructure capacity
   e) Affordable housing
   f) Impact of the development on the residential amenity of the occupants of existing dwellings and the potential noise implications from the A50
   g) Impact on ecology
   h) Drainage
   i) Housing mix
   j) The planning balance
Sustainability of location and density

7. Although the existing properties which line both sides of Derby Road in this location are removed from the main built up part of Doveridge, the site is within reach of the village centre and facilities it has to offer, including a shop, village hall / working men’s club, recreation ground, pub and primary school. The applicant proposes to form a pedestrian crossing on Derby Road to link the new footway proposed along the site frontage to the footway on the opposite side of the road. Although a number of local residents have pointed to the fact that there are no footways along the roads forming the most direct route into the village centre, there will be opportunity to walk along the footway following the route of Derby Road and Sand Lane. Although slightly longer, the distance would be within reasonable walking distance of the services and facilities the village has to offer. The location of the site is therefore considered to be reasonably sustainable, insofar as access to services and facilities within Doveridge Village is concerned.

8. Doveridge is a substantial village of some 600 houses. It has good access to the A50 and benefits from its proximity to Uttoxeter. Although concern has been raised with regard to the level of development coming forward in the village and the cumulative impact of new housing growth within Uttoxeter and Ashbourne, the erection of up to 17 dwellings on the site, in addition to the approved developments at Bakers Lane and Cavendish Cottage would represent a 22% increase in the number of houses in the village. Based on the consultation responses received, particularly in relation to strategic infrastructure, it is considered that the village can accommodate this level of growth without improvements to its existing infrastructure. Although most people would still need to travel to access employment and services such as doctors and dentists, other existing village amenities would benefit from a modest increase in population.

9. There will inevitably be an upper limit to the level of development that can come forward within the village, without any improvements to existing village infrastructure, and residents are understandably concerned about how this development, combined with developments which have already been approved and other proposals which are pending consideration or being prepared for submission will impact on the village. Although, ideally all sites would have gone through Local Plan assessment prior to submission, applications as they are received will continue to be assessed on their merits and the cumulative impact on existing services and facilities and infrastructure considered in each case.

10. The provision of up to 17 dwellings on site appears to be achievable within the site area identified and having regard to the nature of Doveridge and its facilities and the housing needs of the district identified as part of the preparation of its local plan. On balance it is considered that the provision of up to 17 houses can be accommodated on site, without being at odds with the objective of promoting sustainable development, insofar as access to services and facilities is concerned.

Impact of the development on the character and appearance of this part of the countryside / local landscape

11. Of significant concern is the impact of any new residential development on the character and appearance of this part of the countryside / the local landscape. The site was identified as available for development as part of the District Councils
Strategic Housing Land Availability Assessment, which will be used to inform the allocation of sites in its emerging local plan. It was recommended in a report to the Local Plan Advisory Committee dated 8th January 2016 that the site be rejected on the basis that it was unrelated to the existing settlement. The recommendation was accepted by Members at that committee on the 18th January 2016.

12. Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policies SF5 of the Adopted Derbyshire Dales Local Plan (2005) aligns with this guidance.

13. Policy NBE8 seeks to protect the character of local landscapes. Planning Inspectors have in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection.

14. The accompanying Landscape and Visual Appraisal concludes that any landscape and visual impacts would be extremely localised and limited. The Local Planning Authority disagrees with this view. The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as highly sensitive to new housing development. A public footpath traverses land to the south east of the site from east to west emerging onto Derby Road on the southern side of existing properties at Bell Cottages / Bell Villas. Another footpath traverses land on the northern side of the parkland on the opposite side of Derby Road.

15. The site is located at the entrance to the village but set apart from it in open countryside. In this respect development here would represent an intrusion into the countryside and there would be adverse impact on local landscape character as a result. The applicants’ LVA concedes that the development site is in open countryside, outside the village. There is a clear break between the existing small cluster of buildings and the core of the village from which it is separated by agricultural fields and parkland associated with the listed building at Manor House. Although the development would not impact on the setting of the listed building the openness of this area is an important characteristic of the area / local landscape. Physical separation is supported by visual screening provided by the many mature trees within the parkland, a strongly growing roadside hedge and vegetation associated with a field access track to the north. This will remain the case once development at the site to the north west is in place. All other sites referred to in the LVA are on the edges of the settlement rather than outside it and much more closely associated with, if not attached to, the core of the village. The position of the access and associated service roads is such that any dwellings would be arranged in two rows, off a small cul-de-sac. This would be out of kilter with collection of residential properties in this location, which have development along the road to the detriment of
the character and appearance of this part of the countryside / local landscape character.

16. The applicant asserts that no landscape features will be affected as a result of the development. This is to ignore the fact that small groups of dwellings in countryside locations are a characteristic feature in themselves. Though the applicant describes the proposals as modest they are out of scale with existing development, are likely to dominate it and significantly alter its character.

17. The applicant concedes that the development would represent an intrusion into the countryside and appears to justify this by commenting that “this is inevitable on any greenfield site outside of the existing village”. There is little attempt to analyse the nature of the intrusion in terms of the sensitivity of receptors (such as the characteristics and features of the landscape) or the magnitude of the effect of development on them. The location of the site is a prominent one on the road frontage. There are existing residential properties in immediate proximity and there are two public footpaths in close by.

18. The LVA identifies that views (V1 and V2) to the development site from Doveridge footpath 9 are screened to a greater or lesser extent. This appears to confirm that views to and from the application site and both the core of the village and the development site in the north east are significantly screened and that there is a significant degree of visual separation between them. The LVA concedes that there will be “uninterrupted views” of the proposed development from local viewpoints 3, 4 and 5. Though they will be seen in association with existing development it is likely that the new development will be dominant and intrusive within existing views currently afforded across open countryside.

19. Whist mitigation measures in the form of boundary and on-site planting would diminish the effects of the development, it will be a considerable time before they take effect and they are likely to be inadequate when they do. For reasons stated above it is concluded that residential development on this particular site will result in significant and demonstrable harm to the character and appearance of this part of the countryside / local landscape contrary to Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and would not recognise the character and beauty of the countryside, one of the core planning policy principles set out in the National Planning Policy Framework (2012).

Highway / pedestrian safety

20. There is considerable concern from the public as to the ability of this part of Derby Road to accommodate any additional vehicular traffic and the implications this will have on highway / pedestrian safety. The Local Highway Authority have considered the development proposal and consider, despite noting that vehicles regularly exceed the speed limit in this area, that an appropriate level of visibility onto Derby Road can be achieved and have raised no objections on this basis.

21. Notwithstanding the lack of public footways along Bell Lane (a concern raised by local residents), the provision of a new footway along part of the site frontage and crossing place will provide a safe route for pedestrians into the village centre, where the majority of services and facilities it has to offer can be found.
Provision of infrastructure through developer contributions / infrastructure capacity

22. As with the application at Cavendish Cottage, concern has been expressed by the public about how this development will impact on existing infrastructure. The concern covers matters such as education but also extends into other areas associated with the capacity of the village to cope with expansion. In relation to education the County Council have been consulted on this application. They have provided detailed comments on both the primary schools and secondary school capacity. The location of Doveridge on the edge of the district in close proximity to Uttoxeter does raise some interesting questions over how existing children are educated and how expansion of housing in Uttoxeter might affect current arrangements. It is clear from the letters submitted that whilst primary school children are educated at the village school in the County, secondary school age children appear to some degree to be utilising the secondary school in Uttoxeter. The concern is that if places are fully taken up by Uttoxeter children as it expands places will no longer be available to Doveridge and this will also have a knock on effect on the primary school as year 5 and 6 children revert back.

23. Whilst this concern is understandable it is clear from the comments of the County Council that the primary school has capacity to accommodate all of the development proposed in Doveridge (based on pending applications in the locality) and with projected school roll falling this capacity will increase and is capable of absorbing back year 5 and 6 pupils. In the absence of knowledge of school rolls in Uttoxeter it is not possible to say how provision of secondary education will be affected but what is clear is that Derbyshire County Council are confident that pupils can be accommodated in Ashbourne. This would involve more travelling if it transpires which would be less sustainable but in terms of access to infrastructure would not be basis to resist the application.

24. Sewerage has also been raised as has problems with water pressure, gas and electricity supplies. These are, however, matters that the applicant can adequately address with the relevant sewerage authority / utility providers and is not a basis for objecting to the scheme. Such connections would also form part of the building regulations approval process.

Affordable Housing

25. With regard to the provision of affordable housing the District Councils Housing Section have advised that the local identified need for affordable housing will be met through the delivery / approval of other planning permissions for housing development in the area and, in this respect, would accept an off-site financial contribution towards affordable housing in this case.

26. There are no policies within the Adopted Derbyshire Dales Local Plan which deal with the scenario of affordable housing and strategic housing land releases outside of defined settlement framework boundaries. Within the withdrawn draft local plan a policy was included based on housing needs information at that time, and required a 45% contribution. Based on the delivery of a broad mix of housing to meet the housing needs across the District a contribution of £25,450 per unit has been drawn
up and consistently applied to applications seeking permission for new housing development. This would mean that a financial contribution of £194,692.50 would be required in this case (7.65 (45% of 17) x £25,450). The applicant has agreed to pay this amount.

Impact of the development on the residential amenity of the occupants of existing dwellings and the potential noise implications from the A50

27. The public and the Parish Council raise concerns regarding noise from the A50 and the potential for this to impact on the amenity of future residents of the houses. Concern is also raised with regard to the impact of the development on the residential amenity of the occupants of Bell Cottages to the south. From visiting the site it is apparent that residents in this part of Doveridge experience background noise from traffic on the A50. This is audible on the site which is unprotected by any significant barriers to its transmission. Although no formal comments from the Principal Environmental Health Officer at the District Council have been received at they have advised verbally that noise attenuation measures can be built into the site / the proposed houses to mitigate the impact of any noise nuisance from the A50 and based on the distance from the A50 noise nuisance would not, in this respect, form a sustainable reason for refusal.

28. In terms of the impact of the development on the amenity of occupants of the dwellings adjacent, the application seeks outline permission only. The siting, layout and design of any dwellings would be the subject of further scrutiny as part of any reserved matters application. 17 dwellings could potentially be accommodated on site, without detriment to the privacy and amenity of the occupants of the existing dwellings to the south. The access to the south to the field beyond (which some of the dwellings forming Bell Cottage have a right of access over) is shown to be maintained.

Impact on ecology

29. This planning application is supported by an extended Phase 1 Habitat Survey that was undertaken on 23rd September 2015. Although this was slightly late in the survey season the habitats present on site are not considered to be a significant constraint. The survey work identified a poor semi-improved grassland field, with two defunct hedgerows and tall ruderal vegetation surrounded by fence. A pond was identified 90m to the north of the site and this was subject to a torchlight survey and an eDNA survey in April 2015 as part of a larger planning application. The results of this survey work came back negative for great crested newt; however smooth newt was recorded.

30. On the basis of the survey work carried out Derbyshire Wildlife Trust have advised that there are unlikely to be any impacts on reptiles, badger or great crested newt as a result of the proposed development. A series of conditions to enhance habitat and promote biodiversity are recommended.

Drainage and Flooding

31. Although a pond feature is shown on the indicative layout plan and there would appear to be sufficient space to accommodate a Sustainable Urban Drainage System no information has been provided as to how surface water will be disposed of.
Representations from the public point to problems of flooding on the site and in the local area generally. Although the applicant has withdrawn layout to maximise the space available to accommodate drainage, there is insufficient information submitted with the application currently for the Local Planning Authority to be satisfied that the level of development proposed can be accommodated on site and be appropriately drained to prevent surface water flooding on site and in the local area.

Housing Mix

32. Paragraph 50 of the NPPF states that:
   “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
   • plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
   • identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand ……”

33. As part of the evidence base for the emerging local plan a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which will be used to inform the preparation of new policies. This seeks to ensure new housing meets the communities needs and states (Paragraph 8.43) that “the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

34. It is important this guidance starts to inform the housing mix delivered on housing sites. However, in this case the application is outline only with all matters relating to the layout and type of properties reserved for future consideration, therefore the detail of the mix of housing is not a matter for consideration at this stage.

The Planning Balance

35. The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

36. Recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been afforded no weight in the decision making process.

37. Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.
38. As previously discussed the District Council is unable to demonstrate a 5 year supply of housing land in addition to a buffer of 20% as required by the NPPF. The development of this site will make a contribution to meeting the housing needs of the district, which lends substantial weight to supporting the scheme.

39. The **social dimension** would be limited to the delivery of a relatively small number of new homes to help underpin existing services and facilities within the village and the payment of monies towards the delivery of affordable housing within the Derbyshire Dales District.

40. The **economic dimension** would be served by employment generated during construction and the benefit to businesses within the village from additional resident spend.

41. In **environmental terms** the provision of up 17 dwellings arranged around a centrally positioned service road would be out of scale and context with the small cluster of buildings in this location and would represent a marked intrusion into the landscape, harmful to the character and appearance of the surrounding area. This harm to the landscape weighs heavily against the development.

42. In location and highway terms it is considered that the development can be served by a suitable access onto Derby Road, with benefits of a pedestrian crossing and additional footways in a location that is in reasonable reach of the services and facilities within the village.

43. In the final balance, whilst the council cannot demonstrate a 5 year housing supply, this does not mean that all sites put forward are acceptable. It remains entirely reasonable and proper for the Council to resist development where the level of harm is considered so substantial as to significantly and demonstrably outweigh the benefits. When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF, it is considered that the level of harm to the prevailing landscape character is such that this adverse impact of the development will significantly and demonstrably outweigh the benefits and therefore the proposal should be refused in accordance with paragraph 14 of the National Planning Policy Framework.

**OFFICER RECOMMENDATION:**
To refuse planning permission for the following reasons:

1. Residential development of up to 17 dwellings on the site, which is poorly related to the main settlement, arranged around a centrally positioned service road would be out of scale and context with the small cluster of buildings in this location and would represent a prominent encroachment into the countryside, harmful to the character and appearance of the landscape / surrounding area. This harm to the landscape / character and appearance of the surrounding area would significantly and demonstrably outweigh the limited benefits of the proposal in this case, contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
2. The application as submitted is not accompanied by sufficient information to demonstrate that the level of development can be accommodated on site and appropriate drainage put in place to prevent surface water flooding on the site and in the local area contrary to guidance contained within the National Planning Policy Framework (2012).

Footnotes:

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.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
Supporting Planning, Design and Access Statement by RCA Regeneration dated December 2015;
Landscape and Visual Appraisal by Planning Design dated November 2015;
Phase 1 Habitat Survey by Skyline Ecology, and;
1:200 Scale Indicative Site Layout Plan numbered 1225-003 received by the District Council on the 10\textsuperscript{th} and 16\textsuperscript{th} December 2015.
15/00313/OUT

Land Adjacent to Biggin View, Hulland Ward

Derbyshire Dales DC

Date: 04/03/2016

100019785
INTRODUCTION:
This planning application is being represented to the Planning Committee further to the meeting of 13th October 2015. The application was deferred from decision pending the submission of further land drainage details to seek to address a holding objection from Derbyshire County Council as Land Drainage Authority. The applicant has presented further information and the Officer's report has been updated to address this matter. In addition, the recent decision of the Planning Inspector with regard to a proposed residential development at the land off Wheeldon Way is also taken into consideration.

THE SITE AND SURROUNDINGS:
The site is an area of open fields of Grade 4 agricultural land set to the north of the A517 and Biggin View, on the north western side of Hulland Ward. The fields are accessed via Biggin View which also has eight affordable dwellinghouses served off it.

The land slopes downwards from the south-west to the north-east. The fields are largely bounded by substantial hedgerows with inter-set trees. The landscape character is one of Settled Plateau Farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. Key features include the field boundary hedges and mature hedgerow trees which also provide habitat for wildlife.

The site (particularly the western field) is in a prominent position with the southern boundary being close to the local ridgeline which runs through the village from east to west. From the A517, and further afield to the south, views are largely screened by the landform and an embankment on the northern side of the road. Views from the north and north west across attractive countryside are more open in nature, although they are filtered/partially screened by hedgerows and hedgerow trees within the site and its surroundings.

THE APPLICATION:
Outline planning permission is sought for up to 33 dwellings. The application reserves all matters, although an illustrative plan has been submitted with the application. This shows the only proposed vehicular access to be taken off the A517 via Biggin View. The illustrative masterplan shows the housing extending into two fields to the north of A517. This includes the field immediately west of Biggin View and part of the field to the north of it. It is proposed that the most northerly part of the field will be left as public open space. A balancing pond is proposed to be located in the northern (lowest) part of the field immediately to the west of the main site.

The application is accompanied by the following supporting documents:-
- Planning, Design and Access Statement
- Flood Risk Assessment and Surface Water Drainage Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan
- Primary Ecological Appraisal
- Transport Statement
- Heritage Report

All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the ‘Issues’ section of the report. The broad outline of the applicant’s supporting case is set out in the Planning Statement and can be summarised as follows:-

1. As the District Council does not have a 5 year housing land supply or up-to-date plan in place, the presumption in favour of sustainable development in Paragraph 14 of the National Planning Policy Framework is invoked.

2. The scheme is influenced by, and has followed, the recommendations of the Landscape Visual Impact Assessment which established the potential for minor/moderate landscape impact.

3. The proposal satisfies Policy H9 of the Adopted Local Plan having taken into account local context and constraints of the site to include integrating existing trees and hedgerows, provision of adequate amenity space, good urban design and maintaining minimum separation distances between properties to provide good levels of privacy.

4. The commissioned Transport Statement concluded that there are no transport reasons to prevent the development from proceeding.

5. Provision is made for on-site affordable housing and a financial contribution to off-site provision.

6. Supplementary planting will be provided, principally along the western boundary.

RELEVANT HISTORY:
Adjacent site – Wheeldon Way, Hulland Ward
14/00698/OUT - Residential development of up to 48 dwellings, creation of new access and associated public open space, landscaping and drainage infrastructure - Outline – Refused – Appeal Allowed.

CONSULTATIONS:
Parish Council – Object:
- feel proposal would constitute an unsustainable expansion of the settlement of Hulland Ward
- would result in harmful encroachment into the countryside, detrimental to its character and appearance and that of the settlement
- contrary to Policies SF4 and NBE8 of the Derbyshire Dales Local Plan (2005) and guidance in the National Planning Policy Framework.

Local Highway Authority – No objection - Comment:
- do not fully agree with the Transport Assessment but there is no evidence base to conclude that the development would have a significant adverse effect on capacity or safety of the local road network
- no data that would support a reason for refusal based on severe harm to the highway network
- require conditions.
Derbyshire Wildlife Trust – Comment
- request a condition that mitigation and enhancement measures are included in an Ecological Mitigation and Enhancement Plan to be approved prior to any work commencing on site.

Environment Agency – Comment:
- refer to DCC as Land Drainage Authority.

DCC Land Drainage – Comment:
- raise concerns with respect to adequacy of submitted information to address surface water drainage but consider conditions can be attached to address this.

District Council’s Head of Housing – Comment
- require provision 25% of dwellings to be affordable dwellings and a financial contribution in lieu of 20% off-site provision.

DCC Strategic Planning – Comment:
- comment on waste collection, broadband provision and education
- do not require a financial contribution towards education provision.

DCC Crime Prevention Design Advisor – No comments to make at this early stage.

Derbyshire Fire and Rescue Service – Comment:
- recommend installation of domestic sprinkler system or provide a minimum 32mm water supply cable to allow future installation.

\**REPRESENTATIONS:**
A total of 55 letters of representation from 49 local residents and a Derbyshire resident. The comments are summarised as follows:

\**Policy**
- unsustainable development as detailed in consideration of planning application at Wheeldon Way
- increase in traffic pollution
- object to development of green field sites when there are brownfield sites in Derbyshire still undeveloped
- site is good quality farmland
- have accommodated small developments in the past such as Biggin View but development is too large
- potential for further development of adjoining fields
- large scale developments will put pressure on overstretched local public services
- houses on Biggin View took considerable length of time to occupy
- never been a shortage of houses for sale in the village
- many of the houses will be occupied by commuters with no local tie to the village and will not sustain the village
- does not meet the need for providing locally affordable housing
- as a community, only need affordable housing
- development could double the size of the village
- properties purchased as second homes
- planning application for 48 dwellings at Wheeldon Way refused planning permission
- no strategy for dealing with applications together
- need to question conclusions of the Government Inspector regarding number of houses required
- in direct conflict with Government policy for builders to develop brownfield areas before greenfield
- with increasing population it is important to preserve agricultural land for food security
- makes sense to concentrate new developments in towns and cities where infrastructure can easily be extended
- adequate housing stock approved in Ashbourne and Brailsford
- Localism Act seeks to achieve a shift of power away from central government towards local people
- believed had assurances that there would be no further developments up to at least 2028
- too many dwellings in one go
- village increased 9% between 2002 and 2012 when only 2% was recommended
- no ‘Building for Life’ assessment.

Facilities and Infrastructure
- impact on local power supplies, water and internet
- not enough school places
- only one small doctor’s surgery without capacity for additional houses and those proposed in Brailsford - no room at Hulland Ward or Brailsford surgeries
- doctor’s surgery only open part time
- no shops other than florist and garage – more traffic associated with deliveries to these
- few jobs available in the area – most people travel to Ashbourne, Belper, Derby and beyond
- 99.7% of local jobs are over 5 miles away
- inadequate bus service and would not accommodate shift workers
- doubts that the bus service will continue
- have no post office
- post office located in the village stores which is only open part time and has previously been threatened with closure
- no additional recreation facilities
- continued growth of other villages has had knock on effect on travel times
- secondary children have difficulty going to extra-curricular activities – private cars are essential
- emergency services are not quick to arrive due to distance from Ashbourne.

Character and Appearance and Landscape Impact
- detracts from the character and appearance of the village
- site is high and exposed from all directions and suffers from winds and snowdrifts
- encroachment into surrounding countryside contrary to Policies SF4 and NBE8 of the Adopted Local Plan
- area is principally made up of bungalows – two storey development could ruin the area
- harm to beautiful landscape
- unlevel site
- creates an area that could be infilled
- housing density extremely high
- very little information on housing layout or design
- loss of view over the hills towards Kirk Ireton and Alport Heights – key vistas
- land is in Biggin, not Hulland Ward – will merge the villages together
- detrimental impact on surrounding area which is important draw for the tourist industry on approach to Carsington Water – negative impact on local economy as a result
- attempt to destabilise organic growth of the village
- too close to main road - any development should match the siting of Biggin View
- potential to expand into further fields.

Amenity
- impact on neighbours during construction works
- steep site would be an issue for elderly people getting around
- large developments would have a negative impact on social cohesion and quality of life
- loss of privacy to residents of Biggin View
- impact on Overbrook Poultry Farm by bringing residents within close proximity of the site – such a case at poultry site at Wyaston.

Highway Issues
- access to A517 too restrictive and dangerous
- traffic accelerates downhill past the junction - traffic leaving the site has to cross this
- A517 increasingly busy with heavy lorries, cars, tractors with trailers, caravans, cyclists and pedestrians
- safety risk to cyclists on A517 and Dog Lane
- construction traffic will put clay mud onto the highway and increase hazard
- traffic speeds higher than speed limit
- more traffic congestion at the junior school
- difficulty in entering and exiting the village in bad weather
- since July 2014 there have been six accidents in the vicinity – two were serious and one was fatal
- Derbyshire Constabulary has declared the A517 through Hulland Ward as one of the most dangerous in the County
- road closure creates long diversions along country lanes
- inadequate parking provision to meet standards
- would be extensive on-street parking in the estate
- traffic flow through the estate would be exacerbated by shopping/courier delivery vehicles.

Drainage
- inadequate sewage and drainage system
- Hulland Ward is on a high water table and land does not drain properly
- numerous natural springs resulting in very poor drainage
- sewage treatment works are having system upgraded due to inefficiency.

Ecology
- bats, newts, toads, hares, weasels and badgers recorded in the area
- Ecclesbourne project concerned with the quality of water - water from sewage works flows into Biggin Brook and then the River Ecclesbourne
- fields are full of wild flowers and have been used for agriculture for centuries.

Other
- same issues as set out in rebuttal document produced approximately 6 months ago
- opportunistic developer greed in association with not having a Local Plan
- if approved, would presumably re-apply at Wheeldon Way site.
The proposed development would constitute an unsustainable expansion of the Settlement of Hulland Ward. It would result in harmful encroachment into the countryside detrimental to its character and appearance and the character and appearance of the settlement. As such the proposal is contrary to Policies SF4 and NBE8 of the Derbyshire Dales Local Plan (2005) and guidance in the National Planning Policy Framework.

- with local survey conducted in 2015, villagers advised they wished to live in quiet lanes and roads, a 20mph home zone, allotments and for the playing field to be made a village green
- with regard to highway matters and sustainable travel development does not meet the objectives of the East Midland Regional Plan (2006), and Derbyshire Local Transport Plan (2006 – 2011)
- provide crash map data
- very strong record of house building would suggest that over the plan period to 2028 more housing would be built than the proposed development of a kind more suited to the needs of the local communities – well received schemes at Biggin View and Charles Walker Close
- between 2002-2014 planning permission has been granted for 42 dwellings in the village increasing housing stock by 9.3%
- no identifiable need for housing in the village.

The document raises other objections reflecting the comments of the local residents above and have therefore not been repeated.

A letter of representation from Pegaus Group, on behalf of the applicant at land at Wheeldon Way. The comments are summarised as follows:
- refer to Strategic Landscape Sensitivity Assessment (SLSA)
- Wheeldon Way appeal site falls in an area of medium landscape sensitivity and the Biggin View site is more sensitive in landscape terms
- trust the conclusions of the SLSA will be appropriately considered in the Committee Report and by Members when determining the application.

POLICIES:
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development In The Countryside
   SF5: Design and Appearance of Development
   SF6: Protection Of The Best Agricultural Land
   SF7: Waste Management And Recycling
   SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design and Appearance Of New Housing
   H12: Alternative Provision For Affordable Housing Outside Settlement Frameworks
   H13: Affordable Housing Exceptional Sites In Rural Areas
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
   NBE6: Trees and Woodlands
Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

The Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the National Planning Policy Framework (NPPF) which was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.

Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan, and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council’s objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need, which he concluded was in the region of 6500, and the Council had not fully demonstrated why this, or a higher figure, could not be met through available sites and/or cooperation with neighbouring authorities.

Until the District Council is able to fully justify an alternative figure, any calculation of five year supply in the interim has to be based on this indicative figure of 6500. The Council, even allowing for the recent granting of permission at Asker Lane in Matlock, having regard to the schemes where Committee have resolved to grant permission, cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

The Adopted Local Plan

Policies SF4 and H4 of the Local Plan deal with Settlement Frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance.

The Council received the decision on the housing appeal at Asker Lane, Matlock at the start of July. The Inspector concluded that, having regard to paragraph 49 of the NPPF in the absence of a 5 year supply, both Policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance, which instead should focus on the wording of Paragraph 14.

Policy NBE8 - Landscape Character - has been afforded limited weight in the Planning Inspectors’ decisions. In the Wheeldon Way Appeal Decision, the Planning Inspector advised the following:

*On matters including landscape character and development in the countryside, the Framework accepts that development may be permitted unless adverse impacts would significantly and demonstrably outweigh the benefits or specific policies within the Framework indicate that development should be restricted. On this basis I consider that Policy NBE8 is not consistent with the Framework and consequently I give it limited weight.*

The other Local Plan policies quoted above remain largely in tune with the aims of the NPPF and as such can continue to carry weight in decision making.
The National Planning Policy Framework and Paragraph 14

In accordance with the above, and in the absence of a 5 year supply of deliverable housing sites, the NPPF directs decision making on planning applications to the guidance in paragraph 14. It states: -

For decision taking this means:
- Approving development proposals that accord with the development plan without delay and
- Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
  - Specific policies of the Framework indicate that the development should be restricted.

The decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme. The remainder of this report will analyse the scheme against the above policy requirements.

2. Other Planning Considerations

In assessing the scheme for its specific affects, both positive and negative, it is useful to break the report down further into the topic areas as follows:

(i) The sustainability of housing provision on this scale in Hulland Ward and relationship with the Local Plan process.
(ii) The impact of development on the landscape and character and appearance of the area.
(iii) The impact on heritage assets and their setting.
(iv) Residential amenity impacts for existing and proposed residents.
(v) Provision of affordable housing.
(vi) Highway/pedestrian safety.
(vii) Provision for children’s play.
(viii) Provision of infrastructure through developer contributions/infrastructure capacity.
(ix) Land quality as a planning consideration.
(x) Impact on ecology.

(i) The Sustainability of Housing Provision on this Scale in Hulland Ward and Relationship with Local Plan Process

The development of green fields outside settlements is to a degree unsustainable, but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the District. Even if all suitably located brownfield sites across the District came forward for development, there would still be the need to develop green fields outside existing settlements to meet the indicative figure of 6500 dwellings set by Inspector Holland, which forms the current basis for analysis against objectively assessed needs.

The major settlements are intrinsically the most sustainable locations in which to live, with their access to jobs and services. Whilst it is anticipated that they will accommodate the majority of housing growth, it is considered that some housing growth could be met in and
around the larger villages, and indeed is desirable in underpinning their sustainability, services and infrastructure.

Hulland Ward has some 340 houses in the village and its immediate hinterland. In terms of facilities it has a primary school, shop, community hall, two public houses and a GP Surgery. It has good transport links with Ashbourne along the A517 with residents being able to readily access the full range of services and employment. A bus service operates six days a week, although this is less than hourly between 8 am and 6 pm on weekdays. It is estimated that there are 6 to 10 employment generating premises providing employment within the village. However, there are no strategically important or major employment sites within or adjacent to the village. The major employment site at Aggregate Industries off Smith Hall Lane, Hulland Ward is within a 5 minute drive.

In this context, it is considered that some modest expansion of the settlement can be accommodated within the village’s existing infrastructure, although most people would still need to travel to access employment and services. The provision of up to a further 33 houses would represent an approximate 10% increase in the current scale of the village.

Residents are understandably concerned about how this development might be combined with the planning permission on the adjacent site on land off Wheeldon Way. As the land off Wheeldon Way has been allowed to be developed, and if planning permission were granted for this site off Biggin View, this would increase the number of potential properties to some 81 dwellings, or an approximate 24% increase of the existing numbers of dwellings in the village. The Planning Inspector who allowed the Appeal for the residential development of the land off Wheeldon Way commented that the scale of development proposed there would be seen as a proportionate extension to the present built up area. In this respect, it is considered that a further 33 houses would not overwhelm the village.

It is also considered that the proposed development, and that allowed at Wheeldon Way, would not overwhelm the existing facilities. The residents of new houses would be able to access facilities in the village through existing footpath links and potentially add further support to such local facilities. The Planning Inspector, in relation to the Appeal site off Wheeldon Way, noted that the village had a range of local services and facilities, and bus stops on the A517 providing access to further services and facilities in Ashbourne, Derby and Belper, which would reduce dependence on the private car. The Planning Inspector considered the Appeal site to be within a sustainable location and, in this respect, it is similarly considered by Officers that the application site at Biggin View is sustainable.

Land drainage is also an important consideration in terms of sustainability. It is advised that Hulland Ward is on a high water table, with numerous springs and the land does not drain properly. The applicant has advised that they intend to drain the site in accordance with SuDS criteria. To achieve this, a balancing pond is proposed to hold back surface water flows in times of heavy rainfall with the suggestion that this will then discharge to a culverted watercourse under the southern field.

Derbyshire County Council as Land Drainage Authority has been consulted on these proposals and the additional information subsequently requested from the applicant. They have advised that the applicant has not submitted a robust drainage strategy detailing how surface water run-off generated from the development will be managed by a sustainable drainage system (SuDs). DCC has also received reports of flooding within close proximity to the site. No plans have been submitted to illustrate the exceedance flow paths in excess of the 1 in 100 year rainfall event and it is advised that a plan is required to demonstrate
the maintenance methodology detailing the likely organisation/authority who will adopt and/or maintain any proposed SuDs. The applicant has also failed to undertake an appropriate ground investigation to support and inform the application, and cannot demonstrate that they have fully observed the run-off destination hierarchy which is particularly important as the British Geological Survey data suggests there may be constraints with infiltration.

However, The Land Drainage Authority has noted that the site could be served by an existing watercourse should infiltration be deemed unsuitable for the site at the design stage. In this respect, the Land Drainage Authority has recommended that conditions be attached to any grant of planning permission with respect to a detailed design and associated management and maintenance plan for surface water drainage. A condition is also required with respect to the proposed destination of the surface water according with the hierarchy contained in Part H of the Building Regulations. This information would be required to be submitted for approval prior to the commencement of any development.

It is advised in the representations that the sewage treatment works is having the system upgraded due to inefficiency. In this respect, no comments have been received from Severn Trent Water and the applicant, should planning permission be granted, would need to provide appropriate sewage facilities; this is not a substantive reason to withhold a grant of planning permission.

(ii) The Impact of Development on the Landscape and Character and Appearance of the Area

As with any rural village, an important component part of its character is its landscape setting. The District Council, as part of its work on the emerging Local Plan, has commissioned an independent strategic landscape sensitivity study. The result of this identifies the landscape setting of Hulland Ward as being of high sensitivity, with one moderate sized site of medium landscape sensitivity (the eastern field of the application site and the land off Wheeldon Way). However, this is a study at strategic level and does not consider the sensitivity of the landscape at site specific level where, upon closer examination, local differences may lead to a revision/adjustment in the assessment. Therefore, in principle, the site is considered to have capacity to accommodate development in the area proposed without significant impact on landscape character.

The development breaks beyond a well-established limit to the village and will undoubtedly cause some harm to the current setting of the village and character and appearance of the countryside. However, this is an inevitable consequence of meeting housing needs across the District, as the level of need can clearly not be met within existing Settlement Framework boundaries.

The indicative layout proposed by the applicant does not serve to promote the development too well as a physical entity. Thought needs to be given to what constitutes the character of this part of the village in the submission of the reserved matters application and how the development can best integrate with the contours of the site.

The access into Biggin View is one of a completely different character area to that experienced at Firs Avenue into the core residential area of the settlement. The area along the A517 stretching from the village westwards up to Biggin View is one of more linear ribbon development. The application site actually sits in a fringe location between the more rural and sporadic buildings to the western side of the village and the more regimented, suburban type of residential development to the east.
In this regard, the proposed illustrative development would appear as a similar, suburban regimented form (but of two storey scale) aligning the contours to the site. It is considered that this could be improved upon with a more ‘organic’ form of development, where the development creates a sense of place in its own right and which contributes to the visual interrelationship between the Village Hall, Church and sporadic rural buildings with the regimented, ‘suburban’ residential development to the east.

It is also important to recognise how the development will be perceived in the landscape. From the A517, the development would appear as a continuation of the ribbon development on which much of the settlement was founded. With the rise in land from the A517 along Biggin View, and then the fall of the land beyond Biggin View, little of the scale of the development is likely to be appreciated from the main road, little more so than may currently be experienced on the southern side of the A517.

In views from the north, the development would be read in context with the existing settlement and would not necessarily appear out of context in these more distant views. It would be partially screened and interlaced with hedgerows and trees retained on the site and, in the form of a ‘hamlet,’ could acts as a foil between the rural western area and suburban eastern area within which it would be located.

In considering the land off Wheeldon Way Appeal, the Planning Inspector paid particular attention to the impact of the proposed residential development in the landscape. In this respect, it was advised that:

*Overall I saw that the adjacent urban form of the village dominates views of the site including the houses at Biggin View which are particularly prominent on the skyline above the appeal site……….. Nevertheless I acknowledge that the proposal would clearly introduce urban development on to what is currently a site of rural character which locally would inevitably cause some adverse impact to the character and appearance of the area. However taking account of such factors as the site’s location adjacent to and lower than existing development, the proposed retention of landscape features and the provision of additional planting and public open space within the site, I consider that the visual impact of the development would be limited when viewed in the context of the wider landscape setting. I also consider that in terms of scale, the proposal would be seen as a proportionate extension to the present built up area. Whilst concerns have been raised about the density of the development and the heights of the proposed houses, these would be considered at the reserved matters stage. Therefore overall I conclude that the harm to the character and appearance of the surrounding area would be limited.*

In this respect, it is considered that the development of the application site would also have limited harm in the landscape, being set under the ‘particularly prominent’ houses at Biggin View. It is important that existing hedgerows and hedgerow trees are retained and that the western boundary the hedgerow should be strengthened with additional planting, including trees, in order to create a visual screen/filter and mitigate potential adverse impact on the wider landscape on this side.

The applicant has advised that they are willing to form a 3m wide boundary hedge, with trees planted roughly 5m apart, to create a more substantive western field boundary representative of the ones to be found in the immediate landscape. Such a hedgerow would also need to be outside of domestic curtilage, and separately managed, in order to
retain its integrity and to allow for its effective long term management. This would be the case for other hedgerows proposed to be retained. On this basis, it is considered that residential development can be provided without significant harm to the landscape surrounding the village.

(iii) The Impact on Heritage Assets and their Setting
Christ Church to the west and Hulland Grange to the north of the site are Grade II listed buildings. The impact of the proposed development on these heritage assets need to be assessed in reaching a planning judgement. Even where there is a strong presumption in favour of development in the absence of a 5 year housing supply, the requirements of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory requirement on the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Whilst it is recognised that impact on heritage assets can be a very important consideration in balancing the merits of development, the relative distance between the site and the Church and Hulland Grange, with intervening fields and hedgerows and with proposed landscaping along the western field boundary, mean that there is no harm to the setting of these buildings. Nevertheless, and as detailed above, further consideration needs to be given to the site layout in order that it has a less rigid and geo-metrical appearance, giving the appearance more of an evolved rural hamlet rather than an encroachment of the rigidity of layout found with the newer, more suburban development within the village.

(iv) Residential Amenity Impacts for Existing and Proposed Residents
Concerns have been raised with regard to the proximity of the proposed development to existing dwellings. However, it is considered that reasonable distances can be achieved between existing and proposed dwellinghouses to provide adequate privacy and outlook; this would need to be addressed in considering the layout and nature of the dwellinghouses proposed as reserved matters.

Certain levels of inconvenience are often caused with the construction process. However, conditions can be attached to restrict the times in the week when the building works can be undertaken, as is commonly required for such developments.

(v) Provision of Affordable Housing
The significant release of land to meet the housing needs of the District as explained above is running ahead of the emerging local plan process. The existing 2005 Local Plan never envisaged large scale land releases outside settlement frameworks, and rural affordable housing has previously been delivered through exception sites outside villages to meet the needs identified through Parish Needs Surveys.

Meeting the Objectively Assessed Housing Needs of the District as part of the new local plan process involves breaking beyond settlement frameworks to meet need, and also entails making strategic decisions on where housing growth can be accommodated. As explained earlier in this report Hulland Ward is considered a sustainable location for meeting some of that strategic housing demand.

The emerging Local Plan, in light of the above, rather than differentiating between the major settlements and villages, is likely to base the requirement for affordable housing on sites on their size rather than location, thereby securing the strategic objective for the
District. The work done on the withdrawn emerging Local Plan underpinned with research on need and viability, had a draft policy which sought 45% provision on a scheme of this scale. In the absence of any more compelling or up to date evidence to the contrary, it is considered appropriate to apply this threshold.

The District Council’s Head of Housing has asked for 8 affordable dwelling units to be delivered on site, which is a reflection of current knowledge on Parish needs. The mix of units should reflect the need from smaller households and specific rural housing need that is not currently catered for in the village; predominantly 2 bed houses but to also include 2 x 1 bed 2 person flats, 2 x 2 bed bungalows (the bungalows meeting the lifetime homes standard).

This is obviously well short of the 45% requirement of policy. However at this moment in time it is considered that this meets known needs for the Parish but, having regard to the strategic objective on affordable housing, an off-site financial contribution based on 6.25 of the houses is also sought to facilitate the funding of affordable units in the future. This contribution should fund the remaining percentage of units to bring provision up to 45%. This is considered an appropriate and pragmatic response to deliver affordable housing in the current circumstances.

(vi) Highway/Pedestrian Safety
The Local Highway Authority has considered the application and advised of no objection in principle. It has advised that the future layout of the site should not preclude access by buses and should accord with the ‘Manual for Streets;’ such matters can be addressed with the reserved matters application.

It is advised that as the majority of the dwellinghouses to be served off the current access to Biggin View would be on the application site, that a T-junction is now placed on Biggin View where it would join the new road which is proposed.

The Local Highway Authority has advised that it does not agree with every detail of the applicant’s Transport Assessment, but does not consider that there is an evidence base to suggest that the development would have a significant effect on capacity or safety of the local road network. It is also stated that there is certainly no data that would support a reason for refusal of planning permission on the basis that the development would cause severe harm to the highway network.

In this respect, the Local Highway Authority has requested conditions be attached to any grant of planning permission with respect to matters during construction, reprioritising the junction with Biggin View, details of the internal street layout, road construction details and gradients, dispersal of surface water, parking space provision and prevention of garage spaces being lost, facilities for refuse collection and visibility splays to private driveways.

(vii) Provision for Children’s Play
Under Adopted Local Plan Policy L6, a development of this scale should include open space and an equipped play area to meet the needs of future resident’s children. The illustrative proposal for the site, with the area of open space identified, would suggest locating the play area in the north eastern part of the site, albeit this would need to be appraised with the reserved matters application. The incorporation of an appropriate open space to be utilised by residents and other village children can be viewed as a positive outcome of the development if permission is granted.
(viii) Provision of Infrastructure through Developer Contributions/Infrastructure Capacity
The public comment on this application expresses concern about how this development will impact on existing infrastructure. The concerns cover matters such as education but also extend into other areas associated with the capacity of the village to cope with expansion. In relation to education the County Council have been consulted on this application. They have provided detailed comments on both the primary schools and secondary school capacity and have advised that there is no requirement for financial contribution towards extra school places.

In terms of the other facilities and infrastructure, such as the shop, public houses, doctor's practice, etc. development can help to sustain or improve existing facilities and assist with their future viability. It is not considered that the increase in the level of housing and resultant population could not be absorbed in this respect.

(ix) Land Quality as a Planning Consideration
The agricultural land quality is defined as Grade 4. Policy SF6 states that planning permission should not be granted on Grade 1, 2 and 3a land unless there are overriding benefits resulting from the development that would outweigh the harm caused to the best and most versatile agricultural land. In this regard, given the Grade 4 land quality, this is not seen as a limitation to the site development.

(x) Impact on Ecology
The public comment expresses concern over the impact on wildlife. The applicant has submitted an ecology report with the application which has been independently assessed by Derbyshire Wildlife Trust (DWT). They have raised no major concerns but have requested a condition that mitigation and enhancement measures are included in an Ecological Mitigation and Enhancement Plan to be approved prior to any work commencing on site. DWT has advised that they do not support the inclusion of the existing hedges as garden boundaries as this can impact on their management and maintenance. It is considered that this could be required at the reserved matters stage of the application given that the layout is illustrative and that such a Plan would need to be specific to the submitted proposals.

3. The Planning Balance
Part 1 of this ‘Issues’ section set out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to weigh in the planning balance.

The Council’s adopted Local Plan can still be the primary consideration in assessing planning applications. However, following on from the Local Plan Inspector’s finding on Objectively Assessed Housing Need in July last year, and the subsequent withdrawal of the Local Plan, the Council are currently having to assess 5 year housing land supply on the 6500 figure he provisionally identified. This figure not only sets a higher supply need, but the Council also have to add buffers for historic undersupply of 20% and incorporate a backlog into the target. Therefore, the Council are still unable to demonstrate a 5 year housing land supply.

In the absence of a 5 year housing land supply the guidance in Paragraph 49 of the NPPF is clear that the housing policies of the Local Plan are out of date. Accordingly, both Policies H4 and SF4 carry no weight in the consideration of this substantial housing application immediately adjoining the settlement boundary, and Policy NBE8 can only be afforded limited weight, and the Council are directed to Paragraph 14 of the NPPF in
particularly and the framework as a whole, to reach a balanced judgement on the merits of an application.

Paragraph 14 requires the decision maker, in assessing the merits of an application, to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Planning Inspector considering the Appeal at the land off Wheeldon Way approached this balancing exercise by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental. It seems entirely logical to approach this scheme in the same manner.

As described above the Council has a shortfall in housing land supply and the proposed development will make an important contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme. The provision of affordable housing to meet current Parish needs, and also to meet future needs through an offsite contribution in line with policy, also has to be given significant weight even though it merely aligns with development plan policy.

The social dimension would be served by the provision of an open space and play equipment available to the development and other village residents. This social benefit has only limited weight. In regard to other community infrastructure, the development will help to underpin the school and other community facilities without, it is considered, leading to them being overburdened. DCC has not identified that such a development would place pressure on school place provision. The economic dimension would be served by employment generated during construction and by a benefit to businesses within the village from additional resident spend.

In environmental terms, the site is adjacent to the village and residents would have easy access to village facilities to which they could walk or cycle. However to access major retail, employment or community services most would need to use the private car to travel to Ashbourne, Belper and Derby. This reliance on the car, even for short car journeys, counts against the development and it is unlikely that the scale of development will lead to a greater penetration with public transport.

The development of this site will have an adverse impact on the character and appearance of the countryside. However, the Council have to release green fields to meet housing need and so all such developments have an impact. The development has been scaled back from its initial proposal to also develop the field to the west and, as a result and given the lesser sensitivity of the central and eastern fields, the overall harm to the character and appearance of the countryside is not considered substantial.

The environmental impacts also need to have regard to consequence for heritage assets. National legislation protects their significance which includes safeguarding their setting as well as safeguarding the asset itself. However, the applicant has contained the development to the central and eastern field, between Dog Lane and Biggin View, to overcome the potential for impact on this setting. It is considered that, as the site is set away from the listed Church, with the intervening field and the proposed improvements to the boundary hedge, and with an appropriately designed development, it will not result in harm to the setting of heritage assets. This is therefore neutral in environmental terms.
Flora and fauna around the site will be affected to some degree with the loss of hedgerow but with appropriate replanting, supplementary planting and management and biodiversity management of the balancing pond, it is considered that this impact is essentially neutral.

In highway terms it is considered that the development can be acceptably served by access from the A517 and Biggin View. There is also pavement access to the village. Overall, in highway/pedestrian safety terms, the outcome is considered a neutral one. Drainage matters have been addressed to the extent that DCC as Land Drainage Authority has proposed conditions on any grant of planning permission.

When all of the above matters are weighed in the balance, although the expansion of Hulland Ward to meet District’s housing needs has adverse environmental credentials, in terms of reliance on the private car to access jobs and wider services and some harm to the character and appearance of the countryside, these impacts are outweighed by the substantial benefits of the housing to meet identified needs and also offset by the economic benefits to local businesses of additional spending power which will help enhance their viability. This is considered to be reflective the decision to grant planning permission for the residential development at the nearby site off Wheeldon Way where a similar balancing of considerations was undertaken by the Planning Inspector.

Therefore, whilst Hulland Ward would not be a suitable location for unrestrained housing growth, the proposal, which represents an approximate 24% growth in village properties, when added to the approved development off Wheeldon Way, is considered to be acceptable. As the adverse impact of granting planning permission does not significantly and demonstrably outweigh the benefits, the presumption in favour of granting planning permission enshrined in paragraph 14 of the NPPF applies.

OFFICER RECOMMENDATION:
That subject to the completion of a Section 106 Planning Obligation Agreement to secure 8 affordable dwellings on site and an offsite contribution to make up provision to the equivalent of 45% and subject to conditions covering the following matters: -

1. Application for reserved matters to be made within 3 years
2. An application for details of the reserved matters to be submitted and approved before the commencement of works.
3. No development to be commenced until temporary access for construction created.
4. Details of the provision of space for storage of materials, contractors vehicles, unloading areas, etc.
5. Details of reprioritising Biggin View and associated works
6. Reinstatement of the highway margin once the permanent access is provided
7. Provision of wheel cleaning facilities.
8. Reserved matters application shall include details of internal layout to comply with “Manual for Streets” and 6C’s design document.
9. The estate streets shall be laid out prior to occupation of each dwelling.
10. The premises shall not be occupied until individual manoeuvring and parking facilities have been provided for each dwelling within curtilage as appropriate.

11. Provision of bin stores on private land.

12. Visibility splays for private driveways.

13. No garages and parking space to be used other than for parking.


15. Scheme for surface water drainage system to be submitted and agreed.

16. Time restrictions for on-site operations during construction.

17. Development to be carried out in accordance with the Ecological Appraisal.

18. A scheme for the laying and, landscaping and future management of play areas and open spaces shall be submitted and agreed.

19. A scheme for the provision of affordable housing on site, its transfer and future management to be submitted and agreed.

20. An ecological mitigation and enhancement plan to be approved prior to any work commencing on site.

21. Drainage condition with respect to a detailed design and associated management and maintenance plan of surface water drainage.

22. Drainage condition with respect to the proposed destination of the surface water according with the hierarchy contained in Part H of the Building Regulations.
## PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<th>REFERENCE</th>
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<td>106 Northwood Lane, Darley Dale</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00412/FUL</td>
<td>Barnes Croft, Canterbury Road, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Robert,

I can advise that our clients wish to withdraw this appeal.

Regards

Paul

Paul Stone
Regional Director

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Dear both,

We are aware of the revised planning application as detailed in Mr Stone’s letter of 27 July 2015. We have not previously formally agreed to hold the appeal in abeyance, however subject to the LPA not objecting we propose to now do so until 30 November 2015 pending issue of the planning permission and expiry of the challenge period. At the end of this period we would expect the appeal to be withdrawn.

Kind regards
Robert Wordsworth

From: Paul Stone
Sent: 14 October 2015 11:09
To: Wordsworth, Robert
Subject: RE: Inquiry 3030366 - Leys Farm, Wyaston Road, Ashbourne

Robert,

Could we hold off until 30th November so we have the 6 week JR period covered too?
We are in the hands of the Council.
Thanks

Paul

From: Wordsworth, Robert
Sent: 14 October 2015 10:14
To: Paul Stone
Subject: RE: Inquiry 3030366 - Leys Farm, Wyaston Road, Ashbourne

Dear Paul

Thank you for your email. How much longer do you require?

Kind regards
Robert
From: Paul Stone  
Sent: 14 October 2015 07:08  
To: Wordsworth, Robert  
Subject: RE: Inquiry 3030366 - Leys Farm, Wyaston Road, Ashbourne

Robert,

We are almost there. Can we hold in abeyance a little longer?  
Thanks  
Paul  

Paul Stone  
Regional Director  

Signet Planning Ltd  
Pure Offices  
Lake View Drive  
Sherwood Park  
Nottingham  
NG15 0DT  

TEL:  
MOBILE:  

www.signetplanning.com  

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From: Wordsworth, Robert  
Sent: 09 October 2015 10:24  
To: Paul Stone  
Cc: Bradbury, Jonathan  
Subject: RE: Inquiry 3030366 - Leys Farm, Wyaston Road, Ashbourne

Dear Paul

Thank you for the update. I will do no action for two weeks.
Kind regards
Robert Wordsworth

From: Paul Stone
Sent: 09 October 2015 09:25
To: Wordsworth, Robert
Cc: Bradbury, Jonathan;
Subject: RE: Inquiry 3030366 - Leys Farm, Wyaston Road, Ashbourne
Robert,

I believe that we are almost there with regard the issue of planning permission by the Council. If you could just bear with us a little longer I hope I can then withdraw the appeal very shortly
Thanks

Paul

From: Wordsworth, Robert
Sent: 08 October 2015 15:54
To: Paul Stone
Cc: planning@derbyshiredales.gov.uk
Subject: Inquiry 3030366 - Leys Farm, Wyaston Road, Ashbourne

Dear Paul

I refer to the subject case. Please can you confirm if this appeal is going to be withdrawn? If not the Council must notify interested parties of the appeal as soon as possible and submit a questionnaire.

Kind regards
Robert Wordsworth

**********************************************************************
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Ms Helen Boden  
Derbyshire Dales District Council  
Town Hall  
Matlock  
Derbyshire  
DE4 3NN

22 February 2016

Dear Ms Boden,

**Town and Country Planning Act 1990**  
**Appeal by Radleigh Group Ltd**  
**Site Address: Leys Farm, Wyaston Road, Ashbourne, Derbyshire, DE6 1NB**

I enclose for your information a copy of a letter received withdrawing the above appeal.

I confirm no further action will be taken.

Yours sincerely,

*Robert Wordsworth*

Robert Wordsworth

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search
Appeal Decision

Hearing held on 12 January 2016
Site visit made on 12 January 2016

by Y Wright  BSc (Hons) DipTP MSc DMS MRTP

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

Decision date: 16 February 2016

Appeal Ref: APP/P1045/W/15/3132535
Land off Wheeldon Way, Hulland Ward, Derbyshire

• 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 Clowes Developments (UK) Ltd against the decision of Derbyshire Dales District Council.
• The application Ref 14/00698/OUT, dated 13 October 2014, was refused by notice dated 13 February 2015.
• The development proposed is residential development of up to 48 dwellings, creation of new access and associated public open space, landscaping and drainage infrastructure.

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 48 dwellings, creation of new access and associated public open space, landscaping and drainage infrastructure in accordance with the terms of the application, Ref 14/00698/OUT, dated 13 October 2014, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters, except for the point of access, reserved for future determination. I have considered the appeal on this basis, although I note the illustrative housing layout provided.

Main Issue

3. The main issue as regards this proposed development is whether it would be consistent with the principles of sustainable development having regard to the Framework and the development plan, particularly in relation to the effect on the character and appearance of the surrounding area.

Reasons

4. Planning legislation clearly states that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. However, the weight to be attached to policies in the existing development plan must be assessed in accordance to their degree of consistency with the National Planning Policy Framework (the Framework), which sets out the Government’s planning policies and is a material consideration.
5. The site is outside the defined settlement boundary of Hulland Ward as identified in the *Derbyshire Dales Local Plan 2005* (LP). However, the Council acknowledges that in the absence of a five year housing land supply (5YHLS), adopted local plan policies relevant to the supply of housing are considered to be out of date and planning decisions on housing development must therefore be made in the context of Paragraph 14 of the Framework. As such although the Council in the decision notice cites LP policy SF4 within its reason for refusal, the Council confirmed in its written statement of case and again at the Hearing that it no longer wished to rely on the content of this policy in defending the appeal. I therefore determine the appeal on this basis.

6. The Framework supports housing development through the presumption in favour of sustainable development. It then goes on to advise that there are three dimensions to sustainable development: economic, social and environmental which are mutually dependent and should not be taken in isolation. As specific reference is made to the effect of the proposal on the character and appearance of the surrounding area within the Council’s reason for refusal, I will consider the environmental role first.

*Environmental role including character and appearance*

7. The appeal site is located on the western edge of Hulland Ward within the open countryside in the Parish of Biggin-by-Hulland. Hulland Ward is considered to be one of the larger villages within the Derbyshire Dales District and comprises predominantly post-war residential development, located mainly to the north of the main A517 road.

8. The site extends to approximately 2.12 hectares and is rural in character comprising two agricultural fields, used as pasture. There are further fields adjacent to the north and north east. Due to the topography of the area the site slopes down in a north easterly direction. Native mature hedgerows, trees and vegetation line the boundaries of the site and a hedgerow divides the upper and lower fields. The site is currently accessed through a farm gate directly off Wheeldon Way.

9. The appeal site is enclosed by existing village development on two sides. Properties on Wheeldon Way, Ashes Avenue and Eaton Close back directly on to the south eastern boundary of the site. Beyond and raised above the appeal site to the south west is further development including the dwellings at Biggin View. To the north east is an existing playing field, multi-use games area, playground and a public footpath (Hulland Ward FP14).

10. The Council’s reason for refusal states that the development would result in harmful encroachment into the countryside which would be detrimental to its character and appearance and that of the settlement. The Council states that the proposal would be contrary to LP Policy NBE8 which indicates that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. The development would clearly be contrary to this policy.

11. However at the Hearing I heard different points of view as to the degree of consistency Policy NBE8 has in relation to the Framework. In this regard I have considered the High Court judgements\(^1\) and appeal decisions\(^2\) drawn to

\(^1\) Colman v the Secretary of State for Communities and Local Government and Others [2013] EWHC1138 (Admin) and Gallagher Homes and Lioncourt Homes Ltd v Solihull MBC [2014] EWHC1283 (Admin)
my attention by the appellant though I note that some of the latter relate predominantly to LP Policy SF4.

12. Whilst I recognise that Policy NBE8 seeks to protect the character of local landscapes, I consider it significantly restricts development which is at odds with the Framework’s more balanced approach on determining planning applications. On matters including landscape character and development in the countryside, the Framework accepts that development may be permitted unless adverse impacts would significantly and demonstrably outweigh the benefits or specific policies within the Framework indicate that development should be restricted. On this basis I consider that Policy NBE8 is not consistent with the Framework and consequently I give it limited weight.

13. However notwithstanding this, character and appearance and the effect of development on local landscape remain important considerations in the determination of applications and appeals, having regard to the policies in the Framework as a whole. The Council has referred to a relevant Ministerial Statement in this regard and I am mindful of the Framework’s requirement to recognise the intrinsic character and beauty of the countryside.

14. This part of the Derbyshire Dales District is not part of a designated landscape. However it has been suggested that the site forms part of a valued landscape. By the level of consultation responses before me it is clear that local residents greatly value the appeal site and the surrounding landscape. Nevertheless when questioned at the Hearing the Council confirmed that the appeal site was not a valued landscape for the purposes of paragraph 109 of the Framework. I also note that the Council’s Landscape Officer does not object to the proposal.

15. The Council’s Landscape Sensitivity Study 2015 was submitted to me at the Hearing by the appellant (doc 4). This was commissioned by the Council to assess the sensitivity of the landscape surrounding settlements for housing development as part of the production of the emerging new Local Plan. This study concludes that the majority of land around Hulland Ward is of high landscape sensitivity due to the topography of the area which affords long distance views of the surrounding landscape. However it specifically highlights land to the west of the village, which includes the appeal site, as having medium sensitivity due to its ‘semi-enclosure by tree belts and hedgerows and the presence of development on higher topography above’. In addition the appeal is supported by a Landscape and Visual Report 2015 submitted by the appellant, which concludes that the appeal proposals would be acceptable in landscape and visual terms.

16. On my site visit I viewed the appeal site from a number of public vantage points within the area, including a new caravan/campsite to the east. Whilst I saw for myself the generally open nature of the landscape surrounding the village, I saw that views of the appeal site from the west and north were restricted to some degree by the hedgerows and trees which form natural screening along its boundary and by other intervening vegetation on adjacent land. I also saw that views of the site from the east were limited due to the extent of existing village development. Overall I saw that the adjacent urban form of the village dominates views of the site including the houses at Biggin View which are particularly prominent on the skyline above the appeal site.

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2 Appeal Refs: APP/P1045/A/14/2218952, APP/P1045/A/13/2195546, APP/P1045/A/14/2226401 and APP/P1045/A/14/2227116
17. Nevertheless I acknowledge that the proposal would clearly introduce urban development on to what is currently a site of rural character which locally would inevitably cause some adverse impact to the character and appearance of the area. However taking account of such factors as the site’s location adjacent to and lower than existing development, the proposed retention of landscape features and the provision of additional planting and public open space within the site, I consider that the visual impact of the development would be limited when viewed in the context of the wider landscape setting. I also consider that in terms of scale, the proposal would be seen as a proportionate extension to the present built up area. Whilst concerns have been raised about the density of the development and the heights of the proposed houses, these would be considered at the reserved matters stage. Therefore overall I conclude that the harm to the character and appearance of the surrounding area would be limited.

18. The site is within close proximity to a range of local services and facilities including a primary school, medical centre, village hall, general store, two public houses, a recreation ground and a children’s playground. I also note that the nearest bus stops on the A517 are located around 150 metres from the site entrance, providing access to further services and facilities in Ashbourne, Derby and Belper which would reduce dependence on the private car. Furthermore it is not part of the Council’s case that Hulland Ward is an unsustainable location for development. The Highway Authority also does not object to the proposal on sustainable transport grounds. On this basis I consider the appeal site is within a sustainable location.

19. Concerns have also been raised about the impact of the development on highway safety in relation to the additional traffic that would be created and the narrow, sloping and single point of entry and exit from the site. I was told at the Hearing that during the winter the existing roads are prone to severe ice and become dangerous to drive on as they are not salted or cleared. I was also told that the narrowness of the access would be of concern for emergency vehicles. Whilst I recognise these concerns, there is no substantive evidence before me to support the view that the proposal would cause demonstrable harm to highway safety or would result in a severe impact on the existing highway network. Furthermore I note that the Highway Authority does not object to the proposal and I have no reason to disagree with this view.

20. I accept that during the construction period there would be an increase in traffic locally due to the construction works, but this would be temporary and I am satisfied that such traffic could be adequately managed through the imposition of a suitable construction management statement condition.

21. Reference has also been made by interested parties to the effect of the development on a number of listed buildings within the area. Both main parties agree that the considerable distances between the appeal site and these heritage assets mean that the proposal would not have any significant effect on their settings. Based on the evidence before me I have no reason to disagree with this view.

22. I have taken account of other environmental concerns raised by local residents including those related to the sewage works, flooding and the findings of the drainage survey carried out by the Hulland Ward Village Committee. However I note that the statutory agencies and the Council do not object to the proposal.
on these grounds. As such, whilst I acknowledge the concerns of local residents I have no reason to consider that foul and surface water drainage could not be adequately provided through the imposition of a suitably worded condition as suggested by the Environment Agency. I also have no evidence that wildlife would be adversely affected by the proposal and note that the local Wildlife Trust does not object to the development.

23. I conclude therefore that in terms of environmental matters, whilst I have identified some harm to character and appearance at a local level, in terms of the impact from the development on the wider landscape I consider this would be minimal. Overall taking all the above factors into account I consider that the harm I have identified has limited weight.

Social role

24. The Framework aims to boost significantly the supply of housing and there is no dispute that the Council does not have a 5YHLS. Consequently the contribution that up to 48 dwellings would make to the housing supply for the District therefore weighs substantially in support of this appeal.

25. In addition whilst it was agreed at the Hearing that there is an identified need for affordable housing within the District, the Council indicated that within Hulland Ward it was not needed to the level proposed by the development. I was informed therefore that this element of the proposal should be given lesser weight. In contrast I heard from some local residents who stated that more affordable housing was needed in the village rather than market housing, as some residents had found it difficult to sell their homes. The evidence before me suggests that the Council has requested 8 affordable houses are provided within the site, with the remainder to be delivered elsewhere within the District through a financial contribution. As the need for affordable housing has been clearly demonstrated and a mechanism appears to be in place to deliver it where it is needed I see no reason why affordable housing should be given lesser weight. Consequently this factor weighs significantly in favour of the proposal.

26. Local residents have suggested that smaller developments spread throughout the village would be more appropriate over a longer timeframe to encourage integration of the new residents into the community and would place less pressure on existing services. Whilst I acknowledge these concerns, no evidence of the availability of other such development sites within the village has been provided to me. In any case I must consider this appeal on its own planning merits. I also consider that the future occupiers of the development would be likely to support and help sustain the provision of existing services and facilities.

27. A number of local residents also consider that there would be harm to their living conditions from noise and loss of outlook, privacy and light. Whilst I acknowledge that the outlook from some properties would change, the proposals are in outline and although layout, appearance and landscaping are reserved matters, in my judgement I see no reason why adequate landscaping and separation distances between properties could not be achieved to avoid undue harm to living conditions in relation to these matters.

28. Concerns have also been raised about the loss of a community asset as the appeal site is used for sledging during the winter. However the land is private
property and whether this use has established any rights is a matter that does not form part of the planning merits of the case.

29. Overall, taking all the above in to account I consider that the social benefits of the development would weigh significantly in support of the proposal.

Economic role

30. I recognise that the development would be likely to boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period. I also acknowledge that the future occupants of the development would be likely to support businesses within the village and local area. I consider such economic benefits would weigh moderately in support of the appeal.

31. At the Hearing concerns were raised that the harm to the landscape would have an adverse impact on the important tourism industry in the area. However I have already established that there would be limited visual impact on the landscape and furthermore I have no substantive evidence to demonstrate that the proposal would result in adverse harm to local tourism businesses.

Section 106 agreement

32. A completed and signed certified copy of a S106 planning obligations agreement between Clowes Developments (UK) Ltd, Derbyshire Dales District Council and Derbyshire County Council dated 12 January 2016 was submitted to me at the Hearing (doc 3). This includes the provision of 45% affordable housing to include a proportion of on site provision and a financial contribution towards off site provision. It also includes contributions towards the provision of primary education at the Hulland Ward C E Primary School and an open space scheme. The S106 agreement sets out the specific details of what the different contributions would actually provide including the formula for calculating the education contribution.

33. LP Policy CS8 requires that where a development proposal generates a need for community infrastructure it should be secured through a Section 106 agreement. LP Policy L6 requires the provision of appropriate levels of open space on residential development sites of 0.4 hectares or more.

34. Concerning the education contribution, I have no reason to question that the local primary school is projected to be almost full in the near future and so consider the contribution towards the provision of additional pupil places is appropriate and would be in accordance with LP Policy CS8.

35. As regards open space, the appellant proposes the provision and management of open space within the site for use of the future occupiers of the development and other local residents. As such this would be in accordance with LP Policy L6.

36. Whilst the LP states that most residential development within settlement boundaries should provide 33% affordable housing in accordance with LP Policy H11, the Council confirmed at the Hearing that there is no such percentage provision set out within LP Policy H12 for such development outside settlement boundaries. The Council instead refers to the emerging new Derbyshire Dales
Local Plan which states that 45% affordable housing would be required on such sites.

37. I note that whilst this requirement has not yet been examined the Council considers that this level of provision is based on the most recent housing evidence, which has been produced to support the emerging Local Plan. The appellant confirmed at the Hearing that they were in agreement with this level of provision and have included it within the S106 agreement. As I have no substantive evidence to the contrary, I have no reason to disagree with this level of provision.

38. I note that the request from NHS England for a financial contribution towards local healthcare is not supported by the Council and has not been included in the S106 agreement. Based on the evidence before me I have no reason to disagree with this view.

39. I therefore conclude that the obligations set out within the S106 agreement are necessary to make the development acceptable in planning terms, are directly related to the proposal and are fairly and reasonably related in scale and kind to the development proposed, which satisfies the tests in the Framework and Regulation 122 of the Community Infrastructure Levy 2010.

Planning balance

40. Whilst I have found that there would be some adverse impact to the character and appearance of the surrounding area, I have concluded that this would be limited. I have found that the development would be within a sustainable location and other environmental matters raised would not weigh against the proposal. The Council accepts that it is unable to demonstrate a 5YHLS and as relevant policies for the supply of housing are out of date the presumption in favour of sustainable development applies. The provision of up to 48 dwellings including a significant number of affordable houses weighs substantially in support of the proposal. Other social and economic benefits also carry significant and moderate weight respectively in the appeal’s favour.

41. Consequently in accordance with paragraph 14 of the Framework I conclude that the adverse impacts highlighted would not significantly or demonstrably outweigh the benefits of the development.

Conditions

42. I have considered the conditions suggested by the Council in the light of the advice given in the Planning Practice Guidance (PPG). As such I do not impose all of them, combine some and amend the wording of others, in the interests of precision and enforceability. I am satisfied that the conditions set out in my decision meet the tests within the PPG.

43. Conditions on setting reasonable time limits and the provision of details on reserved matters are necessary as the application made is for outline permission.

44. Whilst layout is a reserved matter, in the interests of highway safety I impose conditions on internal layout design and bin storage. In addition conditions on vehicle parking spaces, manoeuvring and visibility splays for driveway access points are also attached to ensure highway safety. As agreed by both main parties at the Hearing I do not attach a condition that removes permitted
development rights regarding garages and parking spaces nor impose restrictions on driveway gradients at this time, as these are not essential for the development to proceed.

45. To prevent increased risk of flooding, protect water quality and ensure the future maintenance of the sustainable drainage structures, I impose a condition on foul and surface water drainage. However I do not find it necessary to include a separate condition on the disposal of highway surface water drainage and therefore do not impose this.

46. Two land contamination conditions have been suggested by the Council. As there is no evidence before me that there is contamination within the site I do not impose the condition requiring site investigation, risk assessment and the submission of a remediation scheme. However I do include the precautionary condition should any unforeseen contamination be identified during development, in order to ensure that there would acceptable living conditions for neighbouring residents and future occupiers of the dwellings.

47. A condition requiring a Construction Method Statement is imposed in the interests of highway safety and the living conditions of neighbouring residents. I also attach conditions requiring archaeological site investigations to safeguard the identification and recording of features of historic interest.

48. Whilst landscaping is a reserved matter, I attach conditions to ensure the protection of existing trees and hedges within the site. I also impose a condition to protect wildlife and their habitats through the retention of trees, hedges and shrubs during the bird nesting season.

Conclusion

49. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y Wright
INSPECTOR

SCHEDULE OF CONDITIONS

1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

3) Details of the access (save for the point of access to the site off Wheeldon Way as referred to as ‘Street 01’ on drawing EMS.2094_005 D), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
4) Notwithstanding the submitted information, any subsequent reserved matters in accordance with condition 3 shall include design of the internal layout of the site in accordance with the guidance contained within Derbyshire County Council’s 6C’s design guide and the Manual for Streets document issued by the Departments for Transport and Communities and Local Government.

5) The scheme to be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 4 above shall provide for bin stores within private land to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary, causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate to and shall be retained free from any impediment to their designated use thereafter.

6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
   i) the parking of vehicles of site operatives and visitors
   ii) loading and unloading of plant and materials and turning of vehicles
   iii) storage of plant and materials used in constructing the development and site accommodation
   iv) the erection and maintenance of security hoarding
   v) wheel washing facilities
   vi) measures to control the emission of dust and dirt during construction
   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
   viii) routes for construction traffic.

7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
   i) Surface water drainage system/s to be designed in accordance with CIRIA C697 and C687, or the National SUDs Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.
   ii) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm, ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
iii) Provision of surface water run-off attenuation storage in accordance with the requirements specified in ‘Science Report SC030219 Rainfall Management for Developments’.

iv) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the design system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

v) Details of how the on-site surface water drainage systems shall be maintained and managed after completion, and for the lifetime of the development, to ensure long term operation to design parameters.

8) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9) a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

   b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

   c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction has been submitted to and approved in writing by the local planning authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the prior written consent of the local planning authority.

   d) In this condition ‘retained tree’ means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the last property is occupied.

10) No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests.
immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and acknowledged in writing by the local planning authority.

11) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the local planning authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

a. The programme and methodology of site investigation and recording

b. The programme for post investigation assessment

c. Provision to be made for analysis of the site investigation and recording

d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

The initial trial trenching phase shall have taken place, and the report submitted to the local planning authority, before the submission of any further application with details of layout. The development shall be carried out in accordance with the archaeological Written Scheme of Investigation.

12) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 12 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

13) Prior to the occupation of each dwelling, the proposed estate roads between that dwelling and the existing public highway shall be laid out in accordance with the approved scheme, or as subsequently revised and approved in writing by the local planning authority, constructed to base level, drained and lit in accordance with Derbyshire County Council’s specification for new housing development roads.

14) No dwelling shall be occupied until space has been provided within the site for the parking and manouevring of residents and visitors vehicles associated with that dwelling, laid out in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. The parking spaces and manouevring areas shall be retained throughout the life of the development for those purposes.

15) Private driveways/parking spaces to the proposed estate streets, the subject of Condition 4 above, shall not be taken into use until 2m x 2m x 45 degree pedestrian inter-visibility splays have been provided on either
side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.5m in height relative to footway level.

APPEARANCES

FOR THE APPELLANT:

Mr G Lees Pegasus Group (Director) – Appellant agent
Mr J Atkin Pegasus Group, Landscape Architect
Miss J Althorpe Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Cllr R Bright Derbyshire Dales District Council
Mr B Wilson Barrister, Derbyshire Dales District Council
Mr J Bradbury Development Manager, Derbyshire Dales District Council

INTERESTED PARTIES:

Mr M Baxter Biggin Parish Meeting (Chair)
Mr W Ward Local resident and member of Hulland Ward Village Committee
Mr M Wise Local resident and member of Hulland Ward Village Committee
Ms W Whitbread Local resident and member of Hulland Ward Village Committee
Mr M Hayworth Local resident and member of Hulland Ward Village Committee
Mr B Potts Hulland Ward Parish Council (Chair)

DOCUMENTS SUBMITTED AT THE HEARING:

1 Copies of Derbyshire Dales District Council’s notification letters for the appeal and Hearing
2 Copy of statement made by Hulland Ward Village Committee, Hulland Ward Parish Council and Bigin by Hulland Parish Meeting
3 Signed Section 106 Agreement dated 12 January 2016
4 Derbyshire Dales District Council Landscape Sensitivity Study 2015
5 Copy of agenda and item nos 4 and 5 for the Local Plan Advisory Committee for 12 January 2016 – Derbyshire Dales Local Plan – Key issues consultation and housing target 2013-2033

6 Copy of agenda and item no 5 for the Local Plan Advisory Committee for 18 January 2016 – Derbyshire Dales Local Plan – Allocation of sites for residential development 2013-2033 (Southern area)
Appeal Decisions

Site visit made on 2 February 2016

by Phil Grainger BA(Hons) MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2016

Appeal A Ref: APP/P1045/C/15/3132517
land at Sleepy Hollow Farm, Hopton Lane, Wirksworth, Derbyshire DE4 4DF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Kate Cundy against an enforcement notice issued by Derbyshire Dales District Council.
- The notice was issued on 6 July 2015.
- The breach of planning control as alleged in the notice is:
  within the area shown hatched in blue on the plan attached to the notice, the erection of a timber built mess room, office, washroom, storage and livestock building.
- The requirements of the notice are:
  1. cease any human habitation on this site;
  2. permanently remove the timber built mess room, office, wash room, storage and livestock building from this site (shown in red on the plan attached to the notice) and restore the land to its authorised use as agricultural land.
- The period for compliance with the requirements is 90 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is dismissed and the enforcement notice is upheld with variations.

Appeal B Ref: APP/P1045/W/15/3132520
Sleepy Hollow Farm, Hopton Lane, Wirksworth, Derbyshire DE4 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Kate Cundy against the decision of Derbyshire Dales District Council.
- The application ref: 15/00249/FUL, dated 6 April 2015, was refused by notice dated 9 June 2015.
- The development proposed is a cabin for agricultural use (mess room, office, washroom, storage and livestock).

Summary of Decision: the appeal is dismissed.

Main Issues
1. In respect of Appeal A these are:
   i. whether the cabin constitutes a building for planning purposes and taking this into account whether there has been a breach of planning control;
   ii. if planning permission is required, the effect that the cabin has on the character and appearance of this rural area and, having regard to local and national policies on development in the countryside, whether there is an agricultural need for it that is sufficient to outweigh any harm; and,
   iii. if the other grounds of appeal fail, whether the requirements of the notice are excessive and/or the time allowed for complying with them is inadequate.
2. Only issue (ii) is relevant for Appeal B.

**Inspector’s Reasoning**

3. The appellant considers that what was described in the planning application that has given rise to Appeal B as a ‘cabin’ is a chattel rather than a building and that its installation on the site did not constitute operational development. Indeed, the supporting statement to that application stated that it was made ‘without prejudice’ as it was felt that the cabin was neither operational development nor a change of use.

4. The Council have not addressed this point in their statement. However, prior to the site visit I alerted the parties to the potential need to consider whether the cabin fell within the definition of a caravan and at the visit it was confirmed that it was within the dimensions allowed for a twin-unit caravan. In addition, the appellant’s grounds of appeal indicate that the cabin was fabricated off site and assembled on site from two halves; also that it is capable of being lifted onto and away from the site (presumably without disassembly, although the appellant does not actually say so). Moreover, although it seems that some further works, such as roof cladding, may also have been carried out on site, it has been held that if something is a caravan when it is brought onto a site it will require very substantial works to make it no longer a caravan.

5. On this basis, there could be an argument for regarding the cabin as a caravan. However, that is not what the appellant has sought to argue. Furthermore, a ‘caravan’ is defined as a structure designed or adapted for human habitation. The appellant has argued very strongly that the cabin is not designed or intended for human habitation and has never been used in that way. Taking this into account, I conclude that as a matter of fact and degree the cabin, whilst it appears to be within the permitted size limits, does not constitute a caravan for planning purposes.

6. This is significant as, although caravans are generally not regarded as buildings for planning purposes, most other large structures are. The appellant has referred to the established tests of size, permanence and attachment to the land. In terms of size the cabin is clearly large enough to be regarded as a building - it is stated to be about 18.6m long, 6.5m wide and 3.1m to the ridge and is divided into at least 5 distinct rooms or areas.

7. Moreover, the cabin seems intended to be a permanent feature of the site. The uses for which it is said to be required are not temporary ones – they will continue to exist for so long as the land is used in its present manner. On that basis the cabin will need to remain unless it is replaced by some other facility. It would be an ever present feature of the site for the foreseeable future that had an ongoing and permanent effect on the character of the land. I note that in *Skerritts of Nottingham*¹, to which the appellant has referred, such an effect was held to have occurred even though the marquee was removed for several months each year. In the present case the cabin would remain on the site at all times potentially for many years.

8. I have taken into account that the cabin itself does not appear to be physically attached to the ground in any way, although the stilts on which it rests are set into the ground. Nevertheless, its size and weight suggest that it could only be moved using specialised equipment. Furthermore, the installation of the stilts,

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¹ *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No.2) [2002] 2 PLR 102*
which in itself would arguably have been operational development, suggests that there is no intention of moving the cabin around on the site, whilst the appellant’s arguments imply that she considers there to be a permanent need for it.

9. Taking all this into account I conclude that the cabin constitutes a building for planning purposes. Moreover, even if the joining together of two halves of a prefabricated structure may not always constitute ‘building operations’, it is hard to see how works that, as here, have resulted in what is, as a matter of fact and degree, a building can be anything other than building operations. (And if they were not they would be caught by the ‘or other operations’ element of the definition.) I conclude that the works involved in establishing the cabin on the land amounted to development requiring planning permission. As such permission has been refused there has therefore been a breach of planning control. The ground (c) appeal must therefore fail.

10. Turning to the **second main issue**, and whether planning permission should be granted, the cabin has wooden walls and a profiled metal-clad roof. These materials reflect those used on the much larger adjoining barn that has recently been erected on the site following a ‘prior approval’ application. I have also noted the appellant’s examples of wooden buildings said to have been erected for agricultural purposes in other parts of the country.

11. That said, the proliferation and form of the windows and other openings in the north elevation of the cabin gives it a rather domestic appearance that is generally lacking in those other buildings. Moreover, as noted above, the cabin is the size of a twin-unit caravan. Accordingly it has a somewhat residential appearance that is inappropriate and intrusive in this rural location. Furthermore, this is clearly visible from the public footpath that crosses the appellant’s land. In addition, although the cabin is close to the recently constructed barn, when viewed from the footpath it noticeably extends the built up area of the site, as the appellant’s photograph helps to show.

12. I have taken into account that the footpath does not appear to be part of a wider network, but I have no information regarding how much it is actually used. Furthermore, without the planting to the south and west, which includes many somewhat alien-looking conifers, the building would be more widely visible. I have no reason to expect that this planting will be removed but that is a matter entirely within the control of the appellant (and her partner) and, whilst apparently healthy, the trees will not live for ever. In any event, a proliferation of development in the countryside could quickly detract from its unspoilt character even if it is not widely visible.

13. I conclude that the cabin does not represent good design, well-suited to its context which the National Planning Policy Framework (the NPPF) indicates is a key aspect of sustainable development. The use of different cladding, colours or additional screening would not alter this. As for development plan policy, the Derbyshire Dales Local Plan pre-dates the NPPF and Policy SF4 ‘Development in the Countryside’ is arguably more restrictive in its approach than the NPPF which, at paragraph 28, seeks to promote a strong rural economy. This could reduce the significance of a conflict with Policy SF4.

14. Nevertheless, the NPPF indicates that recognising the intrinsic character and beauty of the countryside is a core planning principle. It also advises that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued
landscapes. The environs of the appeal site are not within the National Park and are not, as far as I am aware, the subject of any special designation. Nevertheless it is an attractive rural landscape in what most people would regard as the Peak District. Whilst there is quarrying in the wider area it does not seriously impinge on the appeal site and any past activity on the site itself is no longer obvious.

15. Taking all this into account I conclude that the cabin, which detracts from the character and appearance of its rural surroundings, is contrary to important elements of both development plan policy and the NPPF. These are serious objections to it. Nevertheless, it is necessary to consider whether this harm is outweighed by any other factors, such as agricultural or other need and/or any contribution that the development makes to the rural economy. These are also important elements of both local and national planning policy.

16. I have had particular regard to Local Plan Policy EDT13, ‘Buildings associated with agriculture, forestry or other rural based enterprise’. This starts with the positive statement that planning permission will be granted for such buildings but then sets out a number of criteria that must be satisfied.

17. Firstly the policy indicates that the building must be required to support the agricultural or other rural based enterprise on the site [my emphasis]. My understanding is that the land owned by the appellant (and her partner) on this site amounts to no more than 8.09ha and that it is used for grazing sheep. The additional areas rented by the appellant elsewhere would, strictly, not count for the purposes of this policy and animals on them would not necessarily be well served by the cabin. Moreover, the continued availability of these areas may be less certain than land that the appellant and her partner actually own. In any event these areas are still relatively modest in their extent and it is not clear that even if they are taken into account they would provide a clear need and justification for the appeal building.

18. That is especially so as another, much larger, building (the barn) has recently been erected on the holding. This building in itself seems of a size that would normally be considered commensurate with and capable of providing for the needs of a modest holding of the nature of this one. In fact, part of the reason why this building is the size that it is seems to be that it is used to accommodate vehicles and equipment that the appellant’s partner uses in connection with their agricultural contracting business. The need to accommodate some of this machinery also explains why, despite its height, the barn is not intended to have upper floors throughout. The contracting work is, presumably, carried out elsewhere, not on this site.

19. In fact, at the time of my visit, the upper floors of the barn shown on the appellant’s drawings had yet to be formed. Despite this, and although some outside storage was occurring, the barn did not appear to be used as intensively as it could be.

20. The cabin also appears to be far from fully used at the present time. The substantial area indicated as being for animal welfare does not seem to have been used by any animals to date (and the external doors leading to this area which would facilitate use by animals have yet to be formed). Although that may be a reflection of lambing not having started yet, other areas also appear to have been little used for the indicated purposes. The room designated on the appellant’s plan as ‘medicines, tools and equipment’ was relatively empty. In particular, the medicines occupied only a very small area. The ‘office’ also was
21. Other areas and facilities seem to be generous for a holding of this size. In particular, according to the appellant’s measurements the ‘mess area’ has a footprint of about 37m². Moreover, it contains a sofa and arm chairs; a dining table with 6 chairs; a dresser; and a kitchen area with sink and cooker. In addition, the ‘wash area’ contains what appears to be a full size bath². The overall impression given is that the cabin has not been fully used as yet and that the provision that has been made within it has prioritised the comfort of the appellants rather than the welfare of animals.

22. Taking all this into account, I conclude that neither the appellant’s written submissions nor the existing nature and level of its use indicate that a building of the size and form of that which has been provided is currently required or will obviously be needed in the near future. That is especially so given the existence of the nearby barn and the apparent scope for providing additional floorspace and facilities within it. In forming that view I have taken into account the need for secure storage.

23. I conclude that the appellant has not demonstrated that the appeal building is required to support her and her partner’s business activities, especially those that take place on this site. Moreover, since the refusal of permission and the issuing of the notice it must have been clear that the ‘need’ for the cabin was an issue that had to be addressed. I have therefore considered the appeals on the basis that the appellant has now put forward the full justification. On that basis I consider that the cabin conflicts with criteria (a) and (b) of Local Plan Policy EDT13. As for criterion (c), the design of the cabin seems as much residential as agricultural whilst, given my earlier comments, there is also conflict with criteria (d), relating to landscape impact.

24. I have had regard to the encouragement given by the NPPF to supporting thriving rural communities and promoting economic growth in rural areas. The NPPF post-dates the Local Plan and could be seen as more positive in respect of development in rural areas. However, given my conclusions in respect of the need for it, I consider that any contribution that the cabin makes to the rural economy is very limited.

25. In any event, the NPPF also seeks to ensure good design, to recognise the intrinsic character of the countryside and to protect valued landscapes. In my view the cabin conflicts with all these aims. Moreover, it does so to an extent that appears unnecessary and has not been clearly justified on the basis either of the appellant’s (and her partner’s) activities on this site or their wider enterprise. I conclude that the cabin is contrary not only to development plan policy but also the arguably more generous policy set out in the NPPF.

26. No other factors that have been drawn to my attention are sufficient to outweigh the harm caused to the rural environment and the conflict with local and national policy. I do not doubt that the appellant and her partner have invested considerable time and money in improving the land and business and that they have a genuine intention to continue to expand and diversify. Also that the cabin is intended to be eco-friendly. However, none of this overcomes the concerns I have identified earlier and justifies a building of the existing size and form. Any deficiencies in the manner in which the Council have dealt with

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² At the site visit, the appellant wished to explain the presence of a bath, but this was not possible in an appeal proceeding by the written method. In any event, I do not consider this in itself to be a decisive factor.
the application and appeals cannot alter this. I therefore conclude that planning permission should not be granted. Accordingly Appeal B and the ground (a) element of Appeal A both fail.

27. It is therefore necessary to consider, in respect of Appeal A, whether the steps specified in the notice are excessive and whether the time allowed for complying with them is adequate. Looking first at the appeal under ground (f), I note that the allegation does not make reference to a residential use (or suggest that a material change of use has occurred). In these circumstances I have some sympathy for the appellant’s view that a requirement to cease any human habitation is excessive. I am therefore minded to allow the ground (f) appeal to this extent, especially as such a requirement would be unnecessary if step 2, the removal of the building, is confirmed.

28. Moving on to that requirement, I do not share the appellant’s view that permanently removing the building would make it impossible to grow and diversify the enterprise as encouraged by the NPPF. Even if all the activities for which it is said to be required could not be accommodated in the barn it seems to me that any that could not, and are truly essential, could be provided for within a much smaller structure. This should be less harmful to the rural environment, especially if it had a less domestic appearance and/or could be physically attached to the barn.

29. I cannot make this a requirement of the notice, but I shall allow the appeal under ground (g) to allow further time for the possible need for, and approval of, a smaller and more appropriate structure to be explored. I am also minded to vary the requirement to restore the land to ‘its authorised use as agricultural land’ and to substitute ‘to its condition before the unauthorised development took place’ which would be more in accordance with the legislation.

30. I therefore conclude as follows. For the reasons given above Appeal A should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application. As for Appeal B, for the reasons given above I conclude that it should also be dismissed.

Decisions

Appeal A Ref: APP/P1045/C/15/3132517

31. I direct that the enforcement notice be varied by, in section 5:
   the deletion of 5.1;
   in 5.2 delete all after ‘restore the land’ and replace with ‘to its condition before the unauthorised development took place’; and
   after ‘Time for compliance:’ delete ‘90 days’ and replace with ‘180 days’.

32. Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/P1045/W/15/3132520

33. The appeal is dismissed.

P Grainger
INSPECTOR
Appeal Decision
Hearing held on 9 February 2016
Site visit made on 9 February 2016
by Mike Hayden  BSc DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th February 2016

Appeal Ref: APP/P1045/W/15/3132139
Knab Hall Bungalow, Knabhall Lane, Tansley, Derbyshire DE4 5FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs P.M. Hopkinson against the decision of Derbyshire Dales District Council.
- The application Ref 14/00871/VCOND, dated 1 December 2014, was refused by notice dated 10 February 2015.
- The application sought planning permission for erection of dwelling without complying with a condition attached to planning permission Ref WED/777/414, dated 19 September 1977.
- The condition in dispute is No 3 which states that: The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town and Country Act, 1971 or in forestry (including any dependents of such a person residing with him) or a widow or widower of such a person.
- The reason given for the condition is: The site is within an area where the erection of a dwelling for any other purpose would be unacceptable.

Decision

1. The appeal is allowed and planning permission is granted for the dwelling at Knab Hall Bungalow, Knabhall Lane, Tansley, Derbyshire DE4 5FS in accordance with the application Ref 14/00871/VCOND, dated 1 December 2014, without compliance with condition number 3 previously imposed on planning permission Ref WED/777/414, dated 19 September 1977 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Procedural Matter

2. I recognise that the appellant seeks retention of the dwelling at the appeal site without the agricultural occupancy condition. However, retention as referred to in the Council’s decision notice does not constitute an act of development. Therefore, I have dealt with the appeal on the basis that planning permission is being sought for the dwelling as built but without the disputed condition.

Main Issue

3. The main issue in this appeal is whether or not the agricultural occupancy condition is reasonable and necessary having regard to national planning policy for housing in rural areas and the need for rural workers accommodation in the locality.
Reasons

4. The appeal property comprises a 3-bedroomed bungalow on a plot of approximately 0.8 hectares of land, which was formerly a nursery, now comprising gardens, outbuildings and polytunnel structures. It is located in the open countryside, at the junction of Knabhall Lane and Red Hill, approximately 1.3 kilometres from the village of Tansley and 4 kilometres from Matlock.

5. The bungalow was permitted in 1977 for occupation by the appellant’s family to operate the former nursery business on site. Paragraph 55 of the National Planning Policy Framework, which reflects the planning policy framework relevant at that time, permits isolated homes in the countryside in special circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work. The appeal dwelling was permitted on this basis with a condition limiting occupancy to rural workers employed in agriculture or forestry in the locality.

6. Since the dwelling was permitted and built, there have been changes in the scale and character of agriculture locally affecting the former nursery business on the appeal site. In particular, I noted that there are two large nurseries on Red Hill within the immediate vicinity. The appellant has confirmed that the former nursery was not of sufficient scale to remain a viable business in its own right and ceased operating some 7 years ago.

7. Although the dwelling is no longer required for the operation of the nursery business on site, it was permitted to meet the essential needs of rural workers employed within the locality. Whilst paragraph 55 of the Framework seeks to avoid new isolated homes in the countryside, it is implicit in applying the first bullet point of the paragraph, that if a dwelling is permitted in the special circumstances that it is required to meet the essential needs of rural workers in a particular locality, it is reasonable and necessary to ensure the dwelling is kept available to meet any such needs as long as they exist. If not the dwelling would fail to meet the purpose for which it was permitted as an exception to national policy limiting development in rural areas.

8. On this basis, it is relevant to consider whether there remains a need locally for rural workers’ accommodation that the appeal property could reasonably fulfil. The Council does not have an up to date assessment of the demand for rural occupational dwellings in the area. Whilst the number of planning applications for agricultural workers dwellings received by the Council since 2005 suggests an ongoing demand for rural workers accommodation in the district, many of these were within the south of the district beyond the immediate locality of the appeal site. Moreover, only 13 proposals represented unfulfilled demand in the form of refused applications and of these only 4 have been in the Matlock area, within the vicinity of the appeal site. The appellant states that two of those four, at Woodside Farm in Darley Dale, were requirements for dwellings to support the care of livestock on site, which the appeal site would be unable to fulfil. The other two refused applications were 3 and 5 years ago at Tansley in 2012 and Matlock in 2010.

9. My attention was also drawn to Overbrook Farm in Hulland Ward, where there has been a demand for rural worker’s dwellings associated with an intensive poultry farming unit. However, Hulland Ward is some 25 kilometres from the appeal site, too far for it to meet the operational needs of that unit. Overall the evidence available does not appear to demonstrate an unfulfilled demand for rural worker’s accommodation in the locality of the appeal site.
10. The appeal property has been on the market for sale periodically since 2005 and consistently since 2010, but it has to date failed to sell. It has been advertised in the Farmers Guardian, within local newspapers and on well-known property websites. The sales particulars show it has been advertised with an agricultural occupancy restriction. Whilst the initial asking price was set at £495,000, since 2015 this has been adjusted down to £395,000, with an offer of £350,000 accepted, for which the sale subsequently fell through due to the circumstances of the buyer.

11. I have considered whether the asking price for the property fairly reflects the agricultural occupancy restriction. The appellant’s agent advises that without an occupancy restriction the open market value for the property would be £450,000. Details of other unrestricted 3-bedroom bungalows within the same post code provided by both parties suggest that this is a reasonable open market value for a 3-bedroom bungalow in the countryside, with 0.8 hectares of land. The agent estimates the value of the property with the occupancy restriction to be in the region of £350,000, which represents a 22% discount off the open market value and equates to the value at which an offer was received. I note discounts of 30% referred to in other appeal decisions, but there is no set percentage and it must be dependent on the circumstances of each case. Based on the evidence before me, given the plot size and location of the property, an asking price of £395,000 for the property with an occupancy restriction does not seem unreasonable and it is evident that the appellant has been flexible on this price.

12. I recognise that at that price the property would be likely to be unaffordable for a family on an agricultural or forestry worker’s salary. However, I am also mindful that a property with this amount of land is unlikely to suit most agricultural or forestry workers. It has been suggested that the property may suit a retired farmer seeking a property with land or that some of the land could be split off for separate grazing or other uses. However, there is little evidence of interest from retired agricultural workers and it is doubtful that the plot is large enough to provide a viable unit for grazing or other rural uses.

13. On the evidence before me, I find that the agricultural occupancy condition no longer serves a useful purpose for the appeal site or the locality. The plot is not large enough to support a viable horticultural, agricultural or forestry business. There is limited evidence of need in the locality of the appeal site for rural workers accommodation or that the appeal property would be suited to meeting those needs. On this basis, I conclude that the agricultural occupancy condition is no longer reasonable or necessary having regard to the changed circumstances of the site, the need for rural workers accommodation in the locality and the objectives of national planning policy for housing in rural areas.

**Conclusion**

14. For the reasons given above I conclude that the appeal should succeed. I have granted a new planning permission without the disputed condition but retaining the relevant non-disputed conditions from the previous permission.

*M Hayden*

INSPECTOR
APPEARANCES

FOR THE APPELLANT:

John Church FRTPi Agent John Church Planning Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Gareth Griffiths MRTPi Senior Planning Officer Derbyshire Dales District Council
Jon Bradbury Planning Manager Derbyshire Dales District Council

DOCUMENTS

3 – Planning statement on application for agricultural workers dwelling at Overbrook Farm, Hullard Ward – dated June 2012.
4 – Email from John Church with details of nearby property sales particulars on 10 February 2016.
5 – Email from Derbyshire Dales District Council with details of bungalow properties in the area on 10 February 2016.
6 – Email from John Church on the schedule of planning applications on 11 February 2016.
**Appeal Decision**

Hearing held on 8 December 2015  
Site visit made on 8 December 2015

by Louise Nurser  BA (Hons) Dip Up MRTPI  
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

**Appeal Ref: APP/P1045/W/15/3132330**  
Highlands Cottage, Bent Lane, Darley Dale, Derbyshire DE4 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Hunt (Coverland Ltd) against the decision of Derbyshire Dales District Council.
- The application Ref 15/00106/FUL, dated 16/01/2015, was refused by notice dated 29 April 2015.
- The development proposed is erection of 8 no. detached dwelling houses with associated access and landscaping.

**Decision**

1. The appeal is dismissed.

**Procedural Matters**

2. It was confirmed at the Hearing that the reference to an outline application on the title of Block plans IDS/CL/14/058:03 was in error and that the plan related to the full application the subject of the appeal.

3. Following the determination of the application the Council and appellant agreed on a sum of money to offset the need for affordable housing. Accordingly, in the Statement of Common Ground both parties confirmed that reason no 4 is no longer applicable and the Council withdrew its fourth reason for refusal relating to the provision of affordable housing.

4. A signed and dated unilateral undertaking (UU) under S106 of the Planning Act (S106) was submitted during the hearing. This planning obligation related to the payment of monies to provide for offsite affordable housing and the provision of a Management Company to maintain the landscaped areas, the Grade 2 listed wall and the access road. I have referred to the relevance and necessity of the UU later within my decision.

5. The site has been referred to by an interested party as falling within an Area of Outstanding Natural Beauty. This is not the case as confirmed by the Council.

6. I was referred to the emerging Darley Dale Neighbourhood Plan, which I understand is at a very early stage of production. However, the Chair of Darley Dale Town Council attended the Hearing and confirmed that his contributions were consistent with the emerging plan.
7. Both parties were agreed that were I to allow the appeal that a separate listed building consent would be required to undertake the works to the wall.

8. A signed and dated Statement of Common Ground between the Council and the appellant was submitted prior to the Hearing.

9. A previous appeal has been dismissed on the same site\(^1\). However, this differed in that three fewer properties were proposed, it was in outline and that it included two improved vehicular accesses on Bent Lane.

**Main Issues**

10. In light of all that I have read and seen together with the discussions at the Hearing I consider that the main issues of the appeal are whether the proposal would result in a sustainable pattern of development, having regard to access to shops, employment facilities and services; the effect of the proposed development on the character and appearance of the appeal site and surrounding area; and the effect of the development proposed on the special historic and architectural interest of the Grade II listed wall, and its setting.

**Reasons**

11. Both parties agree that the Council cannot demonstrate a 5 year supply of deliverable housing. Paragraph 49 of the National Planning Policy Framework (the Framework) indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, the same paragraph makes clear that relevant policies for the supply of housing should not be considered to be up to date if the Council cannot demonstrate a 5 year supply of deliverable housing.

12. Paragraph 14 of the Framework makes clear that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

**Location of the development**

13. The appeal site lies on a hillside within the Derbyshire Dales. It is not located within a settlement boundary as defined by the Derbyshire Dales Local Plan (adopted 2005) LP. However, saved Policies H4 and SF4 of the LP relate to the control of housing within the countryside and are therefore considered not to be up to date. Whilst they form part of the adopted plan, paragraph 14 of the Framework therefore applies.

14. I note that following the withdrawal of the Pre- Submission draft Derbyshire Dales Local Plan initial work has begun on a replacement plan and that the site is not included within the emerging Plan. However, given the very early stage of the emerging Plan, in line with Paragraph 216 of the Framework I have accorded this little weight, and accord the proposed settlement boundaries set out in the withdrawn plan no weight.

15. Consequently, as limited weight is accorded to the settlement boundaries within the adopted Local Plan and as I can only accord very limited weight to

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\(^1\) APP/P1045/A/13/2195013
the emerging Local Plan I have considered the accessibility of the site on its own merits. The appellant refers to Paragraph 55 of the Framework which states to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. As agreed within the Statement of Common Ground the appeal site is located 100 m from Darley Hillside, and 300 m to the north is Northwood. A range of facilities which could provide for future occupants’ day to day needs, as well as a regular and convenient bus service, to towns such as Matlock and Bakewell, are located on the A6 within Darley Dale, around 1 km away down the hillside. In addition, there is a small business park. Nonetheless, due to the topography of the area which includes considerable inclines, in common with the previous Inspector\(^2\) I conclude that most people would choose to drive, either to local facilities within Darley Dale or beyond. Consequently, the location is not environmentally sustainable and the levels of development proposed would be unlikely to enhance or maintain the vitality of the rural community.

**Character and appearance**

16. The appeal site of around 1.9 hectares is set within an attractive landscape described as a ‘Settled Valley Pastures’ landscape within the Dark Peak Character Area\(^3\). This is a predominantly rural landscape which is characterised by considerable areas of woodland. To the east is the Peak District National Park. The land rises up from Darley Dale in an easterly direction. There are a number of isolated large properties in the immediate area in contrast to the more traditional and suburban housing within the settlement of Darley Dale. I understand that the Council raised no objection to the individual design of the properties, rather considering that the principle of the development was unacceptable.

17. The proposed development is within the former kitchen garden and orchard associated with the neighbouring Stancliffe Hall. This is enclosed by a tall, predominantly blank, gritstone wall which is typical of the estate with over 3.25 km\(^4\) of such walls within the wider area. Consequently, the combination of narrow rural roads, hills, tree cover and tall, solid, imposing boundary walls contributes to the particular character of the area, as well as resulting in limited views into the site. The perimeter wall is a Grade II listed building which I consider in detail below in my report.

18. Within the site, there is a fundamentally different character and appearance. Two attractive, nineteenth century cottages are set within the well- tended, sheltered, terraced and landscaped gardens which include standing remains from its historic past, such as the attractive red brick walling, as well as modern storage buildings. All of which are set at different levels reflecting the rise in the land from west to east. (The eastern boundary is approximately 20 m higher than the boundary to the west and the northern boundary is around 10 m higher than that to the south\(^5\).) As a whole the appeal site has its own particular character, which is akin to mature, well tended parkland.

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\(^2\) APP/P1045/A/13/2195013 Paragraph 11
\(^3\) Landscape Character and Design Supplementary Planning Document Adopted 2007 Derbyshire Dales District Council
\(^4\) Statement of Case- Land at Highland Cottage, Darley Dale, paragraph 6.4
\(^5\) Design and Access Statement Page 5
19. Due to the wooded nature of the surrounding area and the imposing wall I do not consider that the new properties would have a significant impact when viewed from the south and west. Also, I do not consider that views from the public footpath to the north of the site would be adversely affected due to the existing tree cover. However, the increase in the break of wall along Bent Lane together with the change in its alignment which, despite some previous alteration, predominantly follows the route of the narrow lane, would extend the angular length of wall. This would harm the established character of the area and would appear incongruous. In addition, due to the funnel effect of the visibility splays, and the increased width of the opening into the site, pedestrians and passengers in passing vehicles would be able to see into the group of new dwellings. This increase in the built form would contrast with the existing sporadic pattern of development.

20. Conversely, as a consequence of the permitted works to the wall which provided a vehicular access for Highland Cottage it is possible to see the Beeches from within the walled garden. This is a large modern property, albeit with a small stone wall and tall hedge at its front, which contrasts with the character of the landscaped garden. Were the gap in the wall to be made wider this would result in the house becoming more visible.

21. The appellant suggests that the gardens of the individual properties would be laid out to replicate the current nature of the kitchen garden. However, even if it were to be possible, it would be highly unlikely that this could be controlled in the long term. Consequently, the introduction of the detached properties into the former gardens and the division of the site into eight plots, whilst maintaining the existing significant belts of landscaping and retaining walls, would fundamentally alter the appearance of the site and introduce a suburban pocket of development within the rural area. This would be contrary to saved Policies SF5 and H9 of the LP which require developments to be sensitive to the character and appearance of the surrounding area.

Effect on heritage asset

22. The Highway Authority has not objected to the proposed development on the basis that the requisite visibility splays could be conditioned, or the wall could be lowered, to achieve sightlines of 2.3m x 43m in both directions. In addition passing places should be provided under a Section 278 agreement. In line with the previous Inspector\textsuperscript{6}, I agree that such a condition would be necessary. Nonetheless, the appellant has applied for an access which would result in the realignment of 30.8 m of the wall to the north west and 13.2 m of the wall to the south east\textsuperscript{7}. This would result in less of an impact on the Grade 2 listed wall than the requirement set by the Highway Authority. However, even were I to conclude that the appellant was correct and the alignment of the wall along Bent Lane as proposed by the appellant would not result in severe harm to highway safety, I need to consider the impact of the proposal on both the heritage asset of the Grade II wall itself and its setting.

23. The extensive landscaped grounds of the former kitchen gardens of the neighbouring Stancliffe Hall have a clear functional relationship with the Grade II listed stone perimeter wall. The County’s archaeologist requested a detailed

\textsuperscript{6} APP/P1045/A/13/2195013 paragraph 31
\textsuperscript{7} Design and Access Statement – Full Application for 8 no. dwelling houses, Highlands, Darley Dale Page 18 Section 4.
field survey of the surviving garden features to enable an evaluation of their significance to the designated heritage asset, including the wider setting of Stancliffe Hall. This would allow the potential impact of the proposed housing scheme to be considered in the light of appropriate levels of information. I note that the Council did not consider that this was required. However, paragraph 128 of the Framework makes clear that the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The appellant has not provided a specialist report to determine the potential impact of the proposal on the significance of the heritage asset. Therefore, the submitted proposal is contrary to saved Policy NBE 16 of the LP which is consistent with Paragraph 128 of the Framework that the heritage asset be assessed using appropriate expertise.

24. The remnants of the brick walls, terracing and two gardeners’ houses clearly articulate the historic use of the site and are integral to the setting of the Grade II listed wall. From my site visit it was clear to me that due to the changes in levels of the site and the existing established planting on the southern and western sides of the walling together with the trees at the north that the extent of the eastern perimeter walls are particularly significant when viewed from within the site. Not only is the wall very prominent due to its positioning on the lee of the hill above a terrace, the stone construction of the wall is highly visible. In its current form it provides a defined sense of enclosure, separating the less tended landscape beyond the walled garden.

25. The Inspector into the appeal into the Listed Building consent\(^8\) to provide for vehicular access to serve an existing property, referred to the less sensitive nature of the wall along Bent Lane in contrast to the walling which fronts Whitworth Road. However, as he also pointed out\(^9\) the unaltered wall follows the contours of the land and is of a sinuous nature which is an intrinsic element of the design of the wall. At my site visit I was able to see that there is a narrow verge along the length of Bent Lane which adds positively to the rural character of the area. The increase in the length of the wall which would no longer follow the original alignment, and which would extend the angular alignment of the rebuilt wall would harm its character when viewed from the public highway and would be significantly detrimental to the listed structure.

26. The proposed development would result in eight additional houses being built within the grounds which are enclosed by the listed wall. The character and appearance of the former kitchen gardens are intrinsically linked with the listed wall. Therefore, the change in character of the gardens by the introduction of 8 large properties would have a clear impact on the setting of the listed building which I consider would result in substantial harm.

27. It may well be that the stretch of wall along Bent Lane is the least sensitive to change. However, the impact on both the setting of, and the listed building itself would still result in substantial harm to the significance of the designated heritage asset. Paragraph 133 of the Framework requires in such instances consent be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or that the particular circumstances listed in all of the four listed bullet points apply. I have been referred to the social and environmental

\(^8\) APP/P1045/E/05/1175201
\(^9\) Ibid paragraph 7
benefits arising from the scheme of a financial contribution to provide affordable housing, the contribution of 8 houses to the housing supply and the management plan which would ensure the long term maintenance of the wall and areas of significant landscaping set out in the UU. In addition, the provision of passing spaces would provide a benefit as I understood at the Hearing that residents have previously requested them from the Highway Authority.

28. However, whilst the direct contribution to the housing supply and the monies for affordable housing would both result in a significant social benefit, and the provision of passing places would be an environmental benefit, they would not outweigh the substantial harm to the heritage asset. Moreover, at my site visit the walls and gardens appeared to be well maintained. I have been provided with costs of maintaining the gardens, and am aware that this cost is a significant proportion of the rental income from both properties. However, there is no evidence before me that there is any realistic threat to the future maintenance of the heritage asset, or that there would not be a market for such housing with associated large gardens.

29. Consequently, I conclude that the appeal proposal would be contrary to Paragraphs 128 and 133 of the Framework and Policies NBE16 and NBE17 which require that the special character and appearance of listed buildings and their settings are strictly protected.

Other matters

30. In coming to this conclusion, I have been aware of the appeal decision\(^\text{10}\) referred to me at the Hearing where an Inspector did not consider that a site was necessarily unsustainable, even where occupiers would be reliant on the private car for many purposes. However, I note that there were other aspects that weighed in its favour. I have also been made aware of the former Stancliffe Quarry site, which the Council considers to be sustainable, whose similarly listed walling was granted listed building consent to overcome visibility issues.

31. Whilst I do not have the details before me relating to the proposal for outline planning permission for 60 dwellings\(^\text{11}\), which at the time of the Hearing was being considered, I am aware that the circumstances differ in that the site is adjacent to the settlement boundary, is on brownfield land and would provide level access to day-to-day facilities. Irrespective, of this I have determined the appeal before me on the basis of the evidence before me, and on its own merits, and in line with the policies of the Framework and the saved policies of the LP.

32. As a result of the significant change in levels of the site the eight substantial dwellings would be visible when viewed from the Peak District National Park. However, given the distance I have not accorded this significant weight, and as I am dismissing the appeal for other reasons this has not been determinative in my consideration of the appeal.

\(^\text{10}\) APP/P1045/W/15/3014947 Paragraph 16
\(^\text{11}\) 15/00460/OUT
Conclusion

33. The Framework is clear that the specific policies relating to designated heritage assets must be satisfied. As set out above I have concluded that the proposed development would result in substantial harm to the significance of a designated heritage asset, and that the public benefits do not outweigh the harm. Moreover, I have found that the location of the proposed development would not be environmentally sustainable due to future occupiers’ dependence on the private car, and the scheme would result in significant harm to the character and appearance of the appeal site and its surroundings. Therefore, the proposed development would not be sustainable development. Consequently, I conclude that the appeal should be dismissed.

L Nurser

INSPECTOR
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gareth Griffiths  
Senior Planning Officer  
Derbyshire Dales District Council

FOR THE APPELLANT:

Sarah Foster Bsc (Hons), MTPL, MRTPi  
Coverland UK Ltd

Andrew Daly  
Coverland UK Ltd

INTERESTED PERSONS:

John Evans  
Chairman Darley Dale Town Council

Barry Mellor  
Chair Darley Hillside Residents Association

DOCUMENTS SUBMITTED DURING THE HEARING

1  Notification letter dated 10 November 2015
2  Appeal decision APP/P1045/W/15/3014987
3  Executed Unilateral Undertaking dated 8 December 2015
4  Accompanying plans IDS/CL/14/058:01C and IDS/CL/14/068:20
Appeal Decisions

Site visit made on 19 January 2016

by David Richards  B Soc Sci DipTP MRTPI

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

Decision date: 09 February 2016

Appeal A: APP/P1045/W/15/3131542
Land off Park Lane, Two Dales, Matlock, Derbyshire

- 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 Wildgoose Construction Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 15/00034/OUT, dated 8 August 2014, was refused by notice dated 30 June 2015.
- The development proposed is outline application for the residential development.

Decision: Appeal A: APP/P1045/W/15/3131542
1. The appeal is dismissed.

Appeal B: APP/P1045/W/15/3135878
Land off Park Lane, Two Dales, Matlock, Derbyshire

- 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 Wildgoose Construction Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 15/00480/OUT, dated 10 July 2015, was refused by notice dated 10 September 2015.
- The development proposed is outline application for the erection of up to 13 dwellings.

Decision: Appeal B: APP/P1045/W/15/3135878
2. The appeal is dismissed.

Application for costs

3. An application for costs was made by Wildgoose Construction Ltd against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Clarification

4. The Appeal A application was made in outline, with all matters of detail reserved for later consideration. It was accompanied by an illustrative layout Drawing Ref: 1000-003 dated July 2014. The Appeal B application was also in outline, with all matters of detail reserved. It was accompanied by a revised layout Drawing Ref: 1000-003 Rev A, dated July 2015 which were intended to address some of the concerns over design and layout expressed by the Council and residents in connection with the first application. The revised scheme
specified a mix of one and two-storey dwellings and the internal layout and the disposition of the dwellings in the plot also differs in ways described below in the reasons section. The access would be in the same location in both proposals, and appears to have the same geometry, though the appellant states that the Appeal B scheme would retain as much as the frontage stone wall and hedgerow as possible and give a more rural character to the scheme by continuing the frontage hedgerow around its radius and into the site.

Main Issue

5. The main issue in both appeals is the effect on the proposal on the character and appearance of the surrounding area.

Reasons

The Appeal Site

6. The site is a grassed open field some 0.75 ha in extent and lies on the northern edge of Two Dales. It has a pronounced slope upwards from its lowest point in the south-eastern corner to its highest point in the north-eastern corner with a change in levels of some 12 metres.

7. The site is bounded on its south-eastern side by Park Lane which becomes Hallmoor Road as it skirts round the site on its eastern side. To the north, the boundary is defined by a timber post and rail fence associated with the neighbouring property at Hall Moor House\(^1\), which also has a stable block and a belt of mature trees that extends along the boundary. These are protected by a Tree Preservation Order (TPO) (Reference: DCC/TPO/088/A17). All of the trees are generally considered to be in good condition, with an average life expectancy of more than 40 years.

8. On its western side the field extends up to a stone wall which separates the site from gardens associated with properties at The Park and others to the north.

9. The most prominent feature within the street scene associated with the site is a substantial stone wall and hedgerow alongside the road.

Planning Policy

10. The Derbyshire Dales Local Plan (LP) was adopted in 2005. The majority of the policies contained within the plan were saved in 2008, including Policies SF5 and NBE8 which were cited in the refusal reason.

11. The Council submitted a revised draft Local Plan to the Secretary of State for examination on 13 May 2014. The examination opened on 22 July 2014 but was adjourned shortly thereafter. In his report to the Council the Inspector concluded that the level of housing provision was inadequate and advised that the LP would not be found sound. In recognition that the matter of objectively assessed need (OAN) is currently being revisited, the Council accepts that it is unable to demonstrate a five year supply of land in accordance with the guidance in the National Planning Policy Framework (‘The Framework’). According to the latest OAN figures released in September 2015, the supply is some 3.56 years.

\(^1\) The spelling of ‘Hall Moor’ as one or two words varied according to context.
12. The site is outside the defined settlement boundary as identified in the LP. However, the Council acknowledges that in the absence of a five year supply, adopted local plan policies relevant to the supply of housing are considered to be out of date and planning decisions on housing development must therefore be made in the context of Paragraph 14 of the Framework.

13. Policy NBE8 of the LP is concerned with Landscape Character and provides that permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the local landscape.

14. In two recent appeal decisions in Derbyshire Dales inspectors have concluded that the tightly restrictive approach of Policy NBE8 could no longer be regarded as consistent with the Framework. The Council accordingly accepts that the effect that the development will have on character and appearance and indeed on the setting of the settlement of Two Dales must primarily be judged against the Framework’s Core Principles and its wider objectives.

15. While Policy NBE8 relates to the supply of housing, it addresses matters which self-evidently remain important considerations in the determination of applications, having regard to the policies in the Framework as a whole.

16. Although the Framework requires a balanced approach to such matters, it does not suggest that they are not important. While Policy NBE8 is framed in unduly restrictive terms and does not reflect the balanced approach, the concern with protecting the character and appearance of the countryside and landscape is supported by paragraphs 17 and 109 of the Framework.

17. The appellant also calls into question the relevance of saved Policy SF5 to the appeals insofar they are concerned with matters of detail which are for the most part reserved matters for later consideration. However, the policy is concerned with the design and appearance of development, and with ensuring that development preserves or enhances the quality and local distinctiveness of its surroundings and reinforces the sense of place engendered by the presence of distinctive local building styles. While both submitted layouts are illustrative, development of the site in the general form illustrated in either of the proposals will have effects on the quality and local distinctiveness of the surroundings. The policy reflects a number of the key considerations set out in Paragraph 58 of the Framework and accordingly continues to have significant weight.

18. Paragraph 6 of the Framework clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 describes sustainable development as having three dimensions: economic, social and environmental and makes it clear that the planning system should contribute towards: building a strong, responsive and competitive economy; to supporting strong vibrant and healthy communities; to delivering a sufficient amount of housing; to creating a high quality built environment and to protecting and enhancing the natural built and historic environment. Paragraph 8 states that to achieve sustainable development, economic, social and environmental gains should be sought simultaneously.

19. Amongst the core planning principles set out in paragraph 17 are that planning should proactively drive and support economic development to support the homes and thriving local places (amongst other things) that the country needs,
recognise the intrinsic character and beauty of the countryside and that it should contribute to conserving and enhancing the natural environment. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by ‘protecting and enhancing valued landscapes’.

20. Paragraph 49 of the Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing land.

21. Paragraph 14 of the Framework states that where the development plan is out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

**Effect on the character and appearance of the countryside**

22. Local landscapes have been classified in The Derbyshire Landscape Character Assessment and the Derbyshire Dales Landscape Character and Design SPD, which place the site within the Dark Peak character area, described as ‘An upland landscape of high moors and settled valleys’. The specific landscape character in this location is described as ‘a settled pastoral landscape on gently sloping lower valley sides’. Key characteristics of this landscape type are considered to include: moderate to steep regular fields enclosed by mixed species hedgerows and occasional dry-stone walls; network of winding lanes with irregular verges, sometimes sunken on steeper slopes; enclosed landscape with views filtered by trees.

23. The LVIA carried out on behalf of the Appellant identifies the settled valley pasture landscape type as meriting a medium/high sensitivity overall. However, on the basis that the site does not contribute to the wooded character of the landscape type and the wall not being a traditional dry-stone wall it concludes that the residential development of the site would not lead to anything more than ‘a very minor loss or alteration of key elements/features or characteristics of the landscape type’. In view of the proximity of more recent development such as Porteus Close, which represents a small estate of more modern design and uses contrasting rather than traditional local materials, the appellant’s LVIA considers that introduction of housing would not be uncharacteristic with the immediately surrounding landscape as a whole. On this basis it concludes that the magnitude of change to the landscape would be considered negligible, and the impact on the significance of the landscape character as minor or negligible/minor adverse.

24. An analysis of visual impact from a number of locations in the general vicinity of Darley Dale was also undertaken in the LVIA. I acknowledge that these views are reasonably representative of the visibility of the site from the surrounding area beyond the immediate context of the site. The small scale of the site and the nature of the surrounding landscape means that the proposed development would have limited visual impact in the context of the wider landscape setting. Where views could be obtained, the development would be seen as a small extension to the present built up area, generally against the background or in the context of existing development.
25. The LVIA acknowledges that for viewpoints closer to the site, the proposed development would potentially have a greater visual impact. It comments that ‘this however is considered inevitable for most types of development in most locations, and therefore should not lead to the proposal being unacceptable in visual impact terms’.

26. In my judgement, this analysis underplays the important contrast between the character of development to the east and south within the current built up area of Two Dales and the character of the appeal site, which I find has a strong affinity with the open countryside character of the upper valley slopes. It provides an important open setting for the hanging woodlands above, reflecting the change in character from the more densely settled lower slopes. I consider that the extension of development onto these rising slopes would result in significant harm to the setting of Two Dales, and the character of the countryside hereabouts. This would conflict with the Framework Core Principle of recognising the intrinsic character and beauty of the countryside.

27. The Council describes the site as lying at a transitional point between the high moorland valley to the more settled slopes of the river valley. The character of the higher ground is densely wooded with narrow winding and steep lanes and roads connecting the moorland landscapes with the villages below.

28. The appellant disputes that Park Lane/Hall Moor Road is typical of this network of narrow winding and steep lanes. I acknowledge that Porteus Close, which is clearly within the existing built-up area, has some impact on the character of Park Lane. However, it does not impact significantly on the character of the appeal site on the opposite side of Park Lane. This upper part of Park Lane (before the junction with Wheatley road is reached) is bordered on its eastern side by a more traditional style of development including Stanton Barn and the Grade II listed ‘The Cottage’. Development to the north and west of the site is of a much more scattered and intermittent nature, interspersed with more open pasture and garden land. The existing boundary of the site with Park Lane is intact and while its policy status as a settlement boundary cannot be relied on in current circumstances, I consider that it is a clear and logical physical boundary to the settlement at this point, which respects what I consider to be a marked change in character.

29. Development of the site, whether it were to be in accordance with either of the illustrative plans under consideration, would in my judgement involve a significantly harmful change in the present character of the land, replacing the characteristic open pasture and boundary features with residential development which would be at odds with the defining characteristics of the countryside setting of Two Dales. The creation of an access to the site would involve the removal of a section of the existing attractive wall, with a corresponding suburbanising influence on the existing character of Park Lane/Hallmoor Road.

30. I acknowledge that the illustrative plan in the Appeal B scheme has been amended to address some of the points raised in connection with the earlier application. The appellant contends that it would have a more organic feel, with properties set further back from Park Lane to reduce their prominence in the streetscene. Dwellings have been repositioned away from the higher ground to reduce the prominence of the development and to achieve a less regimented layout. The introduction of single storey dwellings would reduce the overall mass of the development, and the impact on other dwellings. The orientation
of ridges along the contours is said to be a more a sensitive approach which would draw the eye towards Hall Moor Woods and maintain its role as a backdrop to the streetscene. I accept that there is also scope for landscaping and planting to mitigate the impacts of development, and help to assimilate it into the surroundings. In this instance, however, while such design measures would be beneficial in character and visual terms, they would not be sufficient to overcome the harm arising from the change in character of the site arising form the extension of development into the surrounding countryside.

31. I have previously accepted that the development would have limited visual impact, other than from neighbouring properties and from Park Lane/Hallmoor Road itself. However, I do not consider that this supports a conclusion that the overall landscape impact would be negligible or minor/negligible. It would be a significant harmful change in the immediate context.

32. This part of the Derbyshire Dales District is not part of a designated landscape, but is nevertheless a landscape of considerable amenity value, as recognised in the character assessments and LVIA, particularly the upper valley slopes which provide a dramatic setting for the more densely settled lower slopes. It is a landscape valued by residents, and exhibits many of the characteristics of the countryside, including those identified in the LVIA, on which visitors to the area can be expected to place a high value. While I accept that the settlement boundary and associated policies cannot in isolation be relied on to protect the character of such areas from development, the environmental effects of a proposal remain an important consideration in determining whether a proposal is acceptable or not.

33. I conclude that both appeal proposals would give rise to significant harm to the character and appearance of the countryside. This would conflict with the Framework aims of recognising the intrinsic beauty and character of the countryside and of protecting valued landscapes. This is not a matter capable of being overcome by reserved matters condition relating to the detailed design and appearance of the scheme.

Other matters

34. Darley Dale Town Council and many local residents consider the existing road network to be unsuitable for the traffic likely to be generated by the proposal. They point out existing congestion at the junction between the A6 and the B5057 Chesterfield Road which they describe as ‘extremely difficult and dangerous’, and the unsatisfactory five-way Park Lane/B5057 junction. Current problems are said to have the effect of encouraging existing users to seek alternative substandard routes, including Hallmoor Road and Wheatley Road, to access the wider road network. This is no more than a brief summary of a detailed analysis put forward by a local member of the Two Dales Residents Action Group. The full report refers to numerous accidents, near misses and incidents due to poor visibility and substandard alignment at the five-way junction, congestion arising from narrow lanes and parked vehicles, dangerous manoeuvring and potential for danger to pedestrians, schoolchildren and other road users.

35. My visit to the site took place at 11.00 a.m., and so well outside the morning and afternoon peaks. Nevertheless I observed the pinch points described and recognise the potential for some of the problems described to occur and the frustrations that can arise. Such problems are not uncommon in rural areas.
where the road infrastructure was built for quieter traffic conditions. I appreciate that from the perspective of existing residents, traffic arising from further development would be highly unwelcome.

36. This would, however, be a relatively small development, and the application of standard trip generation rates indicates that additional peak-time traffic is unlikely to exceed twelve two-way movements in the morning peak, or one vehicle movement every 5 minutes. The afternoon peak extends over a longer period, and the corresponding frequency would be one every 8.5 minutes. While I appreciate that residents regard even the existing situation as unacceptable, I do not consider that the additional traffic arising from the development would amount to a sufficient reason to dismiss the appeal.

37. A number of objectors also considered that there would be harm to their living conditions from loss of outlook or overlooking. While I acknowledge that the outlook from some properties would change the specific harm that would arise is a matter of character and appearance, which I have already addressed. The proposals are in outline, and in my judgement there would be sufficient separation to avoid harmful effects on living conditions.

**Balance of considerations**

38. The Framework seeks to boost significantly the supply of housing. The lack of a five year supply is accepted, the current assessment against the OAN being some 3.56 years. This attracts considerable weight in favour of the development proposals.

39. With regard to sustainability, the Council accepts that Two Dales and the adjoining settlement of Darley Dale has a range local facilities and a regular bus service to larger settlements along the A6 corridor which would reduce dependence on the private car. The development would make a social contribution by providing housing which contributes to an unmet identified need. The appellant has indicated a willingness to make a contribution of 33% towards the provision of affordable housing off-site which would be acceptable to the Council, though no signed and dated agreement was submitted with the appeal. However while the housing contribution of the development would be positive, it would be relatively small in scale. Similarly with the economic dimension, while the proposal would provide jobs during the construction phase, and some additional expenditure to support local services, the economic impact and the degree to which it would support the local communities would be relatively insignificant. Accordingly, I attach limited weight to the social and economic contribution of the proposed developments.

40. With regard to the environmental impact I have concluded that there would be a significant adverse impact on the landscape and countryside character of the surroundings, which in my judgement significantly and demonstrably outweighs the positive benefits. I therefore conclude that the appeal should be dismissed.

*David Richards*

INSPECTOR
Appeal Decision

Site visit made on 8 February 2016

by Zoe Raygen  DipURP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2016

Apell Ref: APP/P1045/W/15/3139232
Iona, 44 Summer Lane, Wirksworth, Derbyshire DE4 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Philip Goodyear against the decision of Derbyshire Dales District Council.
- The application Ref 15/00199/OUT, dated 20 March 2015, was refused by notice dated 26 May 2015.
- The development proposed is a new dwelling and improvements to access.

Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is in outline; with all matters reserved for future consideration except for the means of access and landscaping. I have dealt with the appeal on that basis treating the layout plan and site section as illustrative.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of Iona, 44 Summer Lane which is a bungalow set within a large plot and accessed by a long shared private drive. On plan form the appeal site looks as if it would be a natural continuation of development along Yokecliffe Avenue. However what I saw on site confirmed that Yokecliffe Avenue has a very different character to that of the adjacent area where the appeal site is located. Yokecliffe Avenue forms a cul de sac in a suburban residential estate of similarly designed detached house with minimal spacing between them creating a tight urban grain. The appeal site is on a private drive of three individually designed detached properties all set in large plots with generous spacing between them and mature tree planting creating a verdant open character to the area which is also characteristic of Summer Lane as a whole. The very different characteristics of the two areas together with the differing land levels
means that any development on the appeal site would not be read within the street scene of Yokecliffe Avenue.

5. The subdivision of the garden of Iona, would result in a plot size for the appeal site and Iona which would not be characteristic of those on Summer Lane. Moreover the submitted plan shows that, the small size of the plots, particular in respect of Iona, would result in a cramped and incongruous form of development in this location which would be incompatible with the character of the area. While the plot size and available garden space would be similar to those on Yokecliffe Avenue it would not be representative of those on Summer Lane where the character is quite different. I acknowledge that when originally constructed Iona may have had a smaller plot, however I am assessing the appeal proposal on the existing character and appearance of the area.

6. There are many trees on the site, some the subject of a Tree Preservation Order and because of their height and the differing land levels they can be seen from the surrounding area and contribute positively to the verdant character of the area. The submitted tree report states that the trees on site have been neglected and that their removal would be an acceptable way forward to allow the future maintenance of the trees.

7. I saw on site that the trees on site were close together and many had slender stems and were not properly formed. In some areas they were impenetrable. I accept that even if a house were not to be erected on the site then some trees would need to be removed to allow the remainder to grow and be maintained. However the number of trees that would need to be removed to facilitate the erection of the proposed house may not be equal to the number required to properly maintain the site and I have no information in this respect. The necessity to remove so many trees as shown on the submitted drawings reinforces my concern regarding the cramped nature of the development.

8. The development would not front an access road and I saw no other example of such development in the area. I acknowledge that the access arrangements to 36 Yokecliffe Avenue are similar but No 36 still has a frontage towards the access road rather than being directly behind its neighbour 35 Yokecliffe Avenue. The presence of the private drive between 44, 46 and 48 Summer Lane and the properties on the main Summer Lane, means that these are not examples of tandem development and Nos 44, 46 and 48 all have a frontage facing the private drive.

9. For the reasons set out above the proposal would therefore be significantly harmful to the character and appearance of the area and would be contrary to saved Policies SF1, SF5, H1, and H9 of the Derbyshire Dales Local Plan 2005 (the Local Plan) which require amongst other things that development preserves or enhances the character and appearance of the settlement and the quality and local distinctiveness of its surroundings.

Living conditions

10. There is a row of trees where the access would be constructed between Iona and the adjacent residential property 46 Summer Lane. No 46 has a large obscure glazed window in an otherwise blank side elevation facing the proposed access. Iona has a conservatory on its side elevation facing the access.
11. The siting of a house in the rear garden would lead to more activity in the rear garden space of Iona associated with the daily comings and goings to a dwelling together with vehicle manoeuvring and parking in an area that is an existing garden. As a consequence there would be an increase in noise and disturbance experienced by the occupiers of neighbouring properties. However I consider that the intervening distances between the proposed parking area and 34 and 36 Yokecliffe Avenue, together with the presence of the proposed garage, would be sufficient to ensure that the noise and disturbance associated with one dwelling only would not be unduly harmful or unacceptable.

12. The relationship to Iona and No 46 is different as the parking area and proposed access would be very close to the private rear gardens of the properties where it would be reasonable to expect occupiers to experience quiet enjoyment of their gardens. Detached properties with large rear gardens like those next to the appeal site offer the reasonable expectation of a degree of privacy and seclusion that might not be available to residents of more densely built-up areas. The proximity of the access and parking areas would have a significantly adverse impact on the level of quietude and seclusion these gardens currently provide. Furthermore the access would also be close to the existing conservatory at Iona. While I appreciate that a boundary fence could be erected this would not, in itself be sufficient to appreciably reduce noise and disturbance from vehicle parking and manoeuvring. Moreover this would add to my already substantial concerns that the overall proposal represents cramped development which is uncharacteristic of the area.

13. I appreciate that the submitted plan is indicative only, but even if the parking area were moved further back within the site then it would be closer to the rear private garden space of No 36.

14. For the above reasons I therefore conclude that the proposal would be unduly harmful to the living conditions of the occupiers of Iona and 46 Summer Lane and therefore would be contrary to the requirements of saved Policies SF1, SF5 and H9 of the Local Plan that requires, amongst other things, that development is well related to surrounding properties and does not have a detrimental impact upon the amenities of adjoining or adjacent properties.

15. The Council has referred to Policy H1 within their reason for refusal, however this does not include reference to living conditions of neighbouring residents and therefore has not been shown to be determinative in this instance.

Other matters

16. The proposal also includes proposals for the improvements to the existing private drive serving 44, 46 and 48 Summer Lane. I noted on my site visit that there is limited visibility at the bend where the improvements would occur. In addition the narrowness of the access road means that larger vehicles have very limited manoeuvring room. The improvements to the access would be a benefit to the scheme. Furthermore the appellant considers that the proposed house would contribute to the Councils undisputed shortfall in five year housing land supply. Although small, the provision of one dwelling on a serviceable plot can be considered a public benefit that can be afforded limited weight. Moreover a house on the appeal site may reduce the perception of the fear of crime for existing occupiers of surrounding houses. However these benefits are significantly and demonstrably outweighed by the harm, identified above, that the development would cause to the character and appearance of the area and the living conditions of neighbouring residents.
17. The indicative plans show that the house would be located over 20 metres away from the nearest residential property at Copse Close. The presence of the trees subject to a Tree Preservation Order and the need to provide a reasonable sized garden means it is unlikely that the house could be sited much closer to the properties on Copse Close. I am satisfied therefore that the intervening distance between the properties together with the mature tree cover is sufficient to ensure that the privacy of occupants of properties on Copse Close would not be unduly harmed.

18. The appellant has referred to a planning application for tandem development at 14 New Road (10/00836/OUT) considered by the Council where they found no harm to the living conditions of occupants of neighbouring properties because of the limited number of vehicle movements for one dwelling. However having viewed the approved plan supplied by the Council I can see that the parking and access road for the appeal proposal would be significantly closer to neighbouring properties Iona and No 46 than the relationships at 14 New Road. Also although it is for tandem development I can see from the application report that there was specific planning history on the adjacent site which may have had significance in the determination of the application. Moreover the Council refer to other examples of tandem development in the area which contributed to the character and appearance of the area. In any case I have determined the appeal on its own merits.

19. I have considered the findings of the Inspector regarding development at 48 Summer Lane (APP/P1045 /A/07/2056083) referred to by both parties. The Inspector found harm in relation to the overall footprint size within the proposed plots resulting in the bungalows being close to each other and therefore uncharacteristically cramped. I too have found harm to the character and appearance of the area caused by the appeal proposal but I have done this based on the merits of the case in front of me and the site visit that I carried out.

20. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen
INSPECTOR