29 January 2018

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 6 February 2018 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 2.00pm prompt. A schedule detailing the sites to be visited is attached to the Agenda. NB: Members are advised of the need for stout footwear and that there will be a likely 15 min walk in each direction at Mulino Lodge.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 16 January 2018

3. INTERESTS

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

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

PUBLIC PARTICIPATION

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council’s Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 17/01132/FUL (Site Visit) 6 - 11
Convert and extend garage into bedroom accommodation at 71 Megdale, Matlock.

4.2 APPLICATION NO. 17/01117/OUT (Site Visit) 12 - 22
Residential development of up to 10 dwellings (outline) at Matlock Transport, Northwood Lane, Darley Dale.

4.3 APPLICATION NO. 17/00381/OUT (Site Visit) 23 - 34
Erection of commercial units for B1(a), B1(c) and B8 use at field north of GP Produce, The Hill, Cromford.

4.4 APPLICATION NO. 17/01086/FUL (Site Visit) 35 - 44
Erection of cycle storage building, retention of existing lodge & garden room for use as holiday accommodation, variations of planning permission (10/00685/FUL) to site 3no. pods and alterations to landscaping at Mulino Lodge, Agnes Meadow Lane, Kniveton DE6 1JR.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 45 - 58

6. APPEALS PROGRESS REPORT 59 - 89
To consider a status report on appeals made to the Planning Inspectorate.

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

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

Issued 29 January 2018
PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
SITE VISITS

Members are advised of the need for stout footwear and that there will be a likely 15 minute walk in each direction at Mulino Lodge.

Members will leave the Town Hall, Matlock at **2:00pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.05pm</td>
<td>APPLICATION NO. 17/001132/FUL 71 MEGDALE, MATLOCK</td>
<td>Requested by Ward Member to assess the impact on neighbouring amenity and the streetscene.</td>
</tr>
<tr>
<td>2.35pm</td>
<td>APPLICATION NO. 17/01117/OUT MATLOCK TRANSPORT, NORTHWOOD LANE, DARLEY DALE</td>
<td>Major Application – to assess the existing employment and future employment potential of the site, the impact on the character and appearance of the site and its surroundings, land drainage, tree protection and ecology matters.</td>
</tr>
<tr>
<td>3.10pm</td>
<td>APPLICATION NO. 17/00381/OUT FIELD NORTH OF GP PRODUCE, THE HILL, CROMFORD</td>
<td>Major Application - to assess the impact on the character and appearance of the site and its surroundings.</td>
</tr>
<tr>
<td>3.55pm</td>
<td>APPLICATION NO. 17/01086/FUL MULINO LODGE, AGNES MEADOW LANE, KNIVETON</td>
<td>Requested by Ward Member to appreciate the proposal in context of its surroundings.</td>
</tr>
<tr>
<td>5.00pm</td>
<td>RETURN TO TOWN HALL, MATLOCK.</td>
<td></td>
</tr>
</tbody>
</table>
COMMITTEE SITE MEETING PROCEDURE

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

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting).

2. A representative of the Town/Parish Council and the applicant (or representative can attend).

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.

4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.

6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
### APPLICATION NUMBER
- **17/01132/FUL**

### SITE ADDRESS:
71 Megdale, Matlock

### DESCRIPTION OF DEVELOPMENT
Convert and extend garage into bedroom accommodation.

### CASE OFFICER
Mr. Ecclestone

### APPLICANT
Mr. Armshaw

### PARISH/TOWN
Matlock

### AGENT

### WARD MEMBER(S)
- Cllr. Elliott
- Cllr. Burfoot

### DETERMINATION TARGET
10\(^{th}\) January 2018

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

### REASON FOR SITE VISIT (IF APPLICABLE)
To consider the impact on neighbouring amenity and the streetscene.

### MATERIAL PLANNING ISSUES
1. Impact on the character and appearance of existing property and amenity of the streetscene.
2. Impact on residential amenity.

### RECOMMENDATION
Approval.
THE SITE AND SURROUNDINGS
The application property is a semi-detached house, situated in a residential area in north-western Matlock (Megdale estate). It has a single-garage set back and to the side. This garage adjoins a garage to its south, which sits at a slightly lower level and serves 2 Collingwood Crescent.
DETAILS OF THE APPLICATION
The proposal is to convert and extend the garage to become ancillary accommodation in the form of an additional bedroom and storage area. The height will be raised by 0.3m to 2.7m at its midpoint and it will also be stepped forward by 4.9m so that it will become joined onto the main house, giving it an overall length of 10.2m. It will have the appearance of a converted, flat-roof garage at the side of the house. Because of the falling land-level to the south, the top of the wall of the building will sit 0.85m above the roof of the adjoining garage. The new accommodation will have a roof lantern and a high level window facing into the garden on the north elevation, with a door in its street elevation.

PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan 7th December 2017
   PD1: Design and Place Making
   HC10: Extensions to Dwellings
2. National Planning Policy Framework (NPPF)
   Part 7 Requiring Good Design

RELEVANT PLANNING HISTORY
None.

CONSULTATION RESPONSES
Local Highway Authority
No objection.

Town Council
Object. The height and mass are over-dominant in its surroundings. It is out of character with other properties. The lack of windows compounds this.

REPRESENTATIONS RECEIVED
One representation has been received which can be summarised as follows:
The position, height, mass and lack of windows on a prominent part of Megdale will be completely unacceptable. This tall, windowless block will be an eyesore to neighbouring properties. Its new height is totally out of proportion with the connected garage. It will dominate the back of the property and will be an eyesore to anyone approaching from the front. It will be out of character with anything else in the area. It will appear as a separate block in the garden. Question the lack of alternative escape route from the bedroom in the case of fire.

OFFICER APPRAISAL
The following material planning issues are relevant to this application:

1. Impact on the character and appearance of the existing property and amenity of the streetscene
2. Impact on residential amenity
1. **Impact on the character and appearance of the existing property and amenity of the streetscene**

1.1 The proposed single-storey extension will have a simple design and appearance, not too dissimilar to a flat-roof garage being positioned to the side. It will be subordinate and set back with the majority of the extension being in the enclosed back garden where the existing garage stands. Although the relatively high side wall and absence of a front window are not reflective of the character of the existing dwelling, the subordinate nature and positioning of the extension, limit the adverse impact on the dwelling.

1.2 The application property is the end house in a small row, on a sloping part of the main estate road. The houses display a regular, uniform appearance and alignment. The most prominent element currently in the streetscene is the projecting conservatory of the neighbouring house to the south (2 Collingwood Crescent). This contrasts with the main estate road due to its polygonal design, light coloured roof and frames and large areas of glazing. The proposed extension will remain subordinate, set back 5m from the frontage and built in materials to match the main house. The simple, flat-roof design reflects the existing design and whilst there will be some visibility of this and its contrast with the main house, the harm to the streetscene is not unduly significant.

1.3 The extension as proposed, in design terms, is considered to comply with Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan 7th December 2017.

2. **Impact on residential amenity**

2.1 The extension will be set on the common boundary. The height and expanse of built structure increases with a midpoint height of 2.7m. The increased visual presence of this structure will be apparent from the private amenity area of 2 Collingwood Crescent which sits to the south. However, a driveway and garage for this neighbouring dwelling sit in between, such that any amenity impacts are not significant.

**Conclusion**

The proposal in this case, although of a design at variance with the main dwelling, is considered to appear as a subordinate, modest extension which does not detract unduly from the character or appearance of the main house and streetscene and does not adversely affect neighbouring amenity.

The proposal accords with Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan 7th December 2017.

The objections have been taken into consideration during the processing of this planning application, but they do not provide grounds for refusal in this case.
RECOMMENDATION
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

2. Condition ST06: Amended Application (Revised Plans)… 14th December 2017…
   …3 Rev.1 and 2 Rev.1…

Reasons:

1. Reason ST02a.

2. Reason ST06.

Note to applicant:

This Decision Notice relates to the following documents:
Drawings numbered L 2/4, L 4/4, L 1/4 and L 3/4, received by the Council on
15th November 2017 and drawing numbered 3 Rev.1 and 2 Rev.1, received by the Council on
14th December 2017.

During the consideration of this application, the Local Planning Authority have engaged in a
positive and proactive dialogue with the applicant, which has resulted in revised proposals
which overcame initial problems with the application relating to plans and parking
arrangement, reflected in the amended plans.

BACK TO AGENDA
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<td>SITE ADDRESS:</td>
<td>Matlock Transport, Northwood Lane, Darley Dale</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of up to 10 dwellings (outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. Lowe</td>
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<tr>
<td>PARISH</td>
<td>Northwood And Tinkersley</td>
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<tr>
<td>AGENT</td>
<td>Roger Yarwood Planning Consultant</td>
</tr>
<tr>
<td>WARD MEMBERS</td>
<td>Cllr. Joanne Wild</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>16th February 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major Application</td>
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<tr>
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<td>MATERIAL PLANNING ISSUES</td>
<td></td>
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<tr>
<td>• Background</td>
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<tr>
<td>• Principle of the development</td>
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<tr>
<td>• Housing type mix</td>
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<td>• Affordable housing provision</td>
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<tr>
<td>• Impact on the character and appearance of the area</td>
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<td>• Highway safety</td>
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<td>• Impact on trees</td>
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<td>• Impact on wildlife</td>
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<td>• Impact on residential amenity</td>
<td></td>
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<tr>
<td>• Provision of open space</td>
<td></td>
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<tr>
<td>RECOMMENDATION</td>
<td>Refusal</td>
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</tbody>
</table>
17/01117/OUT
Matlock Transport, Northwood Lane, Darley Dale

Derbyshire Dales DC
Date: 25/01/2018
100019785
1. THE SITE AND SURROUNDINGS

1.1 The site is a haulage depot sited north of the junction of Northwood Lane and Cote Hilloc. The site is surrounded by open countryside to the north, west and east. To the south, the site abuts the settlement of Northwood.

1.2 The western boundary with Cote Hilloc is a high and dense hedgerow which extends along the boundary as far as the depot entrance in the south west. The northern boundary of the application site is defined by the edge of the hardstanding. Beyond this is a field with a public footpath running diagonally across it. The field itself extends further to the north where the boundary is marked by a stone wall that also wraps around the eastern side. To the south the boundary is with a brook. The trees along the western and southern boundaries are subject to a tree preservation order.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission, with all matters reserved, is sought to demolish the existing buildings and to erect up to 10 dwellings on the site. It is anticipated by the applicant that the properties would be two storey, three and four bedroomed dwellinghouses with floor areas of between 100m² and 120m² and ridge heights not exceeding 7m.

2.2 At the time of preparing the Design and Access Statement accompanying the application, the applicant recognised that the Local Plan has reached an advanced stage and the site was included within the settlement boundary for Northwood and, therefore, is of the view that residential development would accord with emerging Policy. In addition, the applicant has advised that, at the Examination in Public prior to the adoption of the Local Plan (2017), there was a debate concerning how the application site was one of several employment sites that were unsuited to continue in employment use and that the policies would allow for a change of use of such sites without issues of considering them being maintained in employment use. It is advised that, on this basis, more employment land was allocated resulting in sites at Pisani and Porter Lane being allocated as employment sites (the land at Porter Lane being the land adjacent to GP Produce on which an outline planning application for employment use is being considered elsewhere on this Agenda).

2.3 Whilst this is brownfield site which currently has haulage use, the applicant advises that the company has use of better located premises in Northwood. The site is also advised to be convenient for community facilities, employment opportunities and public transport services in Northwood. The applicant considers that the development will lead to a reduction in the level of traffic generated by the site.

2.4 The applicant states that provision will be made to retain the public footpath on the site, broadly on its current alignment, albeit the definitive line of this appears to be currently constrained by the existing buildings on the site.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)
   S1 Sustainable Development Principles
   S2 Settlement Hierarchy
   S3 Development within Defined Settlement Boundaries
   S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
   PD1 Design and Place Making
   PD2 Protecting the Historic Environment
   PD3 Biodiversity and the Natural Environment
   PD5 Landscape Character
   PD6 Trees, Hedgerows and Woodlands
   PD7 Climate Change
   PD8 Flood Risk Management and Water Quality
   PD9 Pollution Control and Unstable Land
   HC1 Location of Housing Development
   HC3 Self-Build Housing Provision
   HC4 Affordable Housing Provision
   HC11 Housing Mix and Type
   HC14 Open Space, Sports and Recreation Facilities
   HC15 Community Facilities and Services
   HC19 Accessibility and Transport
   HC20 Managing Travel Demand
   HC21 Car Parking Standards
   EC3 Existing Employment Land and Premises
4. RELEVANT PLANNING HISTORY

16/00949/FUL Extension to provide HGV maintenance workshop – Granted

13/00231/FUL Change of use of agricultural land to create extension to haulage operator's yard – Refused – Appeal Dismissed

01/06/0400 Extension to curtilage of haulage depot – Refused

0496/0272 Residential development (Outline) - Renewal of planning permission WED/0493/0243 – Granted

0493/0243 Residential development - outline (renewal of WED/0291/0129) – Granted

0291/0129 Residential development (outline) – Granted

1090/0913 Residential development - 20 houses (outline) – Refused

0290/0110 20 dwellings (outline) – Refused

1088/0775 Change of use of agricultural land to car park – Refused.

5. CONSULTATION RESPONSES

Parish Council

5.1 - support the change of use
- will lose employment opportunities but the applicant’s comments that they have an alternative, more suitable site locally means the implications on employment opportunities will not be lost
- should be a detailed flood risk assessment due to the site’s proximity to a stream
- the access is not the best and is used for heavy goods vehicles which have knock on issues along Northwood Lane - the change of use will not make the current access issues worse and may improve them and there would be an opportunity to improve the access
- application is for ten houses with four or more bedrooms even though other correspondence mentions three bedroomed properties as well
- application should be read as applying for four bedroom properties
- due to the nature of the location would this not be an opportunity to have a mixture of house sizes?
- current layout is shown as indicative and cannot therefore be commented on as acceptable
- location will be visible and, if granted, the development should take the opportunity to be designed in such a way that it mirrors a semi-rural community and not a town housing estate development
- current use of the site means there will be contamination and this should be dealt with by a planning condition
- there is a stone waymark sign near this site which details mileage to certain towns which should be retained.

Environment Agency

5.2 - no objection to the proposal
- potentially would seek to request conditions regarding contaminated land.

Land Drainage Authority

5.3 - object as inadequate information submitted to determine the impacts on surface water drainage.
Local Highway Authority (Derbyshire County Council)
5.4 - no objection subject to conditions.

Economic Development (DDDC)
5.5 - proposal comprises the redevelopment of land currently used for employment purposes for residential use
- in line with Policy EC3 of the adopted Derbyshire Dales Local Plan, evidence is required that the site has been marketed for future employment purposes for a minimum period of six months prior to alternative uses being considered - from the limited information provided with the application it does not appear that this exercise has been undertaken
- given the access to, and location of the site, it would appear appropriate to test the opportunity for light industrial use through the marketing exercise.

Head of Housing (DDDC)
5.6 - wish to see provision of on-site affordable housing if the threshold is reached by the internal floor area if they are larger homes.

Natural England
5.7 - no comments.

Derbyshire Wildlife Trust
5.8 - in the absence of any ecological information in support of the planning application it is difficult to determine the ecological value of the site and the impacts that the development will have on any features of ecological interest
- considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development
- prior to determination of this application it is recommended that a Preliminary Ecological Appraisal is undertaken of the site

Forestry Commission
5.9 - within 100 yards of an ancient woodland
- refer to standing advice.

Peak and Northern Footpaths Society
5.10 - the development site is crossed by part of Footpath 1 Northwood and Tinkersley which must either remain exactly on its existing line, or be legally diverted
- remaining "broadly on its current alignment," as stated in the Design and Access statement, is not an option unless the path is legally diverted
- if diverted, then the requirements of Defra Circular 1/09 must be adhered to, i.e. no diversion of a public footpath onto an estate road footway - the path should be designed to run through a green corridor completely separate from vehicular traffic.

Derbyshire Dales Group of Ramblers
5.11 - no objection providing that Northwood and Tinkersley FP 1, which runs alongside the brook, is incorporated into the design of the development as indicated in the submitted papers and Northwood and Tinkersley FP 2, which touches the North East corner of the proposed development, is not affected unless specific agreement is obtained from, DCC ROW Dept.

6. REPRESENTATIONS RECEIVED

6.1 None.
7. OFFICER APPRAISAL

Background

7.1 There is some history to this site with respect to applications for residential development of the site. Outline planning permissions have been granted to the applicant in the past for residential developments where it was advised this would be in the form of twelve dwellinghouses (see outline planning permission 0291/0129 and subsequent renewals 0493/0243 and 0496/0272). These permissions have now lapsed.

7.2 Post these decisions, the previous Local Plan (2005) did not include Northwood in a Settlement Framework Boundary and there was therefore a general presumption against open market housing development. However, the Adopted Local Plan (2017) now details the application site to be within a Settlement Boundary.

Principle of Development

7.3 As this is an existing employment site, the principle consideration has to be given to Policy EC3 of the Adopted Derbyshire Dales Local Plan (2017). This states that development of such sites, for non-employment uses, will only be permitted where the industrial or business use is constrained to the extent that the site is no longer suitable, or commercially viable, for such uses (as demonstrated with marketing evidence commensurate with the size and scale of the operation) or that the use, or other employment use, would be incompatible with neighbouring uses.

7.4 To this end, the applicant has not, it appears, marketed the site for employment uses and has thus failed to demonstrate that the site is no longer required for employment use; the application thus fails to meet with Policy EC3 in this regard. There may be some benefit to the existing use ceasing on the site, given the potential disturbance that could be caused by the haulage operation. However, this operation has co-existed with the neighbouring residential development for many years and there is considered to be no clear case with regard to the use being incompatible. Even in the event that this could be demonstrated, this would still not preclude consideration of other employment uses on the site. As such, the proposal fails to comply with the requirements of Policy EC3 of the Adopted Local Plan (2017).

7.5 There are other matters relating to the proposals for the development of the site which are assessed below in their policy context.

Housing Type Mix

7.6 The proposal sets out an indicative layout for up to ten detached, three and four bededroomed dwellings. This may appear unusual given that outline planning permission has been previously granted in the past for up to twelve dwellinghouses on a slightly smaller site. In this respect, Policy HC11: Housing Mix and Type requires that residential developments of eleven or more dwellings meet a specified mix, with the greater percentage being two and three bedroomed house types.

7.7 It is appreciated that the site has physical constraints to its development; these are considered in more detail below. However, having regard to the applicant’s indicative site plan, it is considered that that more dwellinghouses could potentially be provided on the site if housing type and mix was altered. The indicative proposal is for large detached dwellinghouses, with eight of these having attached or detached double garages. To this end, it is considered that there is potential for the substitution of some of these large dwellings with a more appropriate housing mix on the site and thus making more beneficial use of the site. As such, it is considered that the application fails to adequately address Policy HC11 of the Adopted Local Plan (2017).
Affordable Housing Provision

7.8 It is Government policy that sites that can only provide for 10 or less houses are not required to provide for affordable housing on the site. However, as stated above, outline planning permissions have previously been granted on this site for up to 12 dwellings which would trigger the requirement for 30% of the dwellinghouses to be affordable dwellinghouses on the site as required by Policy HC4 of the Adopted Local Plan (2017). In addition, this Policy requires residential developments creating more than 1000sqm of floorspace to also make provision for affordable housing on the site. The applicant has advised that the dwellinghouses are each proposed to have some 100-120sqm of floorspace which, given the number proposed, would exceed the 1000sqm and would thus also be subject to the requirements to provide 30% of the dwellinghouses as affordable dwellinghouses in accordance with Policy HC4.

Impact on the Character and Appearance of the Area

7.9 It is considered that the redevelopment of the site for dwellinghouses would, in terms of character and appearance, be potentially acceptable as such a development would replace the visual impact of the haulage yard, its buildings and the storage of trucks and their trailers. Residential development, subject to acceptable design, scale, layout and landscaping provision/retention, would also sit comfortably with the existing residential development of Northwood in this locality. It should be noted that outline planning permission has also been granted recently for the demolition of the former social club, on the opposite side of Cote Hilloc to the haulage yard access, for replacement by dwellings.

7.10 However, given that this site is on the edge of the settlement, and projects somewhat into the open countryside, it is considered that a typical form of estate residential development may be inappropriate in such a context. The relatively wide areas of boundary vegetation, with protected trees, also serve to visually separate the site from the settlement. The site is also open to close views from the public footpaths running through and close by to the site and there are more distant views from across the valley to the west from the Peak District National Park which gives an appreciation of this this site in the context of the open countryside and the settlement. In its current use and form, the site is viewed as being an intervention in the clear residential character and appearance of the settlement to the south and the open countryside which otherwise largely frames the site on the north, east and west boundaries.

Impact on Highway Safety

7.11 The Local Highway Authority has advised that the current level of emerging visibility from the site’s vehicular access onto Cote Hilloc is restricted due to fronting vegetation and, whilst the site has an existing use as a haulage yard, no details have been submitted with regards to the existing traffic generation levels.

7.12 The application for up to 10, four bedroomed dwellings has the potential to generate approximately 80 vehicular trips per day (each dwelling generating approximately 8 trips each) and it is therefore considered the proposal has the potential to increase the traffic levels associated with the site’s existing substandard vehicular access onto Cote Hilloc.

7.13 However, the applicant shows control of land either side of the access, so adequate levels of emerging visibility could, in principle, be achieved by setting the fronting hedgerow/vegetation back behind the sightlines. Current guidance would recommend the emerging visibility looking to the north (right out of access) to be 2.4m x 33m and, to the south, emerging visibility can be maximised by ensuring the existing vegetation within the applicant’s control is cut back for the initial 2.4m measured from the nearside carriageway edge. One matter of concern is to whether this may affect the protected trees along Cote Hilloc, but the applicant has submitted no details with the application to demonstrate what such impacts may, or may not, be in this respect.
7.14 As this is an outline planning application, with all matters reserved, the Local Highway Authority has not provided detailed comments with regards to the indicative layout of the site. However, it is advised that should the applicant wish to have the access road adopted by the Local Highway Authority, any future detailed layout should accord with current design guidance within the 6 C’s Design Guide and Manual for Streets.

**Public Rights of Way**

7.15 It is noted that there is an existing public right of way running through the site and it is advised that the applicant should discuss any detailed proposals for the redevelopment of the site with the County Council’s Public Rights of Way team prior to any reserved matters/full planning application being submitted. This may also be a constraint on how development would be provided on the site.

**Land Drainage**

7.16 One of the conditions of the previous outline planning permissions was that an 8m wide area adjacent to the top of the watercourse bank be kept clear of all buildings, structures and fences in order to protect the watercourse and allow for its maintenance; there appears some encroachment on this in the indicative proposal. However, notwithstanding this, the Land Drainage Authority (DCC) has advised of the minimum details that are required on all major planning applications; these include a topographic survey, evidence of how the site will drain, calculations for run-off rates, surface water storage, a basic ground investigation and consideration of Sustainable Drainage Systems (SuDS). These have not been submitted by the applicant but are nevertheless required at the early planning stage 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 storage. As such, the proposals as submitted fail to comply with Policies PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

**Impact on Trees**

7.17 The site is bounded by a belt of trees along Cote Hill which are group or individually protected by tree preservation orders (ref: DDDC/TPO/028/G2, G3, G4, T16, T17 and T26). To the south of the site, along the watercourse, there is a further group of protected trees (ref: DDDC/TPO/028/W1).

7.18 The applicant has submitted no arboricultural statement with the application to demonstrate what appropriate tree protection areas would be required, nor any assessment of how the site layout may be affected by the proximity of these trees. Whilst it is appreciated that the submitted layout is for illustration, this places dwellings and garages in close proximity to such trees. The plan also shows where garden areas would be impacted upon by the crown spreads of trees, which would also affect the light into windows of the dwellinghouses. To this end, there would be great pressure to cut back or remove some of these protected trees if a scheme was proposed along the lines presented. It is considered that further, detailed information is necessary to demonstrate the extent of the developable area of the site to avoid these constraints. As such, it is considered that the application fails to comply with Policy PD6 of the Adopted Local Plan (2017).

**Impact on Wildlife**

7.19 Derbyshire Wildlife Trust has advised, in the absence of any ecological information in support of the planning application, that it is difficult to determine the ecological value of the site and the impacts that the development will have on any features of ecological interest. Paragraph 99 of Circular 06/2005 states that:

“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out
7.20 The application is not accompanied by any information to demonstrate the presence, or otherwise, of protected species and the extent that they may be affected by the proposed development. To this end, Derbyshire Wildlife Trust has recommended that, prior to determination of this application, a Preliminary Ecological Appraisal is undertaken of the site in order to establish the habitats that may be present on site determine the presence or absence of protected species.

7.21 In addition, and in line with guidance within the National Planning Policy Framework, it is advised that the applicant should have also provided details of enhancement opportunities and how the development will result in a net gain for biodiversity. Given the lack of information submitted by the applicant, it is considered that the proposals are contrary to Policy PD3 of the Adopted Local Plan (2017).

Impact on Neighbour’s Amenity

7.22 It is considered that the development can be provided without detriment to the amenity of neighbouring residents and that the redevelopment of the site could have some benefits with regard to a potential reduction in noise levels and disturbance that may be attributed to the haulage use of the site.

Provision of Open Space

7.23 The site redevelopment has the potential to be in excess of ten dwellings. To this end, Policy HC14 of the Adopted Local Plan states that, for developments of 11 or more dwellings, the proposals should also provide for improving the quality, quantity and value of play, sports and other amenity greenspace by contributing to open space and sports facilities. It is considered therefore, without clarity of the extent of residential development that can be achieved on the site, that the proposals as submitted must be refused as this matter is not addressed in the application details.

Conclusion

7.24 As the site is an existing employment site, it is necessary for the applicant to undertake a suitable marketing exercise to demonstrate that the site is no longer required, or viable, for employment generating uses. Without this information having been submitted, albeit having been requested by Officers, there is an overriding presumption that planning permission be refused.

7.25 In addition, the applicant does not adequately address a number of issues, as assessed above, which include land drainage, affordable housing provision, housing mix, ecology matters, the potential impacts on ancient trees and the provision of open space and play facilities. Without this information currently being submitted, the application also warrants refusal on these grounds.

8. RECOMMENDATION

That outline planning permission be refused for the following reasons:

1. The site is an existing employment site and the proposals fail to demonstrate that an employment use of the site is no longer suitable or commercially viable. As such, the proposals are contrary to Policies S1 and EC3 of the Adopted Derbyshire Dales Local Plan (2017).

2. Insufficient information has been submitted to demonstrate that residential development of the site cannot be for more than 10 dwellings which, in such a case, would be likely to require the provision of a more varied housing mix to address current
and future demographic trends and include on-site affordable housing provision to meet the objectively assessed needs for such in the District. As such, the proposal fails to comply with Policies S1, HC4 and HC11 of the Adopted Derbyshire Dales Local Plan (2017).

3. Insufficient information has been submitted to demonstrate that residential development of the site cannot be for more than 10 dwellings which, in such a case, would require the provision of public open space and facilities for, or improvements to, children’s play provision in Northwood. As such, the proposal fails to comply with Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017).

4. Insufficient information has been submitted to demonstrate that adequate site drainage can be provided for the proposed development and that due consideration has been given to the space required for on-site surface water storage. As such, the proposal fails to comply with Policies S1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. In the absence of an arboricultural survey and a plan detailing the site development parameters, to include protection areas for trees as a result of built form and highway safety requirements, the applicant has failed to demonstrate that the development will not have the potential to impact on protected trees along the western and southern boundaries of the application site. As such, the proposal fails to comply with Policies S1, S3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

6. Insufficient information has been submitted to demonstrate that the proposed development will not cause harm to protected species. As such, the proposal fails to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017) and with Government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 15th November 2017
Indicative Layout Plan 1:500 received on 15th November 2017
Additional Information received on 12th December 2017

BACK TO AGENDA
APPICLATION NUMBER
17/00381/OUT

SITE ADDRESS: Field North of GP Produce, The Hill, Cromford

DESCRIPTION OF DEVELOPMENT Erection of commercial units for B1(a), B1(c) and B8 use

CASE OFFICER Mr. G. A. Griffiths
APPLICANT Mr G Palin

PARISH Cromford
AGENT Roger Yarwood Planning Consultant

WARD MEMBER(S) Cllr. Mrs. J. Pawley
Cllr. G. Purdy
DETERMINATION TARGET 7th August 2017

REASON FOR DETERMINATION BY COMMITTEE Major application
REASON FOR SITE VISIT (IF APPLICABLE) To assess the impact on the character and appearance of the site and its surroundings

MATERIAL PLANNING ISSUES
- Principle of the development
- General layout and design
- Landscape and visual impact
- Highway safety
- Nature conservation
- Flooding and drainage

RECOMMENDATION
Refusal

PREAAMBLE
This item is being re-presented to the Planning Committee to allow for a site visit prior to determination of the application. The applicant’s agent has been contacted in writing as to whether he wishes to make any comments on the reason for refusal or to amend the application to address it. No reply has been received at the time of preparing this report.

In addition, since the previous Committee report was presented, the previous Local Plan (2005) has been replaced by the Adopted Derbyshire Dales Local Plan (2017) and the policy section of the report has been updated accordingly.
Fields North of GP Produce, The Hill, Cromford

Derbyshire Dales DC

Date: 25/01/2018

100019785
1. THE SITE AND SURROUNDINGS

1.1 The site is located between Cromford and Wirksworth on the northern side of an area of existing industrial development off Porter Lane. It lies directly off Cromford Hill between the road and Dark Lane. It is roughly triangular in shape and is currently an agricultural field down to permanent pasture. The land slopes down from south to north and from west to east. The boundary with industrial development to the south is marked by a vegetated embankment which extends into the field in the south west where there is new tree planting.

1.2 Mature trees characterise the boundary with Dark Lane and there is a copse of mature trees to the north of the application site. The boundary with Cromford Hill is defined by a stone wall. An associated line of trees, some being mature trees, had extended along the roadside from the copse in the north at the time of the Case Officer’s site visit; this line of trees has now been felled at the time of writing this report (see photographs below).

1.3 The immediate area is one of mixed development characterised by open countryside, extensive areas of woodland, quarrying, the industrial site, cemetery, the High Peak recreational trail and the local beauty spot of Black Rocks. Though it is located high on Cromford Hill it is quite well contained by land to the west, vegetation to the north and development to the south. It is open to view from Cromford Hill, the cemetery and a number of local footpaths.

1.4 The site is within the Derwent Valley Mills World Heritage Site buffer zone and is included on the Historic Environment Record as the Dovegang/Gang Mine, a lead mine which was worked from the sixteenth century; important remains still survive in part of the site.

1.5 A site designated variously as a Site of Special Scientific Interest (National importance), a Special Area for Conservation (International importance) and a Regionally Important Geological/Geomorphological Site (regional importance) is located immediately to the west of the site. The site falls within Impact Risk Zone 1 of the SSSI. A Local Wildlife Site is located immediately to the south west.

1.6 Notwithstanding the above constraints, the site is included as one with an employment allocation under Policy EC1A(e) of the Deposit Draft Derbyshire Dales Local Plan.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the development of the site for employment purposes. The application site has been put forward as a site to be allocated for employment purposes in the emerging Local Plan and has not been subject to objection. The applicant considers this can be attributed significant weight in the determination of this outline planning application.

2.2 The applicant has submitted a statement with the applications. This envisages the development of six business units varying in size from between 250m² to 750m². The smaller units would be single storey with Use Classes (B1(c) (light industry) and/or B8 (storage and distribution) business. The larger units are proposed to be two storeys within Use Class B1(a) (Offices). However, this is speculative at this stage and details will be submitted with a reserved matters application.

2.3 The applicant anticipates the buildings to be individually designed to meet the requirements of the occupant’s business needs but it is advised that a high standard of design and the use of quality materials will be achieved. It is also advised that the layout will be agreed with the Local Planning and Local Highway Authorities before permission is sought to develop the individual plots.

2.4 The access position is again indicative but is located to maximise visibility onto Cromford Hill but is again a reserved matter. Car parking provision is proposed to meet the car parking standards of the Local Plan. Based on the existing commercial site, it is expected that the site will generate some 80 – 120 vehicle movements each day. It is advised that there is good pedestrian accessibility to the site and regular public transport services and that the site is conveniently located to a substantial local population and, in this regard, is highly sustainable.

2.5 The applicant considers that the existing tree planting to the rear of the site will provide an attractive backdrop and landscaping within the site will form part of the reserved matters submission, again being agreed in advance of the details of the individual units.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)
   S1 Sustainable Development Principles
   S4 Development in the Countryside
   S6 Strategic Employment Development
   PD1 Design and Place Making
   PD2 Protecting the Historic Environment
   PD3 Biodiversity and the Natural Environment
   PD5 Landscape Character
   PD6 Trees, Hedgerows and Woodlands
   PD8 Flood Risk Management and Water Quality
   PD9 Pollution Control and Unstable Land
   HC19 Accessibility and Transport
   HC21 Car Parking Standards
   EC1 New Employment Development
   EC2 Employment Land Allocations

3.2 Government Guidance
   National Planning Policy Framework (March 2012)
   National Planning Practice Guidance

3.3 Other
   Landscape Character and Design Supplementary Planning Document (DDDC) 2007
   Derwent Valley Mills World Heritage Site Management Plan 2014-2019

4. RELEVANT PLANNING HISTORY

No planning history relating to this site but various planning permissions granted at the adjacent industrial site at the junction of Porter Lane and Cromford Hill.

5. CONSULTATION RESPONSES

Parish Council
5.1 - do not object in principle, but are concerned by the new access to this site being so close to the access to the existing industrial site (so there would be 3 "turn rights" going up the Hill very close together
- proposed access is shown as being almost opposite to that to the Black Rocks, cemetery and Bolehill junction - would ask DCC Highways to look at this and consider whether a full redesign of the road with filter lanes is needed (80 - 120 vehicle movements per day are quoted as being likely in the planning design and access statement for this application
- important to keep and bulk up the existing planting to the highway to the same depth as that to the existing industrial site - this may have consequences for layout and how many sqm of floorspace can be developed and car parking provision.

Local Highway Authority (Derbyshire County Council)
5.2 - no objection subject to conditions.

Land Drainage Authority (Derbyshire County Council)
5.3 - holding objection.

Derwent Valley Mills World Heritage Site Panel
5.4 - recommend refusal
- the site forms part of the World Heritage Site’s (WHS) arrested rural landscape setting
no heritage statement has been prepared and yet the site is surrounded by many historic features such as the Cromford and High Peak Railway, lime kilns, field barns, etc which contribute positively to the landscape
likely that the surrounding landscape will be host to a variety of associated archaeology which has not been acknowledged
whilst previous development has been allowed for the existing industrial units, any further development would have a harmful negative impact on the setting of the WHS and its outstanding universal value.

Development Control Archaeologist (Derbyshire County Council)
5.5 - holding objection - the applicant is required (NPPF para 128) to submit sufficient information to allow heritage significance and impacts to be understood.

Natural England
5.6 - initial holding objection to application but have now advised of no objection given the Phase 1 Survey submitted by the applicant
- conditions required.

Derbyshire Wildlife Trust
5.7 - the application site could be of Local Wildlife Site value
- should there should be some assessment of the ecological impact of the proposals on the identified features and resources and that consideration of potential impacts should not be restricted to the actual working area and just because a feature is of nature conservation interest
- refer to NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged
- recommend the Ecological Report should demonstrate how a net gain for wildlife would result from the proposal
- insufficient information submitted to be able to provide further comments.

Economic Development Manager (Derbyshire Dales District Council)
5.8 - the application is supported from an economic development perspective
- lack of new employment floorspace, both to facilitate the growth of indigenous business and encourage new investment into the District has been evidenced by work recently commissioned by the District Council
- the scheme accords with the Council’s corporate priority/economic objectives to increase business growth and job creation within the District
- size of units is within the range required locally and would provide an extension to an established employment site
- opportunities to access the site from the south through the existing employment land should be considered and, whilst the neighbouring well occupied site provides a good indication of demand for industrial premises locally, the applicant should be asked to confirm whether demand for office has been tested within this location
- although the layout of the site would be considered at reserved matters stage, it is advised that more detailed consideration is given to the both the provision of adequate yard space and access to each plot/building - proposed B1c and B8 uses will require access/turning space for vans and lorries and the proposal would benefit from review in this regard.

6. REPRESENTATIONS RECEIVED

6.1 None.
7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to the consideration of this outline planning application:

1. Principle of development
2. General layout and design
3. Landscape and visual impact
4. Heritage matters
5. Ecology matters
6. Highway safety
7. Flooding and drainage.

Principle of Development

7.2 The principle of development has been established with the site being allocated for employment development (Use Class B1(c) – Light Industry) in Policy EC2 of the Adopted Local Plan (2017).

7.3 The outline planning application has been assessed by the District Council’s Economic Development Manager. He advises that there is a lack of new employment floorspace, both to facilitate the growth of indigenous business and to encourage new investment into the District; this has been evidenced by work recently commissioned by the District Council which details the following:

- the Derbyshire Dales Business Survey (MEL Research Oct 2016) identified that 43% of business surveyed (sample size 221) have plans to expand and, of those looking to expand, two thirds require new premises; and
- an assessment of current workspace availability, part of the report (Review of Approach to the Delivery of New Employment Floorspace in Derbyshire Dales - Thomas Lister, Nov 2016) which identified that an estimated 2.2 years supply of office accommodation, and 1.5 years supply of industrial accommodation, remains available within the District at current take up rates, citing availability of industrial accommodation as “seriously constrained such that historic levels of take up are unable to be met”.

7.4 The scheme accords with the District Council’s corporate priority/economic objectives to increase business growth and job creation within the District. Therefore, the application is supported from an economic development perspective. The size of units proposed is also within the range required locally and would provide an extension to an established employment site.

7.5 Although not detailed on the illustrative application drawings, it is advised that opportunities to access the site from the south, through the existing employment site, should be considered and, whilst this neighbouring, well occupied site provides a good indication of demand for industrial premises locally, it is advised that the applicant confirm whether demand for offices has been tested within this location.

7.6 Although the layout of the site would be considered at reserved matters stage, it is advised that more detailed consideration is given to the provision of adequate yard space and access to each plot/building; proposed B1(c) and B8 uses will require access/turning space for vans and lorries and the proposal would benefit from review in this regard. In addition, it has been noted that the site is proposed to be designated solely for uses within Class B1(c) and the applicant has been asked to make further comments on their proposal to also provide B1(a) and B8 uses on the site; such comments have not been received.
7.7 Notwithstanding the above, and whilst the site allocation in the emerging Local Plan can now be given significant weight and gives a presumption in favour of developing the site for employment purposes, there are several matters which also need to be considered in the assessment of the development proposals as follows.

**General Layout and Design**

7.8 The layout of the site and the design of the buildings in their setting are reserved matters. However, whilst the site is proposed for allocation as a strategic employment site, the site is nevertheless a greenfield site in open countryside which is within the DVMWHS Buffer Zone. The site is in a sensitive location in terms of its relationship to sites designated for their scientific importance, such as Gang Mine, and the prominence it has within the view from Cromford Hill, and, in particular, from higher ground (including the cemetery, local footpaths and Black Rocks) to the east. In addition there are important landscape features on or immediately adjacent to the site which are potentially threatened by development.

7.9 The applicant has submitted an indicative layout of the site and advised on possible building forms but that these would be largely to individual business requirements. This is considered to leave a lot of discretion to the applicant as to what shape and form the development of the site will take and, in such a sensitive location, it is considered that this needs to be established at the outset. In this respect, an outline planning application with all matters reserved for the site development is considered inadequate. Whilst such information could have been requested for consideration with this application, this would put the applicant to significant further cost in developing such a scheme and there are further matters of concern with regard to the proposals, as submitted, which are detailed below.

**Landscape and Visual Impact**

7.10 There is no objection in principle in terms of the impact the development will have in the landscape, although there are some concerns regarding the proposals as presented. It will be important to protect existing trees on the embanked boundary to the commercial development in the south, trees on the western boundary with Dark Lane, trees within the copse on the northern boundary and larger trees on the boundary with Cromford Hill. The site would also need to provide sufficient space for the retention and future growth of these trees. However, the copse to the north of the application site is outside of the applicant’s ownership and without protection with a Tree Preservation Order. As such, if this area were to be cleared, it would leave the application site open to view and this needs consideration as to how mitigation can be achieved in this location. The effect of losing the trees, or not planting a landscaping buffer to the site at this northern end, would leave the development rather open to views up Cromford Hill.

7.11 In addition a strong buffer zone of planting must be established along the frontage with the A6 in order to screen views into the site from rising ground in the east. This would be expected to include the existing boundary wall, even if it has to be rebuilt to accommodate a footway and bus stop. Structure planting, including trees, would also need to be included within, and amongst, the development in order to further reduce its impact within the local view and create an environment that is appropriate for this sensitive location. Insufficient information has been submitted to detail how these matters would be addressed.

**Heritage Matters**

7.12 The Development Control Archaeologist (DCC) has advised that the proposals will impact on two sites on the Derbyshire Historic Environment Record; the remains of Dovegang/Gang Mine, a historic lead mine worked from at least the 16th century (HER 9707), and the site of a 19th century outfarm (HER MDR22229). Historic mapping shows mining related features on, and in the vicinity of, the site. This includes shafts, coes and
other mining-related earthworks, as well as two limekilns. It is also possible that the 'outfarm' building is linked to lead mining rather than agriculture.

7.13 The application site is also approximately 160m from a Scheduled Monument (the embankment and bridge of the former Cromford and High Peak Railway at Steeple Grange) and is clearly within the setting of this monument in terms of the NPPF definition ('the surroundings in which a heritage asset is experienced').

7.14 Because the site is of archaeological interest, and comprises a major expansion of the existing commercial site within the setting of a designated heritage asset, the Development Control Archaeologist (DCC) and the DVMWHS Panel consider that the applicant is required under Paragraph 128 of the NPPF to submit sufficient information to allow heritage significance and impacts to be understood; no such information is presented within the application documents.

7.15 To address this omission, the applicant will need to submit a heritage impact assessment for the site, produced by a suitably accredited and experienced heritage professional, and comprising an archaeological desk-based assessment (to include consultation with the Peak District Mines Historical Society and a walkover and plot/interpretation of visible features within the site) and a setting study in relation to the Scheduled Monument. Again, whilst such information could have been requested for consideration with this outline planning application, this would put the applicant to significant further cost in developing the scheme.

Ecology Matters

7.16 Natural England assessed the application and initially submitted a holding objection. It was advised that no assessment has been made of the potential impacts the proposal will have on the Gang Mine Special Area of Conservation (SAC). As such, detailed information on the construction process, and the operational stage of the proposed business units, was required. This was to determine whether the development would have Likely Significant Effects on Gang Mine SAC and should have included air quality and drainage processes which will be created as a result of this development and a strategy for mitigating any identified impacts. As such, the application initially failed to meet the requirements of Policy PD3 of the Adopted Local Plan (2017).

7.17 However, further to these comments, the applicant submitted a Phase 1 Habitat Survey. To this end, Natural England has now raised no objection to the proposal subject to conditions relating to suitable dust control measures within a Construction Environment Management Plan. It is also advised that the Local Planning Authority has regard to Paragraph 115 of the NPPF and use local landscape expertise and information to determine the proposal; such matters would include the appropriate landscaping of the site.

7.18 Derbyshire Wildlife Trust (DWT) also requested further information. The application site comprises semi-improved neutral grassland and bounded by a DWT reserve and Local Wildlife Site; therefore, the application site could be of Local Wildlife Site value. As such, it is advised that there should be some assessment of the ecological impact of the proposals on the identified features and resources and that consideration of potential impacts should not be restricted to the actual working area.

7.19 DWT refer to government guidance within the NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged and recommend that, irrespective of any mitigation or compensation arising from the process, that the Ecological Report should demonstrate how a net gain for wildlife would result from the proposals. DWT has advised that insufficient information was submitted for DWT to be able to provide further comments and that the application therefore fails to meet the
requirements of Policy PD3 of the Adopted Local Plan (2017). However, given the comments of Natural England, it is considered that mitigation measures and biodiversity enhancement could be provided as conditions on any grant of outline planning permission.

**Highway Issues**

7.20 No detailed information has been submitted regarding the envisaged traffic the proposal is expected to generate i.e. a Transport Statement. Therefore, the Local Highway Authority has advised that it is difficult to fully assess the proposals and its likely impact on the surrounding highway network. Although the submitted details estimate the site will generate between 80 – 120 vehicle movements to and from the site each day, no information has been submitted to support this statement. This figure is apparently based on the experience of the adjacent site but specific vehicle trip data has not been submitted and there are several factors which could drastically affect the number of vehicle trips the site could generate.

7.21 With regards to the recommended emerging visibility from the new access onto The Hill, given The Hill is subjected to a 40mph speed limit, and the approximate gradient of The Hill in the close vicinity of the site is 1:12, current guidance recommends emerging visibility sightlines of 2.4m x 87m to the north and 2.4m x 137m to the south. Although no drawing has been submitted illustrating what level of emerging visibility is currently available, given the extent of land the applicant is showing to be in his control, its envisaged these recommended splays can be achieved looking over controlled land or that within the public highway.

7.22 As the proposed development has the potential to generate a significant number of vehicle trips, the Local Highway Authority has also recommend the road layout on The Hill be altered to provide this site with a central right turning facility. This is in order to allow visitors to pull into the central lane and wait to turn right into the site without obstructing the flow of traffic on The Hill; this will avoid queuing traffic towards the bend in the road to the north of the proposed access.

7.23 As the internal layout is only indicative, the Local Highway Authority has no comments at this stage. However, as part of any reserved matters or full application, detailed designs of the proposed access, parking and turning areas will need to be submitted, along with evidence to determine the likely parking demand the site is likely to generate.

7.24 Notwithstanding the above, the Local Highway Authority has advised that it is unlikely it could object to the principle of this site being developed. It seems the proposed vehicular access to the site can achieve acceptable emerging visibility sightlines and forward visibility for vehicles turning right into the site (and for those following vehicles turning right into the site) seems adequate. On this basis, the Local Highway Authority has recommended conditions with regard to details of the temporary access for construction, details of storage, parking, etc. on site during construction, wheel cleaning facilities, required visibility splays, a right turning facility off The Hill, parking provision, the gradient of the access, arrangements for bin storage and means to prevent the discharge of water onto the highway. Whilst the applicant has raised concern with providing the right turning facility, he has nevertheless agreed to the Conditions requested by the Local Highway Authority.

**Flooding and Drainage**

7.25 The Land Drainage Authority has recommended a holding objection to the proposal as it is not possible to provide an informed comment until such time as surface water drainage details are submitted. The information sought includes:

- a site plan and impermeable area plan;
- a topographic survey of the site;
- 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 and an indication of the likely location;
- calculations to include allowances for the current Environment Agency guidance for climate change and urban creep;
- basic ground investigation (desktop survey as a minimum); and
- evidence of consideration of a variety of SuDS methods.

7.26 These details are required by the Flood Risk Management Team early in the planning stage 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 storage. This could also have implications for how the site is laid out and any landscaping that may be required to mitigate the impacts of development.

Conclusion

7.27 Whilst the site is allocated for employment use in the Adopted Local Plan (2017), this does not mean that the site can be granted a planning permission, even in outline with all matters reserved, without addressing significant constraints that are associated with the site. To this end, it is considered reasonable to consider the three strands of sustainable development; the economic; social and environmental roles as defined in Paragraph 7 of the NPPF.

7.28 With regard to the economic, social and environmental roles, the provision of employment on the site in close proximity to Wirksworth and Cromford, with public transport links to Matlock, Ashbourne and Belper, and further afield, is a significant benefit of the proposed commercial development of the site. There are also economic benefits to be gained in the construction of the site. In this respect, the proposal could provide a sustainable form of development. There are concerns with the impact the development may have during its construction and operation with regard to important wildlife sites. However, Natural England has advised that these can now be addressed by condition having taken the applicant’s Phase 1 Habitat Survey into consideration.

7.29 There will be some impact in the heritage landscape, this has to be balanced with the public benefits of the development. This is in order to address the aims of Paragraph 134 of the National Planning Policy Framework, which is reflected in Policy PD2 of the Adopted Local Plan (2017). This Paragraph of the NPPF states that where development is has less than substantial harm to heritage assets, that the public benefits must outweigh such harm.

7.30 However, notwithstanding the above, there are significant concerns with regard to how the design and appearance of the development, and its assimilation into the landscape with screening/softening, will be achieved in order that the heritage value of the area and the impact in the open countryside can be mitigated. To this end, it is considered that the applicant has provided insufficient information to allay the concerns of Officers. It has been advised to the applicant that matters of heritage need to be considered but the response given has been rather dismissive.

7.31 Officers consider that such matters need to be addressed in establishing the principle of the development proposed. This is also reflected in the matter of the landscaping proposals for the site, to enable the development to become more assimilated and less harmful in the landscape. It should be noted that the wooded area immediately abutting the application site to the north (junction of Cromford Hill with Dark Lane) is not shown to be in the applicant’s ownership and limited weight can be given to this forming a landscaping buffer to the site. Officers also consider it essential that views of the development from Cromford Hill, and the area beyond which includes Black Rocks, and
from Dark Lane need to be softened. It is considered that it is inappropriate to give a positive recommendation for the development of such a sensitive site until the matters of how these impacts are to be addressed has been agreed.

7.32 It has been advised by the applicant that he may wish to create plots for development rather than developing the site through himself as a single entity. However, to this end, there would be a needs to submit some design parameters for the buildings and a landscaped framework in which they will sit to be assessed at this stage of the planning process; it is not considered appropriate to grant an outline planning permission and each plot be developed without regard to a clear design strategy and/or mitigation measures having been assessed in the context of the landscape and the heritage value attributed to the wider area.

7.33 In terms of land drainage, notwithstanding the applicant’s comments to the contrary, this is not a matter that should be addressed as a reserved matter and must inform the consideration of the principle and design as it could reduce the area available for built development. The applicant has advised that such matters should have been considered in the site allocation in the emerging Local Plan. However, a Design Brief has not been prepared for the site and it is clear that these matters must be addressed as part of establishing the acceptance, in principle, of granting outline planning permission for built form, with the associated hard surfaced areas and soft landscaping, and how land drainage can be provided within those constraints.

7.34 Given the above, whilst the principle of development is supported with the site allocation in the Deposit Draft Local Plan, the outline planning application cannot be supported without the submission of further information to address the above concerns. As such, it is recommended that outline planning permission should be refused based on the inadequate level of information submitted with the application.

8. RECOMMENDATION

That outline planning permission be refused for the following reason:

1. In the absence of adequate details of the proposed development in terms of its design, scale, layout and site drainage, and any mitigating measures, it is considered that the application as submitted fails to demonstrate how the development will be successfully assimilated into this sensitive environment. Without this information, the proposal has the potential to harm the significance of heritage assets and the landscape in which it is proposed. As such, the proposal fails to comply with Policies S5, PD1, PD2, PD5 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) and with Government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 8th May 2017
Indicative Layout Plan 1:1000 received on 8th May 2017
Design and Access Statement received on 8th May 2017
Phase 1 Habitat Survey received on 22nd September 2017

BACK TO AGENDA
**APPLICATION NUMBER** | 17/01086/FUL  
**SITE ADDRESS:** | Mulino Lodge, Agnes Meadow Lane, Kniveton, DE6 1JR  
**DESCRIPTION OF DEVELOPMENT** | Erection of cycle storage building, retention of existing lodge & garden room for use as holiday accommodation, variations of planning permission (10/00685/FUL) to site 3no. pods and alterations to landscaping.  
**CASE OFFICER** | Mr. Andrew Stock  
**APPLICANT** | Mr Craig Barks  
**PARISH/TOWN** | Atlow  
**AGENT** | N/A  
**WARD MEMBER(S)** | Cllr. L Rose OBE  
**DETERMINATION TARGET** | 10th January 2018  
**REASON FOR DETERMINATION BY COMMITTEE** | Requested by Ward Member  
**REASON FOR SITE VISIT (IF APPLICABLE)** | Requested by Ward Member to appreciate the proposal in the context of its surroundings  

**MATERIAL PLANNING ISSUES**  
- Site history  
- The principle of the development  
- The impact of the development on the character and appearance of this part of the countryside / local landscape character  

**RECOMMENDATION**  
Refusal
17/01086/FUL

Mulino Lodge, Agnes Meadow Lane, Kniveton

Derbyshire Dales DC

Date: 25/01/2018

100019785

1:3,500

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

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

1.1 Mulino Lodge is located in an exposed hillside location off Agnes Meadow Lane, southeast of Kniveton village within the open countryside. This site is via along narrow rough farm track, directly off Agnes Meadow Lane.

1.2 At present, the farmstead comprises a stone built farmhouse with related farm yard, including barns, a log cabin and associated garden room. As part of a farm diversification 3 glamping pods and associated services buildings/decking areas have been constructed.

1.3 The glamping pods sit within an agricultural field on the eastern side of the main development at Mulino Lodge. The field is quite steeply sloping from west to east. Field boundary hedgerows are well developed on the northern and eastern sides. The northern hedgerow, in particular, is characterised by densely growing trees.

2. **DETAILS OF THE APPLICATION**

2.1 Retrospective planning permission is sought for the retention of the log cabin and garden room for use as holiday accommodation, shower block, raised decking areas/raised platforms, areas of hard standing. In addition the application seeks to substitute the 3 yurts approved under planning approval 10/00685/FUL with the retention of 3 glamping pods in a revised location to be used all year round.

2.2 Further works, not retrospective include the erection of a cycle shed and associated hard and soft landscaping, as illustrated on submitted plans date stamped 6th November 2017.

2.3 The revised location of the glamping pods would sit closer to the host farmhouse on the eastern side of the application site. The two smaller pods measure approximately 2.5m (W) x 4.3m (L) x 2.7m (H) and the single larger pod measures approximately 3.1m (W) x 4.8m (L) x 2.7m (H). The pods are of timber frame construction clad in slate colour rubber tiles.
2.4 The cycle store would measure approximately 2.2m (W) x 4.8m (L) x 2.9m (H) and be of timber frame construction set behind the existing shower facility.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2017):
- **S4** Development in the Countryside
- **PD1** Design and Place Making
- **PD5** Landscape Character
- **EC9** Holiday Chalets, Caravan and Campsite Developments
- **EC10** Farm Enterprise and Diversification
- **HC19** Accessibility and Transport

4. **RELEVANT PLANNING HISTORY**

14/00129/FUL Erection of 10kW wind turbine \hspace{1em} GRANTED
13/00158/EXF Extension of time limit for implementation – change of use of land to siting of ‘pinelog chalet’ as agricultural workers dwelling for temporary period of 18 months \hspace{1em} GRANTED
12/00626/FUL Erection of agricultural workers dwelling \hspace{1em} GRANTED
12/00365/FUL Erection of 2no 5kW wind turbines \hspace{1em} REFUSED (APPEAL DISMISSED)
11/00829/FUL Erection of single monopole 50kW turbine \hspace{1em} WITHDRAWN
11/00678/AGR Agricultural Prior Notification – Erection of hay barn and lambing shed \hspace{1em} GRANTED
10/00842/FUL Erection of 50kW (34.6m to blade tip) wind turbine \hspace{1em} REFUSED (APPEAL DISMISSED)
10/00685/FUL Use of land for seasonal siting of 3no ‘Mongolian Style’ tents between 1st March and 31st October annually \hspace{1em} GRANTED
10/00364/FUL Erection of 34.5m wind turbine \hspace{1em} REFUSED
10/00035/TEMP Change of use of land to siting of Pinelog chalet as agricultural workers dwelling for temporary period of 3 years \hspace{1em} GRANTED
08/00833/AGR Agricultural Prior Notification – Extensions to barn for fodder and machinery storage \hspace{1em} GRANTED

5. **CONSULTATION RESPONSES**

5.1 **Town Council**
Members make the following comments;

**Pods**
No objection to the 3 Pods providing the permission unequivocally **supersedes** the Yurt permission, so there can no longer be white canvas on the hillside.
Cycle Store
No objection as it will effectively be hidden from the Atlow side of the valley by the Shower Block.

Retention of Log Cabin & Garden Room
Most people hold rather mixed opinions which will make it difficult for Atlow to provide a clear majority “yes” or “no”:

In Support
It is felt that removing the log cabin and the garden room would not result in any significant improvement to the visual impact of the development from the Atlow side as these two buildings are far less noticeable than the stone house and some of the other buildings. There is much appreciation for the hard work of the Applicant in running a successful business; for his efforts in keeping this newly developed area very tidy and well-maintained; and for his work to help the environment and promote traditional skills like dry stone walling. It was suggested that if improved screening could be planted to the front of the stone house, this would help to “compensate” for the log cabin’s retention.

Against
However, there is considerable concern that the planning process did not ensure the removal of the log cabin as part of the building control/enforcement element for the permanent dwelling.
Comments include:
- very unfair to those who do follow the rules
- a perfect example of development “creep”
- a worrying precedent
- what happens when these buildings need to be replaced or if they are extended?

I understand that one of the concerns is the cost of removing the cabin, but of course, that is neither the fault nor the responsibility of the planning process.

Several compromise suggestions have been put forward, including replacing the cabin with a 4th Yurt, or allowing more time to remove the structures, although of course I don’t know if any such move would acceptable either to the Applicant or to Officers and Members.

Would it be an option to allow the buildings to stay but with a strict limitation clause, eg restricting the occupancy period and frequency; not allowing the buildings ever to be separated legally from the permanent buildings and farm so they could not be sold; etc.?

Fundamentally, Atlow’s view is that it comes down to weighing the importance of a very important principle against the lack of any tangible benefit from removing the structures. We would support whichever course makes it easier to prevent any further development on this site.

I am sorry this is not a straightforward answer, but I do hope it is of some help to Members.

5.2 Derbyshire County Council (Highways)
No objection, subject to conditions.

5.3 Peak & Northern Footpaths Society
No objection.

5.3 Derbyshire Dales Group of the Ramblers
No objection.
5.4 Derbyshire County Council (Flood Risk Technician)
No objection.

5.5 Environmental Health Officer
No objection.

5.6 Landscape Officer
There is no objection to the erection of the cycle storage building. There is no objection in principle to the replacement of seasonal yurts with the glamping pods. There are concerns regarding the retention of the temporary accommodation.

6. REPRESENTATIONS RECEIVED

6.1 A single letter of support has been received from the Public Licence Holder of The Red Lion Public House in Kniveton.

7. OFFICER APPRAISAL

The Site History

7.1 It is important in assessing the current scheme to fully understand the history of the site. The applicant has established a farming enterprise on this site which has justified and can support a permanent agricultural workers dwelling. As an interim step a temporary dwelling was allowed. This building has been retained and is in breach of planning control.

7.2 In parallel with the development of the farming enterprise the applicant developed, as a means of farm diversification, holiday accommodation on site. This was originally in the form of 3 yurts located on the site for up to 8 months per year. These have been replaced by 3 permanent glamping pods. This is also unauthorised.

7.3 In addition to these breaches of planning control there are a number of other planning breaches on this site as follows;

- Shower block not built or located in accordance with approved plans (app ref: 10/00685/FUL).
- Unauthorised erection of ‘Garden Room’.
- Unauthorised erection of raised platforms associated with authorised camping pods.
- Areas of hard standing associated with the unauthorised camping pods.
- Agricultural workers dwelling not built in accordance with approved plans (app ref: 12/00626/FUL).

Principle of the development

7.4 Mulino Lodge is located in an exposed hillside location off Agnes Meadow Lane, southeast of Kniveton village within the open countryside. Policy S4 of the Adopted Derbyshire Dales Local Plan which deals with development in the countryside supports development in such locations if it represents the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities.

7.5 Policy EC9 of the Adopted Derbyshire Dales Local Plan specifically relates to proposals for new holiday accommodation which considers the appropriateness of a site in terms of sustainability as well as other matters which will be explored later in the report. It states
development will be permitted provided that the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.

7.6 Policy EC10 of the Adopted Plan deals with farm enterprise diversification developments and states farm diversification schemes will be permitted where a proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm.

7.7 Planning permission was granted in 2010 for the ‘use of land for seasonal siting of 3 no ‘Mongolian Style’ tents between 1st March and 31st October annually’ (App ref: 10/00685/FUL). The Local Planning Authority were of the opinion that the seasonal development of 3 yurts which formed part of a relatively small scale farm diversification scheme, albeit in an unsustainable location, was not considered to be unacceptable, in principle.

7.8 This permission was originally implemented albeit the applicant has moved onto permanent glamping pods. The historical permission nonetheless is a material planning consideration when assessing this latest application. The principle of development of up to 3 holiday units for 8 months of the year at Mulino Lodge is therefore established following the approval of application 10/00685/FUL in 2010.

7.9 Retrospective planning permission is also sought for expansion of the holiday accommodation through the retention of the log cabin and garden room for use as holiday accommodation, shower block, raised decking areas/raised platforms, areas of hard standing. Further works, not retrospective, include the erection of a cycle shed and associated hard and soft landscaping, as illustrated on submitted plans date stamped 6th November 2017.

7.10 The application is not submitted as part of a farm diversification scheme but as a ‘glamping business’, as stated within the supporting planning statement. The expansion of the holiday accommodation at Mulino Lodge through the provision of log cabin and garden room and in combination with the use of the glamping pods all year round goes beyond what can be reasonably construed as a farm diversification scheme.

7.11 Having regard to the nature of the application, the location of the site and the aforementioned policies of the development plan the main issues to in the consideration of this application are;

a) is the site an appropriate location for new build holiday units, in terms of sustainability, as part of a farm diversification scheme and;

b) the impact of the development on the character and appearance of this part of the countryside / local landscape character.

An assessment of the impact on the character and appearance of the countryside and local landscape character will be explored later within the report.

7.12 Mulino Lodge is located within the open countryside, between Kniveton and Atlow villages, set back approximately 300+ metres from the nearest road, namely Agnes Meadow Lane. The site is detached from neighbouring villages, with the nearest village, Kniveton approximately 1.3 miles to the north west of the site. However, it is considered that the nearest town with any reasonable services/facilities is arguably Ashbourne, approximately 4 miles to the west. A single public right of way (Kniveton 44) runs within
300 metres of the application site which connects the site to Kniveton. Given the isolated location of the site visitors are most likely to depend on their own private motor vehicle to visit the site, given the lack of infrastructure available to make the fullest possible use of public transport, walking and cycling routes.

7.13 The site is not within, or in close proximity to existing settlements with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is neither served by public transport or within a safe attractive ten minute walk of regular public transport services and would therefore constitute an unsustainable form of development not promoting sustainable rural tourism.

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

7.14 Notwithstanding the above, consideration must be had with the potential harm to the character and appearance of the immediate and wider landscape.

7.15 The land holding at Mulino Lodge is a prominent one within the local landscape and the site overlooks the countryside towards Atlow, Hognaston and Carsington reservoir. Built development is clustered in an area close to the northern boundary of the land holding though the applicant also rents land to the north. The Landscape characterised as Wooded Slopes and Valleys landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area. The surrounding landscape on the eastern side is typical of the type in the following respects:

- Upland, undulating ground
- Slopes are moderate to steep and steepen along the stream valleys
- Permanent pasture for sheep and dairy cattle
- Densely scattered small to medium ancient woodlands and some secondary woodland, mostly on steeper slopes and along streams
- Densely scattered hedgerow trees
- Irregular field pattern bounded by mixed species hedgerows
- Dry-stone walls are also widespread, usually defining a more regular field pattern
- Network of winding lanes, often sunken on steeper slopes, with rocky banks

7.16 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area’s character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

7.17 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

7.18 Policy EC9 of the Adopted Derbyshire Dales Local Plan further states that proposals for caravan and campsite developments will be permitted provided they would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and that any visual impact would be screened by existing landscape features from areas outside the site to which the public has access for the whole of the proposed operating season. Camping, caravan and chalet development will need to be carefully controlled to ensure that they do not have an adverse impact up.

7.19 Policy EC10 of the Adopted Derbyshire Dales Local Plan supports farm diversification proposal that has a positive impact on the environment.
7.20 With regards to the location of the revised glamping pods the land falls steeply away to the east and south of the farmstead. Hawthorn grows in scattered patches along the top of the slope which helps to assimilate the pods and services building that have been repositioned here. As a result, in medium to long distance views from the surroundings they are substantially screened. No objection in principle has been raised by the Landscape Officer to the replacement of seasonal yurts with the glamping pods. As previously concluded, the replacement of the seasonal yurts with the glamping pods sited far less conspicuously amongst the hawthorns and close to the services building is considered on balance to be acceptable.

7.21 There is no objection raised for the erection of the cycle storage building given it modest size and being of timber construction which will fit well with nearby buildings. Existing hawthorn scrub and developing trees will continue to substantially screen the building in medium to long distance views from the surroundings. The grassed/green roof will also help to successfully assimilate the building within its surroundings.

7.22 Concerns have been raised with regards the retention of the temporary ‘log cabin’ accommodation and ranch style timber post/rail fencing used quite extensively throughout the area. The building is considered to be in a more prominent location which does not benefit from screening in the same way as the pods. This type of building is not one which is locally characteristic and will result in an alien feature within the landscape. In terms of their nature and scale they are uncharacteristic of local landscape character and have adverse impact in this respect.

7.23 The requirement of Policy EC9 necessitates that any visual impact should be well screened by existing landscape features from areas outside the site however, the level/extent of supplementary landscaping required to filter views of the development would be excessive given the openness of the site.

7.24 In this respect, it is considered that the temporary ‘log cabin’ accommodation and associated engineering works results in a somewhat cluttered appearance that is at odds with local landscape character resulting in an adverse impact on the character and appearance of the immediate and wider landscape that is intrinsically harmful to this part of the countryside contrary to policies S4, PD1, PD5, EC9 and EC10 the Adopted Derbyshire Dales Local Plan (2017).

Conclusion

7.25 The glamping pods are sited far less conspicuously in the hillside amongst the hawthorns and within close association to the services buildings. The permanent nature of the glamping pods are compensated for by the better siting and lesser visual prominence of the development within the landscape. On balance when due consideration is given to the previous approval (App ref: 10/00685/FUL) the replacement of the seasonal yurts with the glamping pods, albeit in an unsustainable location is considered to be acceptable, subject to the permission for the yurts being rescinded.

7.26 However, the expansion of the holiday accommodation business at Mulino Lodge through the provision of a log cabin and garden room, in combination with the use of the glamping pods all year round goes beyond what can be reasonably construed as a farm diversification scheme. Further holiday accommodation, in this otherwise remote and unsustainable location within the countryside, would promote an unsustainable form of tourism which results in a somewhat cluttered appearance that is at odds with local landscape character resulting in an adverse impact on the character and appearance of the immediate and wider landscape contrary to policies S4, PD1, PD5, EC9 and EC10 the Adopted Derbyshire Dales Local Plan (2017).
7.27 Taking the above into consideration the application does not satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for refusal.

8. **RECOMMENDATION**
   That planning permission be refused for the following reason(s):

1. The expansion of the holiday accommodation business at Mulino Lodge through the provision of a log cabin and garden room, in combination with the use of the glamping pods all year round goes beyond what can be reasonably construed as a farm diversification scheme. Further holiday accommodation, in this otherwise remote and unsustainable location within the countryside, would promote an unsustainable form of tourism which is furthermore detrimental to the character and appearance of the landscape contrary to Policies S4, PD1, PD5, EC9 and EC10 the Adopted Derbyshire Dales Local Plan (2017).

**NOTES TO APPLICANT:**

1. Following several failed attempts to resolve the fundamental planning issues with the application the Local Planning Authority considered issuing a decision on the application at the earliest opportunity allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:
   Submitted plans date stamped 6th November 2017.
# Active Enforcement Investigations

## Ashbourne North

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td></td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00054</td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00011</td>
<td>Works to roof not done in accordance with approved plans (Planning permission reference number. 17/00045/FUL)</td>
<td>Blacks Cottage Coopers Close Ashbourne Derbyshire DE6 1EQ</td>
<td>Pending Consideration</td>
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## Ashbourne South

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<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00038</td>
<td>Unauthorised works to listed building</td>
<td>Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
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## Brailsford

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<tr>
<td>ENF/17/00058</td>
<td>Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire</td>
<td>South Lodge Long Lane Longford Derbyshire DE6 3DS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00073</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00125</td>
<td>Installation of a Biomas Generator</td>
<td>Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00143</td>
<td>Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding</td>
<td>Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00009</td>
<td>Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford</td>
<td>Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Carsington Water**

<p>| ENF/16/00034 | Unauthorised erection of Dog kennels | Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ | Pending Consideration |
| ENF/16/00073 | Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA | Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA | Pending Consideration |
| ENF/17/00041 | Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation | Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire | Pending Consideration |
| ENF/17/00052 | Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire. | Manor House Church Street Brassington Derbyshire DE4 4HJ | Pending Consideration |
| ENF/17/00082 | Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF | Barnwood Main Street Hopton Derbyshire DE4 4DF | Pending Consideration |
| ENF/17/00085 | Unauthorised building works comprising a change of structure on a building approved under PDA change of use. | Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB | Pending Consideration |
| ENF/17/00095 | Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL. | Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW | Pending Consideration |
| ENF/17/00132 | Unauthorised installation of gas cylinder, forward of a principal elevation. | Barnwood Main Street Hopton Derbyshire DE4 4DF | Pending Consideration |</p>
<table>
<thead>
<tr>
<th>ENF/17/00141</th>
<th>Tipping of Materials on Land</th>
<th>The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF</th>
<th>Pending Consideration</th>
</tr>
</thead>
</table>

### Clifton And Bradley

<table>
<thead>
<tr>
<th>ENF/17/00155</th>
<th>Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill</th>
<th>Saw Mill Osmaston Derbyshire</th>
<th>Pending Consideration</th>
</tr>
</thead>
</table>

### Darley Dale

<table>
<thead>
<tr>
<th>ENF/12/00034</th>
<th>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</th>
<th>Stancliffe Quarry, Darley Dale, Matlock.</th>
<th>Notice Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00016</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.</td>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00100</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
<td>Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00114</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.</td>
<td>1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00119</td>
<td>Access Modifications/ Modifications to Public Footpath</td>
<td>Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00139</td>
<td>Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building</td>
<td>Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00142</td>
<td>The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00158</td>
<td>The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing</td>
<td></td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00159</td>
<td>Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney</td>
<td></td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
## Dovedale And Parwich

| ENF/15/00065 | Alleged change of use of pub car park to use for the stationing of vehicular mobile homes. | Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB | Notice Issued |

## Hulland

| ENF/14/00041 | Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU | Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU | Pending Consideration |
| ENF/15/00004 | Unauthorised engineering works including substantive excavation on land at Common Farm. | Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP | Pending Consideration |
| ENF/15/00024 | The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3). | Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU | Pending Consideration |
| ENF/17/00064 | Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton | Caravan At Valley View Broad Way Kirk Ireton Derbyshire | Pending Consideration |
| ENF/17/00109 | Use as a collection point for County Council vehicles | Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Pending Consideration |

## Masson

| ENF/13/00108 | Unauthorised works to Grade II Listed Building | Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH | Notice Issued |
| ENF/15/00054 | Unauthorised alterations to a Grade II Listed Building. | Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR | Pending Consideration |
| ENF/15/00104 | Unauthorised internal works and demolition of external boundary wall. | Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ | Notice Issued |
| ENF/16/00041 | Unauthorised instalation of plastic windows and door. | 2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS | Notice Issued |
| ENF/16/00090 | Erection of a shed, decking and fence. | 2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ | Pending Consideration |
| ENF/16/00097 | Unauthorised engineering operations and the creation of concrete retaining wall. | UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ | Pending Consideration |
| ENF/17/00022 | Erection of two wooden sheds. | The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA | Notice Issued |
| ENF/17/00061 | Unauthorised works to a Listed Building | RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS | Pending Consideration |
| ENF/17/00102 | Erection of Four Sheds | Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ | Pending Consideration |
| ENF/17/00145 | Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT | 1 High Street Bonsall Derbyshire DE4 2AS | Pending Consideration |
| ENF/17/00147 | Breach of Conditions of Planning Permission Reference 11/00504/FUL | Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU | Pending Consideration |
| ENF/17/00150 | Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH. | 1 Water Lane Cromford Derbyshire DE4 3QH | Pending Consideration |
| ENF/18/00003 | Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire | Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG | Pending Consideration |

**Matlock All Saints**

| ENF/15/00030 | Unauthorised "PELI" advertisement | Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT | Notice Issued |
| ENF/16/00101 | Unauthorised erection of sheds, chicken enclosures and a "shepherds hut". | High Croft Salters Lane Matlock Derbyshire DE4 2PA | Pending Consideration |
| ENF/17/00043 | Engineering operations to create a raised patio area. | 161 Smedley Street Matlock Derbyshire DE4 3JG | Pending Consideration |
| ENF/17/00110 | Development not being built in accordance with approved plans (Doors in Gable End) | The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ | Pending Consideration |
| ENF/17/00146 | Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL) | 10 Crook Stile Matlock Derbyshire DE4 3LJ | Pending Consideration |
| ENF/18/00001 | Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years | Private Car Park Olde Englishe Road Matlock Derbyshire | Pending Consideration |

**Matlock St Giles**

| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/16/00046 | Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL | Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX | Pending Consideration |
ENF/16/00053  Unauthorised access off Riber Road.  Brookdale Riber Road Lea Derbyshire DE4 5JQ  Notice Issued

ENF/16/00056  Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.  72 Starkholmes Road Matlock Derbyshire DE4 3DD  Pending Consideration

ENF/16/00089  Breaches of Planning Control  ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL  Notice Issued

ENF/17/00020  Unauthorised use of land for the storage and stationing of caravans.  Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ  Notice Issued

ENF/17/00079  Breach of condition 5 on planning permission 16/00889/FUL  ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL  Notice Issued

ENF/17/00116  Excavation works being undertaken  Parkfield 283 Starkholmes Road Starkholmes Matlock Derbyshire DE4 5JE  Pending Consideration

ENF/17/00117  Unauthorised engineering works and formation of access  Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE  Notice Issued

Norbury

ENF/11/00091  Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF  Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF  Notice Issued

ENF/13/00050  Unauthorised building works to an agricultural building. (Increasing the height).  Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire  Pending Consideration

ENF/14/00030  Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.  Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET  Pending Consideration

ENF/16/00068  Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 "The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere".  Land To The South Of West View Shields Lane Roston Derbyshire  Pending Consideration
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00113</td>
<td>Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
<td>Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00156</td>
<td>Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park</td>
<td>Roston Inn Mill Lane Roston Derbyshire DE6 2EE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00007</td>
<td>Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017</td>
<td>Honesuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Stanton</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/17/00151</td>
<td>Illuminated Signage, totem pole signage and banner advert</td>
<td>UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Winster And South Darley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/17/00053</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Wirkswoth</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
ENF/17/00031 Unauthorised installation of a white plastic door and window. 1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP Pending Consideration

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

ENF/17/00092 Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations. Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE Pending Consideration

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

ENF/17/00105 Finished detail on apartment bay windows not in accordance with the approved design Land At Cromford Road Wirksworth Derbyshire Pending Consideration

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

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

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

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

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

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

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

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

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

**Total Open Cases:** 99
# Enforcement Investigations Closed

**In the 6 Months Prior to 25/01/2018**

## Ashbourne South

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received 06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received 25/10/2017</td>
</tr>
<tr>
<td>ENF/17/00075</td>
<td>Unauthorised erection of shed on land to rear of 49 Lodge Farm Chase, contrary to condition 9 of planning permission 13/00854/REM - Erection of 38 no. dwellings and associated public open space and infrastructure (approval of reserved matters)</td>
<td>49 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY</td>
<td>Complied Voluntarily 28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00083</td>
<td>Removal of boundary hedgerow</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>Complaint Unfounded 11/08/2017</td>
</tr>
<tr>
<td>ENF/17/00128</td>
<td>Dwelling being built to the rear of the property</td>
<td>Rear Of 49 Derby Road Ashbourne Derbyshire DE6 1BH</td>
<td>Complaint Unfounded 03/11/2017</td>
</tr>
<tr>
<td>ENF/17/00134</td>
<td>Exterior Painting</td>
<td>Panda Express 7 Station Street Ashbourne Derbyshire DE6 1DE</td>
<td>Justification from Officer 06/11/2017</td>
</tr>
</tbody>
</table>

## Brailsford

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00050</td>
<td>Unauthorised change of use of domestic garage to use for commercial dog grooming parlour.</td>
<td>The Spruces Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Planning Application Received 18/08/2017</td>
</tr>
<tr>
<td>ENF/17/00063</td>
<td>Various adverts around Brailsford</td>
<td>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</td>
<td>Not in the Public interest to pursue 06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Complaint Unfounded 15/01/2018</td>
</tr>
<tr>
<td>ENF/17/00120</td>
<td>Are the relevant permissions in place for weddings to be held at this site</td>
<td>Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE</td>
<td>Justification from Officer 15/01/2018</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
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</tr>
<tr>
<td>ENF/17/00126</td>
<td>Siting of a static caravan</td>
<td>Daisy Bank Farm Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/17/00103</td>
<td>Early Morning Construction Noise from Development</td>
<td>Former Goodacres Farm Furlong Lane Hognaston Derbyshire DE6 1PX</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Planning Application</td>
</tr>
<tr>
<td>ENF/17/00096</td>
<td>Alleged unauthorised excavation to create slurry pit on land adjacent to Rough Wood, Bradley</td>
<td>Land North Of Rough Wood Rough Lane Yeldersley Derbyshire</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00122</td>
<td>Addition of lean to building and slabbled area</td>
<td>Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/17/00047</td>
<td>Unauthorised engineering/earthwork operations on the Western boundary of Denacre House and the building of a retaining wall between Denacre House and the road.</td>
<td>Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL</td>
<td>Planning Application</td>
</tr>
<tr>
<td>ENF/17/00086</td>
<td>Unauthorised side extension.</td>
<td>Lynfield Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application</td>
</tr>
<tr>
<td>ENF/17/00091</td>
<td>Alleged unauthorised fence.</td>
<td>Meadow View Centre 300 Bakewell Road Matlock Derbyshire DE4 2JF</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00098</td>
<td>Erection of an outbuilding</td>
<td>11 Hillside Gardens Matlock Derbyshire DE4 3SH</td>
<td>Complied Volunteerly</td>
</tr>
<tr>
<td>ENF/17/00107</td>
<td>Extension not being carried out in accordance with the approved plans.</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/17/00115</td>
<td>Alleged unauthorised signage on roof of public house</td>
<td>Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00099</td>
<td>Unauthorised use of land for Commercial/ Industrial Storage</td>
<td>Hallmark Tractors Limited Springfield Garage Ashbourne Road Sudbury Derbyshire DE6 5HL</td>
<td>Justification from Officer</td>
</tr>
</tbody>
</table>

**Carsington Water**

**Clifton And Bradley**

**Darley Dale**

**Doveridge And Sudbury**

**Hulland**
ENF/17/00065 Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.
Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG
Complied Voluntarily 25/01/2018

ENF/17/00066 Unauthorised building work to create a chimney on roof of barn conversion contrary to planning permission 16/00501/PDA - Change of use of agricultural building to 2 no dwelling houses (use class c3) and associated building operations.
Highcroft Hillcliff Lane Turnditch Derbyshire DE56 2EA
Complied Voluntarily 11/08/2017

ENF/17/00072 Breach of condition 1 of planning permission 15/00817/FUL - The temporary mobile home hereby approved shall be removed from the site and the land reinstated to its former condition no later than 18 months from the date of this permission. Occupancy of the dwelling shall be restricted to the applicant and her immediate dependants /family members for the duration of the temporary permission, hereby granted.
Log Cabin At Millfield Stables Millfield Lane Kirk Ireton Derbyshire
Planning Application Received 11/09/2017

ENF/17/00138 Unauthorised works to listed building - External alterations including repointing works
Northfield Farmhouse Main Street Kirk Ireton Derbyshire DE6 3LD
Justification from Officer 28/11/2017

Masson

ENF/11/00083 Unauthorised rebuilding of retaining wall.
24 Chapel Hill Cromford Derbyshire DE4 3QG
No Code [] 01/11/2017

ENF/15/00105 Unauthorised engineering operations to create extra parking/turning area.
G P Produce The Hill Cromford Derbyshire DE4 3QL
Not in the Public interest to pursue 20/09/2017

ENF/16/00107 Unauthorised erection of "carving" building.
1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW
Justification from Officer 20/09/2017

ENF/17/00039 Unauthorised installation of a new illuminated fascia sign on a Listed Building
136 North Parade Matlock Bath Derbyshire DE4 3NS
Planning Application Received 08/08/2017

ENF/17/00040 Change of use of premises from a retail sweet shop to a cafe selling hot food.
136 North Parade Matlock Bath Derbyshire DE4 3NS
Planning Application Received 20/09/2017

ENF/17/00070 Use of premises as a Cafe.
20 North Parade Matlock Bath Derbyshire DE4 3NS
Complied Voluntarily 05/10/2017

ENF/17/00078 Potential change of use of tennis courts to a Fun Fair from 22nd July until 3rd September 2017
Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire
Complied Voluntarily 16/10/2017

ENF/17/00080 Alleged unauthorised works to a Listed Building.
19 North Street Cromford Derbyshire DE4 3RG
Complaint Unfounded 09/08/2017

ENF/17/00081 Alleged unauthorised C.O.U to a wedding venue
Masson Farm St Johns Road Matlock Bath Derbyshire DE4 3PQ
Complaint Unfounded 09/08/2017

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| ENF/17/00084 | Alleged unauthorised works. | County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT | Complaint Unfounded | 14/08/2017 |
| ENF/17/00111 | Check that Garden Room has been built in accordance with submitted plans | Memphis Holme Road Matlock Bath Derbyshire DE4 3NU | Justification from Officer | 20/10/2017 |
| ENF/17/00112 | Potential Engineering Operation as part of Tree Planting | Rock House Derby Road Cromford Derbyshire | Complaint Unfounded | 16/10/2017 |
| ENF/17/00121 | Engineering works to garden facing Alabaster Lane | 10 The Newlands Alabaster Lane Cromford Derbyshire DE4 3QJ | Not in the Public interest to pursue | 06/11/2017 |
| ENF/17/00133 | Engineering works being undertaken on site | Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN | Complaint Unfounded | 10/11/2017 |
| ENF/17/00135 | Erection of Fence Panels | Brae Mount Waterloo Road Matlock Bath Derbyshire DE4 3PH | Complied Voluntarily | 20/12/2017 |
| ENF/17/00148 | Alleged display of a sign to frontage advertising the opening of a beauty salon at the property | 40 The Hill Cromford Derbyshire DE4 3QR | Complaint Unfounded | 28/11/2017 |

### Matlock All Saints

<p>| ENF/14/00006 | Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness | 5 Olde Englishe Road Matlock Derbyshire DE4 3RR | Planning Application Received | 02/01/2018 |
| ENF/16/00014 | Unauthorised fencing/decking to the side and rear with associated engineering operations. | 38 Megdale Matlock Derbyshire DE4 3JW | Not in the Public interest to pursue | 20/09/2017 |
| ENF/17/00034 | Demolition of dwelling. | The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ | Planning Application Received | 14/08/2017 |
| ENF/17/00069 | Unauthorised construction of raised platform/patio. | 21 Snitterton Road Matlock Derbyshire DE4 3LZ | Planning Application Received | 20/09/2017 |
| ENF/17/00090 | Breach of condition regarding opening hours. | McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU | Planning Application Received | 15/12/2017 |
| ENF/17/00108 | Works undertaken to extension and spiral staircase not in accordance with the approved plans | Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT | Planning Application Received | 24/01/2018 |
| ENF/17/00118 | Construction of Outbuilding | 11 Rutland Avenue Matlock Derbyshire DE4 3GQ | Complaint Unfounded | 18/10/2017 |
| ENF/17/00123 | Erection of 2.5m high Fence between properties | 131 Smedley Street Matlock Derbyshire DE4 3JG | Complied Voluntarily | 24/01/2018 |
| ENF/17/00129 | Erection of fence around property | 179 Smedley Street Matlock Derbyshire DE4 3JA | Justification from Officer | 04/12/2017 |
| Matlock St Giles |
| ENF/17/00017 | Breach of conditions on planning permission 16/00598/FUL-Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation at Pinetrees, Upper Lumsdale, Matlock. | 6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB | Complied Voluntarily | 22/08/2017 |
| ENF/17/00059 | Extensions/building works to Veronica | Veronica Alders Lane Tansley Derbyshire DE4 5FB | Complaint Unfounded | 21/08/2017 |
| ENF/17/00088 | Unauthorised creation of pond | Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA | Planning Application Received | 24/01/2018 |
| ENF/17/00089 | Unauthorised decking and shed. | 1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY | Planning Application Received | 16/10/2017 |
| ENF/17/00130 | Breach of Condition 3 of Planning Application 17/00025/REM - Developer not parking within the site as approved | Land At Asker Lane Matlock Derbyshire | Complaint Unfounded | 31/10/2017 |
| Norbury |
| ENF/17/00015 | Unauthorised engineering works to facilitate roadway onto agricultural field. | Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD | Not in the Public interest to pursue | 28/07/2017 |
| ENF/17/00029 | Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed | WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE | Planning Application Received | 12/12/2017 |
| ENF/17/00087 | Alledged unauthorised engineering works to raise land level within the curtilage of Dove Bank House, Marston Bank, Roston | Dove Bank House Marston Bank Roston Derbyshire ST14 5BP | Complaint Unfounded | 21/08/2017 |
| Stanton |
| ENF/17/00149 | Groundworks and the storage and burning of materials | Land Between Northwood Depot And Ashbrook Roofing And Supplies Limited Harrison Way Darley Dale Derbyshire DE4 2LF | Complaint Unfounded | 24/11/2017 |
| ENF/18/00005 | Removal of boundary fence and extension of lorry hardstanding into neighbouring field | Matlock Transport Northwood Lane Darley Dale Derbyshire DE4 2HQ | Complaint Unfounded | 15/01/2018 |
| Wirksworth |</p>
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<thead>
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<tr>
<td>ENF/17/00124</td>
<td>Erection of New Railway Building</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Road Wirksworth Derbyshire DE4 4FB</td>
<td>Planning Application Received</td>
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<td>ENF/17/00144</td>
<td>Engineering Works</td>
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BACK TO AGENDA
### PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<tr>
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<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
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<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
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<tr>
<td>17/00043/OUT</td>
<td>16 Upwoods Road, Doveridge</td>
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<td>Appeal dismissed – copy of appeal decision attached</td>
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<td>17/00084/OUT</td>
<td>Former Brailsford CE Primary School Modular Building</td>
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<td>HH</td>
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<td>17/00624/FUL</td>
<td>Land to the rear of 3 Stags Heads, Main Road, Darley Bridge</td>
<td>WR</td>
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<td>WR</td>
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</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 28 November 2017

by Graeme Robbie  BA(Hons) BPI MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2018

Appel Ref: APP/P1045/W/17/3182413
land north of 16 Upwoods Road, Doveridge, Ashbourne DE6 5LL

- 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 R Massey against the decision of Derbyshire Dales District Council.
- The application Ref 17/00043/OUT, dated 20 January 2017, was refused by notice dated 20 March 2017.
- The development proposed is an outline application for the erection of two dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. The appellant has submitted an indicative proposed block plan showing a pair of semi-detached dwellings with car parking to the front. I have therefore determined the appeal accordingly, albeit with the deletion in my decision of superfluous wording from the development description.

3. At the time of the Council’s consideration of the application proposal, the development plan\(^1\) included the adopted Derbyshire Dales Local Plan (LP 2005). In their Statement of Case, the Council consider the weight that may be given to the provisions of LP 2005 in light of the provisions of paragraph 215 of the National Planning Policy Framework (the Framework). Reference was also made, in the context of paragraph 215 of the Framework, to the emerging Derbyshire Dales Local Plan (DDLP).

4. I have since been advised that the DDLP was adopted by the Council on 7 December 2018. The Council has confirmed that the development policies referred to in the Decision Notice have been superseded by those in the adopted DDLP. It has also been confirmed that in adopting the DDLP policies in the emerging DDLP\(^2\) (policies S5 and S3) have been subject to renumbering, the emerging DDLP policy S5 becoming DDLP policy S4 and emerging DDLP policy S3 becoming DDLP policy S2. The appellant has been afforded the opportunity of making further comments following the DDLP’s adoption but has not done so, and I have determined the appeal accordingly.

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\(^1\) For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004

\(^2\) Referred to by the Council in their Statement of Case

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Main Issues

5. The main issues are the effect of the proposed development on:

- The character and appearance of the surrounding area; and
- The living conditions of future occupiers of the proposed dwellings, with particular regard to noise.

Reasons

Character and Appearance

6. DDLP policy S2 sets out a settlement hierarchy that seeks to direct development towards the most sustainable settlements. Doveridge is identified as a ‘third tier’ settlement; one that is defined as being accessible and having some facilities. Settlement boundaries are defined for first, second and third tier settlements.

7. The appeal site, located on Upwoods Road, lies to the north of the last pair of semi-detached dwellings in a row of mostly similar dwellings on the western side of the Upwoods Road. Currently a small paddock area enclosed by a post-and-rail fence, the site is adjoined to the side and rear by open fields that extend further to the west and as a neck of land between the site and the A50 dual-carriageway.

8. DDLP policy S2 states that new development in third tier settlements should be focused within the boundaries of these settlements in accordance with their scale, role and function, unless indicated otherwise in the DDLP. The appeal site lies beyond the adopted settlement boundary for Doveridge and is therefore within the countryside.

9. DDLP policy S4 concerns itself with development in the countryside and outside settlement boundaries. It sets out a range of criteria where permission will be granted for development in such locations. One such is set out at DDLP policy S4(i) in respect of new residential development. It states\(^3\) that new residential development on non-allocated sites on the edge of third tier settlements will be permitted ‘in circumstances where there is no 5 year supply subject to consideration against other policies in the Local Plan and the provisions of the National Planning Policy Framework’.

10. The site directly adjoins the plot boundary of 16 Upwoods Road. It is clear to see therefore that the site, albeit beyond the defined settlement boundary, is located at the edge of the settlement. I am also advised that it is not an allocated site. Whilst the Council have not provided any figures to substantiate the statement that they are able to demonstrate a housing land supply in excess of 5 years the appellant has not provided evidence to counter this, or otherwise sought to dispute this. As a consequence I have no compelling evidence before me to persuade me to reach a different conclusion with regard to housing land supply.

11. Thus, the proposed development would be contrary to DDLP policies S2 and S4. In all instances, DDLP policy S4 states that development should protect and, where possible, enhance the landscape’s intrinsic character and

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\(^3\) 8th bullet point

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distinctiveness. The Council consider the rural setting of Doveridge as a key environmental attribute of the settlement.

12. Upwoods Road leads out of the settlement of Doveridge. The appeal site lies to the north of 16 Upwoods Road, the end property in a row of semi-detached dwellings on the western side of the road. Development is continuous along the western side of the road from its junction with Derby Road to the appeal site. On the eastern side of the road, although the group of buildings at Eaton Croft lies directly opposite the appeal site, development is more limited with open fields lying behind a well-established field hedgerow.

13. The appeal site and field next to it form the last portion of undeveloped land along the western side of Upwoods Road before the A50. It is part of a narrow neck of land that provides views towards and across pleasant and rolling countryside. Because of its position within a steep-sided and wooded cutting, the A50 is, other than background road noise, relatively unobtrusive in visual terms.

14. While the site is undeniably seen in the context of the adjacent semi-detached dwellings, that is not to say that it isn't equally defined by the views it affords between the edge of the settlement and the A50, and over the countryside beyond. Pleasant, lengthy views across a rolling and pastoral countryside are possible from the roadside at the appeal site. These would be eroded by the proposed development. Furthermore, whilst the houses along Upwoods Road and Derby Road do form somewhat of a cluster, I did not find the form of this area to be representative of Doveridge as a whole. A further extension of ribbon development along Upwoods Road would significantly diminish the visual breathing space between the settlement and the A50, currently provided by the appeal site and adjoining field. What is more, further development of this nature would emphasise the sense that this area is already somewhat out on a limb from the main body and form of the settlement further to the south, thereby emphasising the nature of ribbon-development along Upwoods Road and highlight the proposal’s encroachment into the countryside between the A50 and No. 16.

15. The landscape may have a low sensitivity to housing development at this point, but I saw that the appeal site and adjoining field nonetheless provide an important visual breathing space along Upwoods Road and between the settlement edge and the abrupt barrier of the A50. In my judgement therefore, the proposed development would erode the pleasant rural setting of the edge of Doveridge along Upwoods Road and would fail to preserve or enhance the character, appearance or distinctiveness of the local landscape in this location. The proposal would therefore fail to accord with the provisions of DDLP policies S2 and S4. Whilst I have noted the provisions of paragraph 109 of the Framework, paragraph 17 of the same sets out a set of core planning principles that it states should underpin both plan-making and decision-taking. Recognising the intrinsic character and beauty of the countryside is one such core principle, something that DDLP policy S4 also seeks to ensure is protected and, where possible enhanced, in all new development.
Living Conditions

16. The Council do not dispute the findings of the appellant’s noise assessment\(^4\), and go on to confirm that a suitably worded planning condition regarding a noise attenuation and mitigation scheme would address concerns about noise levels. A further condition could also ensure appropriate control over boundary treatments and means of enclosure to ensure an appropriate balance between visual considerations and technical requirements for any acoustic mitigation measures. In these terms I conclude that there would be no conflict with paragraph 123 of the Framework which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts.

Other Matters

17. There is no dispute that the appeal site is located in a sustainable location and that Doveridge provides some services and facilities, and links to Burton upon Trent and Uttoxeter by public transport and that it is a sizeable settlement. There would also be a social and economic benefits associated with the delivery of an additional two dwellings, a quantum of development that would be generally be in accordance with Doveridge’s status as a third tier settlement. I have also noted that there are no objections to the proposal on highways safety grounds. However, whilst these factors weigh in favour of the proposal they do so to only a limited degree and are not sufficient to outweigh the harm that I have identified above with regard to character and appearance.

Conclusion

18. Whilst the proposed development would provide some limited benefits in terms of the economic and social dimensions of sustainable development, neither these nor the lack of harm in terms of the effects of noise upon living conditions, are sufficient to outweigh the harm that I have identified with regard to character and appearance.

19. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

\(^4\) Acute Acoustics Limited
The appeal is made against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

The appeal is made by Mr Nick Skill against the decision of Derbyshire Dales District Council.

The application Ref 17/00112/PDA, dated 10 February 2017, was refused by notice dated 6 April 2017.

The development proposed was originally described as 'the existing Nissan hut on the site is to be converted to a dwelling, the existing structure is sound and can be used however the building will need to be re-clad. This application is for Class Q(a) only an application for prior notification under class Q(b) will be submitted later'.

1. The appeal is dismissed.

Procedural matters

2. The application was made under the provisions of Schedule 2, Part 3, Class Q of the GPDO under Q (a) for a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses). The Council considers that the appeal site was not used solely for an agricultural use, as part of an established agricultural unit on the 20 March 2013 and therefore consider that the appeal scheme is not permitted development.

3. The Council in its second reason for refusal sets out that it considers that having regard to the nature of the existing building and the extent of structural and re-facing necessary to facilitate the change of use to a dwellinghouse (Use Class C3) the development would not qualify for consideration under Part 3, Class Q (b). Whilst I have had regard to the comments of the Council in this regard and the High Court decision cited\(^1\) the proposal relates to Class Q (a) only and I have dealt with the appeal on a change of use only basis. Should the appeal succeed, the appellant would have to submit a new prior approval application for change of use and conversion works.

4. The procedure for applications for prior approval under Part 3 is defined in paragraph W to Part 3, while paragraph X provides an interpretation of the terms used in Part 3. For the purposes of development under classes Q, R and S, the interpretation of the term 'curtilage' is defined as "(a) the piece of land,\(^1\) Hibbitt v SSCLG [2016] EWHC 2853

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whether enclosed or unenclosed, immediately besides or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the building no larger than the land area occupied by the agricultural building, whichever is the lesser”. Consequently, if a proposal fails to comply with the above interpretation, it would not constitute permitted development. I wrote to the parties concerning the matter of curtilage and have had regard to the response received.

5. Whilst the application form uses different wording for the site address, it is subsequently referred to as Marsh Hollow in the application and appeal documents and accordingly, I have used that address.

Main Issue

6. In light of the above, the main issue is whether the proposed change of use amounts to permitted development pursuant to Class Q (a) of Part 3 of Schedule 2 to the GPDO.

Reasons

Curtilage

7. The submitted plans show an area enclosed within a red line boundary which includes the appeal building, three other buildings, an area of open land and the site access. The application form gives the floor space of the existing building, which is proposed to change use, as 87 square metres and the area of land within its curtilage which is proposed to change use, as 2,653 square metres. It is apparent that the whole of the appeal site is intended to form the curtilage for the new dwelling which is confirmed in the appellants planning statement which describes the ‘remaining structures on site are to be retained within the curtilage of the proposed dwellinghouse and in their current condition and use, that is storage and secure storage for the occupants of the dwelling’.

8. The appellant confirmed that the red line boundary for the application was shown around the existing boundary of the site associated with the Nissen hut including the access road from where it adjoins the field up to the road. I have had regard to the comments concerning the Council requirement to show the red line boundary for any site up to a road and how this would not accord with the requirements of the GPDO. However, the appellant’s documents are clear as to the extent of curtilage proposed. I have also had regard to the comments that the Council has not raised the issue of curtilage during the application. However this is a matter upon which I have sought the views of the parties.

9. The appellant has provided an amended plan which shows a smaller area of curtilage and details the removal of an existing store building. However, the ‘Procedural Guide – Planning Appeals – England’ is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people’s views were sought. Consequently, I do not take the amended plan into account.

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10. I am clear therefore that the extent of curtilage proposed in the appeal does not accord with the interpretation set out in paragraph X of Part 3 of the GPDO and accordingly, the appeal scheme is not permitted development.

Agricultural use of the building

11. Schedule 2, Part 3, Q.1 of the GPDO sets out a number of limitations to permitted development under Class Q. The limitation under dispute is paragraph Q.1(a) which sets out that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use. I have no reason to doubt that the appeal proposal meets the other limitations relevant to a proposal under Class (a) only.

12. The appellant has provided evidence that the Nissen hut was being used solely for agricultural purposes on 20 March 2013 as part of an established agricultural unit in the form of a letter from the farmer and an invoice from a hay supplier. Whilst I have had regard to the Council’s comments of how the site has been used recently, it has not provided any convincing evidence to that the building was not solely in agricultural use on the qualifying date. In any event though, the appeal scheme does not constitute permitted development given the extent of curtilage proposed.

Other matters

13. In so far as it may be relevant to Class Q (a) of Part 3 of Schedule 2 to the GPDO, I have had regard to the appellant’s comments concerning flood risk, noise, transport and highways and contamination and the cited planning applications and appeal decisions. Similarly, I have also considered the submitted structural survey and comments in relation to access to services and facilities and effect of the appeal scheme on the character and appearance of the area, along with the policies of the National Planning Policy Framework cited. These matters do not however change my conclusions as to whether the appeal scheme constitutes permitted development.

Conclusion

14. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis
INSPECTOR

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3 15/00896/PDA, 16/00586/PDA and APP/P1045/W/17/3168589

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Appeal Decision

Inquiry Held on 17 October 2017
Site visit made on

by Stephen Brown  MA(Cantab) DipArch RIBA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2018

Appeal Ref: APP/P1045/F/16/3164826
The Mill Manager’s House, Cromford Mill, Cromford  DE4 3RQ

The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.

The appeal is by Paul Staley against a listed building enforcement notice issued by Derbyshire Dales District Council.

The enforcement notice, ref. PLS/AJ/036.39, was issued on 4 November 2016.

The contravention of listed building control alleged in the notice is without listed building consent carrying out the following works:

i. The removal of an internal brick/plastered wall dividing the North East and South East rooms on the ground floor; shown on the plan ref. LPA2 attached to the notice between points A and B

ii. The removal of timber skirting to the internal dividing wall (northern side only);

iii. The removal of a projecting section of plastered brickwork on the southern side of the dividing wall;

iv. The installation of a timber beam between points A and B on the plan attached to the notice (LPA2).

v. The removal of plaster from the east facing staircase landing wall and removal of the flat ceiling over the entire second floor staircase landing area.

vi. The removal of the ceilings within all of the rooms on the second floor.

vii. Part removal of a section of stone walling and stone gate post forming the eastern boundary of the curtilage of the building.

The steps required by the notice are to:

SCHEDULE 1 - Ground Floor — Wall between North East room and South East room (refer to plan LPA2 attached to the notice):

- Remove the steel beam (ensuring any fabric above/adjacent to it is adequately propped/shored for the duration of the works);
- Re-instate the ground floor brickwork wall between points A and B shown on plan LPA2 attached, on its former location/alignment and to its former width, height and thickness, including the re-instatement of the projecting section of walling to its northern side to its former position, depth of projection and height;
- Re-instate the painted timber skirting to north side of dividing wall only (to match the remaining, existing, skirting to the room in terms of form, height, profile & finish);
- Re-plaster the re-instated wall to both sides, including the projecting section.
SCHEDULE 2 - Second Floor (Refer to plan LPA3 attached to the notice):

Staircase landing:
- Re-plaster the entire area of exposed stonework to the east facing wall of the staircase landing using a traditional lime-based wall plaster. Decorate on completion.
- Re-instate the flat ceiling over the entire staircase/landing area to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

North East Room:
- Re-instate the flat ceiling over the north east room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

North West Room:
- Re-instate the flat ceiling over the North West room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

South East Room:
- Re-instate the flat ceiling over the south east room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

South West Room:
- Re-instate the flat ceiling over the south west room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

SCHEDULE 3 - External curtilage wall
- The section of boundary walling (internal and external faces) shall be rebuilt to match its former length, height, character, appearance and detailing in all respects;
- those individual stones which have been cut by the masonry saw shall be replaced with new stones (to the former size and shape of the original) of the correct geological source, type and colour and with the associated surface tooling to match the existing exactly.
• original joint widths (horizontal and perpend joints) shall match the original in all respects (including the deep recessed mortar providing the characteristic and existing 'dry-stone' outer appearance);
• the section of boundary wall shall be capped with the existing, original, semi-circular capping stones (also with deep pointing to provide the characteristic 'dry-stone' appearance);
• the section of boundary wall shall be terminated at its former location and constructed in a manner which matches its original form of termination; and,
• on completion of the re-instatement of the section of boundary walling, the original stone gate post shall be re-instated in its exact former location, position, orientation and height.

• The period for compliance with the requirements is 90 days.
• The appeal is made on the grounds set out in section 39(1)(a), (b), (c), (e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. It is directed that the listed building enforcement notice be corrected by:

2. OMISSION of the word ‘northern’ from the second requirement of Schedule 1 of the listed building enforcement notice, and SUBSTITUTION of the word ‘southern’.

3. Subject to this variation, the appeal is dismissed, the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

The Inquiry

4. Evidence at the Inquiry was taken under oath or solemn affirmation.

The listed building enforcement notice

5. There is an inconsistency in the notice regarding the alleged installation of a timber beam (allegation (iv)), but the first requirement of Schedule 1 is to replace the steel beam. As the appellant pointed out, the steel beam was removed reasonably soon after the Council raised their objection to it, and the timber beam was inserted. In my opinion it would be more onerous on the appellant to be required to remove the timber beam at this stage, when he has already replaced the steel beam, and this would cause him significant injustice. It is therefore beyond my power to vary the notice in this respect. However, it remains open for the Council to issue a further listed building enforcement notice to cover this item, should they consider it expedient.

6. In these circumstances I intend to leave the notice as it stands. I note here that, unlike the provisions relating to planning enforcement notices under s.173(11) of the Town and Country Planning Act 1990 as amended, the fact that the Council have not required replacement of the timber beam does not have the effect of authorising the works under the provisions relating to listed building enforcement.

7. Allegation (iii) refers to the removal of the projecting section of plastered brickwork on the southern side of the dividing wall between the north-eastern and south-eastern ground floor rooms, whereas the second requirement of
Schedule 1 refers to reinstatement of the projecting section of walling to the **northern** side (my italics). The plan LPA2 attached to the notice clearly identifies the projecting section to have been on the southern side of the wall. The requirement is clearly wrong in this respect, and I intend to correct the notice accordingly. I do not consider any party to be caused significant injustice by this change.

**Preliminary matters**

8. The Mill Manager’s House is a Grade II listed building standing within the Cromford Conservation Area. I have therefore paid special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses, and to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required under sections 16(2) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 as amended (the Act). Furthermore, the house is within the Derwent Valley Mills World Heritage Site – a designated heritage asset – and I have taken the advice of the National Planning Policy Framework on heritage assets as a material consideration.

9. The Council have put forward development plan policy regarding protection of listed buildings, conservation areas, and of the World Heritage site. However, I should make clear that the development plan is not determinative in listed building cases, and listed building enforcement cases. Nevertheless, I shall take this policy as indicating the Council’s stance on listed building, and other heritage matters.

**Background**

10. The house stands on the southern side of Mill Lane, opposite one of the primary entrances to the courtyard of the Cromford Mills complex, all of which is Grade I listed. It was built in about 1793 as the dwelling for the mill manager, and listed in 1950. It was used as office accommodation and storage for part of the 20th century and early 21st century.

11. Until quite recently the house was owned by the Arkwright Society – the custodians of the wider complex. In 2015 listed building consent was granted for internal alterations to the house, and planning permission for its change of use from Class B1 office use to Class C3 dwellinghouse use\(^1\), and associated landscaping. The house and an area of land to its south were sold to the appellant in 2015.

**Ground (a)**

12. This ground is that the building is not of special architectural or historic interest, and is argued solely with respect to the part removal of a section of stone walling and stone gate post on the eastern boundary of the property. The appellant argues that the wall is not within the curtilage of the property, and is not therefore listed by virtue of s.1(5)(b) of the Act.

13. The stone wall in question extends from the main front of the house, curves around the private drive to the east, and extends some 35 metres along that drive, before turning back along a lane leading onto Derby Road. There had been a pedestrian gateway a few metres from the turn into the lane, with

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\(^1\) Listed building consent ref. 14/00800/LBALT, and planning permission ref. 14/00799/FUL.
sturdy stone posts to either side of an opening about a metre wide. The posts have been removed and the large stone blocks of the wall cut back with an angle-grinder to form an opening about 3.5 metres wide.

14. The appellant argues that at the time of listing in 1950 the building was in office use, and that the curtilage was limited to the small area, no more than 3 metres wide, across the back of the building. This area is effectively a basement area, defined by the stone retaining wall separating the main back wall of the house from the higher land to the south. I note that there are stone steps from the lower level of this area to the upper, garden level. These steps are of considerable age, and in all probability existed before the time of listing.

15. The appellant also maintains that the wall forms the boundary of an area of woodland that only came into use as garden land associated with the house when the 2015 planning permission was granted for the material change of use from office and storage to residential use and a garden area was defined.

16. Looking at the relationship between the house and the land behind, the boundary wall forms a continuous enclosure to two sides of the site, which starts at the front eastern corner of the building, takes in a small area along its flank, and separates the land from the lane to the south. There is no defined western boundary to the land associated with the house, but that is not particularly surprising, since all the land in the vicinity was in a single ownership until recently. Indeed, the building to the west of the house - previously a carriage house - is also now owned by the appellant.

17. There are several mature trees on the land close to the house, including a monkey puzzle and yew trees, that were clearly planted for ornamental purposes.

18. I consider it almost inconceivable that a house of this considerable importance would have only such a small piece of land as the basement area associated with it. It is much more likely, historically, that there would have been a wider garden area. The existence of ornamental trees points to this, and I find it unlikely that this was an area of parkland, not particularly associated with the building, as was suggested by the appellant. Furthermore, the existence of steps up from the area to the higher level – which are clearly of great age – indicates a connection between the house and a garden. While the wall does not form an entire enclosure, it includes the area to the side of the house, which is continuous with the area to the back. This partially enclosed area would hardly have been formed to delineate a piece of woodland that had no strong association with the house.

19. I accept that the back area may not have been used to any significant degree while the office/storage use subsisted. However, given what I see as a strong relationship in terms of physical layout, long term single ownership, and historic use, this would not have extinguished its existence as curtilage land. In my view, as a matter of fact and degree, the land to the rear of the house and bounded by the stone wall on the eastern and southern sides, forms a part of the curtilage of the listed building.

20. I saw that the boundary wall abuts the eastern face of the house at the northern corner, where there is a vertical joint pointed in mortar. The boundary wall aligns with the top of the projecting plinth of the front wall, and in my opinion forms an element of the architectural make-up of the house. In
my view the boundary wall should be considered as attached to the listed building, and this adds considerable weight to my findings on the historic curtilage.

21. I conclude that the boundary wall stands within the curtilage of the listed building, and in accordance with the provisions of s.1(5)(b) of the Act should be treated as part of the listed building. The appeal on ground (a) therefore fails.

Ground (b)

22. This ground is that the matters alleged to constitute a contravention of sections 9(1) and 9(2) of the Act have not occurred. This ground is argued on the basis that the timber beam had already existed in the wall, in its present position, and is not therefore a new introduction.

23. The timber beam spans an opening between the eastern front room – called Reception Room 1 on the plan approved in 2015 – and the smaller room to the back – called the Larder/Boot Room on that plan. The piers to either side and the brickwork above are plastered, but the beam itself is exposed. This is clearly an alteration to the listed building.

24. It is argued that the timber beam is not a new installation, but was found in this position when the building contractor had discovered a substantial supporting timber and ‘very large bricked up original opening’ between the two rooms, with deteriorated crumbling brickwork, which he had then removed. It is claimed there was uncertainty about the structural capacity of the timber beam, and as a result it was removed and replaced by a steel beam.

25. A structural engineer’s assessment was carried out in August 2017 that shows that the timber beam is adequate for the span. However, this assessment was well after the timber beam had been installed at some time in early 2016. There is no evidence before me to show that any such assessment was carried out before that date. I find it surprising that the appellant’s original uncertainty about the structural capacity of the timber beam had apparently been allayed when he came to build the beam into the wall, but without professional structural advice.

26. Furthermore, I find it difficult to believe that the Council inspected the works in late 2015, but that no mention was made at that time of the existence of a timber beam and an original opening by either the appellant or the contractor. Nor was anything discussed when the works of removal of the steel beam and replacement with the timber beam took place. The claim that the timber beam is part of the historic fabric was not made until the appeal was lodged in December 2016.

27. There is little, if anything, to show the timber beam was in the wall when it was opened up, or to support the contention that it was stored on site before being taken away, cleaned up, and returned. There is almost nothing to indicate the width or height of the claimed original opening in the wall.

28. Before this alteration there was a plastered brick wall between the two rooms, with a projection into the Larder/Boot Room. In a house of this age and layout it would be expected that there would be a solid partition between the more formal reception room to the front and the small service room to the rear. In my experience it would be unlikely for there to be an opening between the two
spaces, and highly unlikely there would be an opening of a span that would require a timber beam of such size.

29. Overall, I am sceptical of the claim that there was a timber beam within the wall structure that has merely been put back in its original position. On the balance of probabilities I consider the beam is a recent introduction. It is readily apparent that the timber beam has been installed as a matter of fact. The appeal on ground (b) therefore fails.

Ground (c)

30. This ground is that the matters alleged to contravene section 9(1), (if they occurred), do not constitute such a contravention. It is argued in respect of the following:
   - removal of the projecting section of plastered brickwork (allegation (iv));
   - the removal of plaster from the staircase landing wall (allegation (v));
   - the removal of second floor ceilings over the staircase and bedrooms (allegations (v) and (vi)), and
   - the part removal of a section of stone walling and stone gate post (allegation (vii)).

31. The principal consideration under this ground is whether or not there has been a breach of listed building control, and raises the question of whether the alleged works have been such as to affect the character of the building as one of special architectural or historic interest – either positively or negatively. This ground is not concerned with merits of the works, which are considered under ground (e).

32. Given my findings in the ground (a) appeal – that the stone wall and gatepost are within the curtilage of the listed building – this part of the works falls to be considered under ground (c).

33. The projecting section of plastered brickwork was in the ground floor rear room to the eastern side of the house. At first sight of the plan it appears that it may have been a chimney breast. However, the fireplaces and chimneys of the house are all on the flank walls. Furthermore, it can be seen from photographs that the projecting section was curtailed in the region of half a metre below the ceiling level, and finished with a timber capping. All in all, it is highly unlikely to have been a chimney breast.

34. The appellant says that the projection was a mysterious feature of the house, but I do not accept his suggestion that it was not of any importance, since its continued existence may well have cast light on the way in which the ground floor rooms were used. It appears to me that the projection was an integral part of the design of these ground floor rooms – whatever its purpose - and that alterations to it would therefore affect the architectural and historic character of the house.

35. The removal of plaster from the face of the eastern landing wall has exposed the underlying random stonework from second floor level up to the roof purlin level – now visible as a result of the removal of the second floor ceilings. It is apparent from photographs, and in any case would be expected, that a house of this quality and age would have smooth plastered internal walls and ceilings - it is one of the characteristic features of houses from the 18th century.
onwards. As Historic England advise in their consultation response of 14 September 2017, the plaster finish is historically typical of this type of building, “with some architectural embellishment such as cornicing and joinery details, to create a polite Georgian interior with a hierarchy of rooms and spaces”. In my view the removal of plaster has had a significant effect upon this aspect of the historic character of the house.

36. The ceilings of the attic floor rooms and landing were at a height of about 100mm above the door architraves, significantly lower than ceilings of the rooms on the floors below. This differentiation in ceiling heights is highly characteristic of houses from this time – an element of the hierarchy noted in the English Heritage letter. Removal of the ceilings clearly has a significant effect upon this characteristic, and is an alteration that would have required authorisation.

37. The eastern boundary wall of the site is very much part and parcel of the architectural interest of the house and its setting, with its materials and form closely associated with the house. Creation of the larger opening includes some loss of historic fabric, and affects its original character and appearance. I consider the works carried out would have required authorisation.

38. Although there have been exterior changes to the house, and the interior may have been poorly maintained during its years in use as offices, it retained many of the important and unaltered features that characterise a late 18th century house – notably in terms of the floor plan, the hierarchy of room heights and sizes, doors, door-cases, and finishes. It is likely that alteration to any of these aspects of the design would have an effect upon this character.

39. Overall, I consider all the works subject of the ground (c) appeal have an effect upon the character of the building as one of special architectural or historic interest. The works have not been authorised, and there has therefore been a contravention of s.(9)(1) of the Act. The appeal on ground (c) therefore fails.

Ground (e)

40. This ground is that listed building consent ought to be granted for the works, and is argued in respect of all the works subject of the notice.

41. From my inspection of the appeal site and its surroundings, and from the representations made at the Inquiry and in writing I consider the main issues in this appeal to be the effect of the alleged unauthorised works on the special interest of the listed building, on the character and appearance of the conservation area, and on the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

42. The removal of the ground floor internal wall, timber skirting, and projecting section of brickwork, and the installation of the timber beam all essentially relate to the single operation of forming the approximately 3 metre wide opening between the front and rear ground floor rooms. I have therefore treated all these parts of the allegation together.

43. As the Council argue, the front and rear rooms are of significantly different character in terms of the details of doors and windows, with the front room having a more formal nature with 6-panel doors in quite elaborate timber casings, and windows with internal shutters, as compared with the relatively plain door and frame in the rear room, and the plain window opening. This is
further supported by the fact there was originally a stone floor in the rear room, and timber boarded floor in the front room. The appellant accepts that it is unlikely the two rooms formed a single space, or that there was any intention that they should do so.

44. The evidence for there having been an opening in this wall at some point in the history of the house, is based principally on claims of the previous existence of the timber beam in the wall, that the brickwork below the beam was of a different colour and texture, and a break in the continuity of the skirting. However, as I have concluded above, on the balance of probabilities the timber beam spanning the opening was unlikely to have formed a part of the original structure of the house, or even of a later introduction. Furthermore, there was no documentary evidence of any difference in brickwork colour, nor of a break in the skirting. Photographs taken after demolition of the wall show no indication of any straight vertical joints that might have formed the jambs of an earlier opening.

45. The opening itself is very much wider than any that might be expected in a house of this age and plan, and would almost certainly not be seen in what was originally an elegant reception room. I consider its introduction has caused significant harm in terms of alteration to the historic plan of the house. The exposed timber beam spanning the opening is also a highly incongruous feature in the context of the refined joinery elsewhere in the room, and itself causes significant harm to the architectural interest of the room.

46. Regarding the projecting section of brickwork on the southern side of the wall, the appellant suggests this may have been a relatively recent introduction, possibly to house office equipment or an electric stove. However, there is little or no evidence to suggest that any alterations were carried out to adapt the building for office uses, and I consider it unlikely that such relatively elaborate works would have been done to house quite basic pieces of equipment.

47. The Council suggested that the projecting section may have been the back of a buffet recess in the front room. Such recesses were a feature of some 17th and 18th century houses, and I find this a plausible idea. On balance I consider the projection was probably a significant historic feature of the house, and that its loss hinders any proper interpretation and understanding of its significance in the development of the house. Although reconstruction of the projection could not bring about any way by which its history could be deduced, it would re-establish the original layout, which would itself be of value.

48. Regarding the removal of a section of timber skirting from the northern side of the wall, the appellant says there was a break in its continuity that reflected the opening claimed to have been there. However, there is virtually no evidence as to where that break occurred, or the width of the opening. I am in any case sceptical of the existence of a wide opening, and consider it likely that a section of skirting was removed. Again, this will have resulted in significant harm to the architectural make-up of the room.

49. Overall, I have come to the view that the works constituting allegations (i) to (iv) have caused significant harm to the special architectural and historic interest of the listed building.
50. Considering now the removal of plaster from the second floor landing wall, this has left exposed the random stonework of the structural wall. Since the ceiling has been removed from the landing, the exposed wall extends up to roof purlin height. The exposed wall has then been pointed to make a feature of the individual stones. The walls and ceilings of the house are otherwise smoothly plastered and painted.

51. In my opinion this exposed stonework has introduced an incongruous feature that detracts from the plain, smooth walls that exist throughout the building. Although the plaster may have been in poor condition on this wall, that does not justify its removal without then re-plastering with a suitable material.

52. The lath and plaster ceilings at attic level were originally slightly above the door architraves. They have been removed over the landing and all four attic rooms, with re-plastering carried out leaving the roof trusses, purlins, and dragon-ties exposed. It is highly uncharacteristic to leave the roof structure exposed in an 18th century domestic building, and this in my view causes significant harm to the hierarchy of rooms, where the attic rooms could be expected to have lower ceilings than those on the floors below. Furthermore, the altered shape of the rooms is itself a highly uncharacteristic feature that detracts from a clear understanding of the original form of the building.

53. The appellant says he has done this alteration so that the fine carpentry of the roof structure can be appreciated. However, while this structure has been built in a good workmanlike way, following more or less standard practice for hipped roof construction, it was never intended that it should be exposed. While present day sensibilities may favour exposure of structure, and creation of irregular volumes, this to my mind is quite contrary to 18th century architectural intentions. I consider the removal of these ceilings has caused significant harm to the architectural and historic interest of the building.

54. Turning now to the alteration to the boundary wall, this was originally to give access for machinery to carry out site works, but it is now intended the increased opening should be to allow car parking on the site. Nevertheless, the works have resulted in the loss of a small part of the historic fabric, and have obscured the historic purpose of the opening to give pedestrian access to the garden. In my view this has caused significant harm to the special interest of the listed building. Furthermore, given there are dedicated parking spaces for the Mill Manager’s House on the car parking area immediately to the east of the private drive, I consider the appellant’s stated need for a new vehicular access gateway to the appeal site is not justified.

55. The alteration to the boundary wall is the only element of the works that is generally visible externally. Although relatively minor, I consider the introduction of what is clearly an access for vehicles, and the damage to the wall caused by mechanical cutting of masonry causes harm to the generally well-preserved historic character of the conservation area, and to the value of this site as an important and largely unaltered part of our historic industrial heritage.

56. Paragraph 132 of the National Planning Policy Framework (NPPF) advises that in considering the impact of works on a designated heritage asset, great weight should be given to the asset’s conservation. In this case, given the location of the house within the World Heritage Site, which is significant for its
Outstanding Universal Value, I consider that this advice is of particular importance.

57. Overall, the unauthorised works have removed particular elements that were significant for the historic and architectural layout and hierarchy of the house – notably the brick wall and projection, the attic ceilings, and wall plaster. Other elements have been introduced that are incongruous with the architectural make-up – notably, the wide opening and timber beam on the ground floor, and the exposed trusses and masonry on the attic floor. I realise these elements are not open to public view. However, it is the intrinsic special interest of the listed building that is to be protected from harm, irrespective of the availability of such views. Similarly, I find these alterations detract from the importance and value of the house as a feature of the World Heritage Site.

58. The appellant claims that the works were essential elements in a restoration plan to bring the building into a habitable condition. However, photographs from 2015 show the house as it was just after the office use ceased. There had clearly been poor maintenance, plumbing and electrical services had been installed insensitively, and there was some plaster deterioration. However, the layout of the building had not been significantly altered, and the plans approved in 2015 showed a workable scheme for a dwelling, without the incongruous alterations that have now been carried out. I do not accept that the works subject of the notice were necessary to bring the building into a habitable condition.

59. Although the appellant claims the works are reversible, it appears to me that they are essentially permanent alterations, and that there is no intention to reinstate the original form or details.

60. The works subject of the notice have caused significant harm to the special interest of the building, but this must be regarded as less than substantial harm in terms of paragraph 134 of the NPPF. Such harm should be weighed against the public benefits of the proposal, including securing the optimum viable use. The Mill Manager's House is now in its optimum viable use as a dwelling, but as noted above, this could have resulted from implementation of the 2015 consent. Furthermore, the alterations carried out provide no public benefits. I do not therefore find the harm caused by the unauthorised works to be outweighed by any public benefits.

61. I conclude on the main issue that the unauthorised works case significant harm the special interest of the listed building, to the character and appearance of the conservation area, and to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. The appeal on ground (e) therefore fails.

Ground (g)

62. This ground is that except in relation to such a requirement as mentioned in s.38(2)(b) or (c) of the Act, the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

63. This ground is argued in respect of the ceiling removed in the south-western attic room, which it is claimed had a plasterboard rather than a lath and plaster ceiling. Furthermore, this plasterboard ceiling may have been in place at the time of listing. This argument is extended to say that it would be sensible for
plasterboard to be used for all the reconstructed ceilings, since the difference between lath and plaster and plasterboard is indiscernible.

64. Apart from the assertion that there was a plasterboard ceiling in the south-western attic room, there is no evidence of any substance to show its previous existence. Nor has any substantial evidence been put forward to show the plasterboard ceiling was there at the time of listing – and therefore would not have needed listed building consent for the change.

65. It may be the case that plasterboard is indistinguishable from lath and plaster in the short term. However, over time, plasterboard finishes tend to crack along the board joints, whereas lath and plaster has a good degree of flexibility that allows it to take on movements in the substrate without cracking. I do not accept that it would be a suitable substitute.

66. Given the lack of evidence as to the existence of a plasterboard ceiling in the south-western attic room, or its lawfulness, I am by no means satisfied that this was the state of the building before the alleged unauthorised works were carried out. Nor do I consider that plasterboard would be an acceptable alternative to lath and plaster. The appeal on ground (g) therefore fails.

Conclusions

67. For the reasons given above I conclude that the appeal should fail. I intend to uphold the listed building enforcement notice, with a correction, and to refuse listed building consent.

Stephen Brown

INSPECTOR
APPEARANCES

FOR THE APPELLANT:

Alan Roger Yarwood MRTPi (also giving evidence) Chartered Town Planner, Principal of Roger Yarwood Planning Consultant Ltd.
He called:
Paul Staley The appellant.
Lloyd Tingly Listed building and conservation area specialist.

FOR THE LOCAL PLANNING AUTHORITY:

Christian Hawley of Counsel, instructed by Katie Hammell, Solicitor Head of Legal Department, Derbyshire Dales District Council.
He called:
Bryn Maw Planning Enforcement Officer, Derbyshire Dales District Council.
Dr Mark Askey BA(Hons) Conservation and Design Officer, Derbyshire Dales District Council.
DipArchCons PhD
Cert Archaeology IHBC

INTERESTED PERSONS:

Doreen Buxton Volunteer for the Arkwright Society.

DOCUMENTS

1 Attendance list.
4 Sworn affidavit of Neil Bannister.
5 Appendices to Mr Yarwood’s proof of evidence.
6 Appendices to Dr Askey’s proof of evidence.
7 Appendices to Mr Maw’s proof of evidence.
8 Design and access statement, and significance statement.

PLANS

A Existing and proposed plans, and block plan for planning permission ref. 14/00799/FUL.
B Land Registry Title Plan no. DY458228.

PHOTOGRAPHS

1-9 Photographs of the Mill Manager’s House, and boundary wall.
Appeal Decision
Site visit made on 8 January 2018
by Elizabeth Pleasant DipTP MRTPI
an Inspector appointed by the Secretary of State.
Decision date: 23 January 2018

Appeal Ref: APP/P1045/D/17/3181910
Ridgewood Lodge, Derby Road, Cromford DE4 3RN

- 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 Steve Burton against the decision of Derbyshire Dales District Council.
- The application Ref 17/00262/FUL, dated 13 February 2017, was refused by a notice dated 13 June 2017.
- The development proposed is the demolition of existing conservatory and erection of new single storey extension and alterations to Ridgewood Lodge including, new loft conversion with new dormers and balcony.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted the Council has adopted its Local Plan (LP), December 2017 and this now forms the development plan. Consequently, policies referred to in the Council’s Decision have been superseded by policies in the adopted LP, 2017. Details of the relevant adopted LP policies have been subsequently provided by the Council, and the appellant has had an opportunity to comment on them and so has not been prejudiced.

Main Issue

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

Reasons

4. Ridgewood Lodge has a distinct arts and crafts architectural character, the appearance of which is reinforced by the property’s overall scale and solitary position. With the exception of a modern conservatory that has been constructed to link the original dwelling to an outbuilding, the dwelling remains generally free of other unsympathetic alterations or extensions.

5. The host property’s projecting gable and hipped roof provide the dwelling with some symmetry, and overall the dwelling displays a horizontal emphasis which is derived from its width, fenestration and roof design. The proposed wrap
around extension would destroy that symmetry by obscuring part of the
dwellings principal elevation. Furthermore, the proposed arrangement of the
 glazed window panels and doors would introduce a dominant glazed element
with a predominantly vertical emphasis which would conflict sharply with the
original design characteristics and form of Ridgewood Lodge.

6. Notwithstanding the overall design quality of the existing conservatory, its light
weight appearance and scale provide a visually ‘weak’ link which enables the
original design and form of the host property to remain clearly discernible. In
contrast, the side extension would not appear subservient. The ridge line of
the extension’s roof would sit above the dwelling’s eaves line, and its solid
nature and expanse would appear as a dominant mass which would diminish
the character and form of the host property.

7. Furthermore, intrinsic to the original design and appearance of the host
property is its front facing gable which incorporates a double height bay
window. Despite the use of glass to form the new opening and balustrade
above the bay, the proposed balcony would be visually prominent and it would
appear as an incongruous addition in this location and detract from the simple
composition of the dwelling’s original front façade.

8. I conclude that the proposed extension would have a significant and harmful
effect on the character and appearance of the host property and would conflict
with the development plan. In particular, it would conflict with Policies PD1
and HC10 of the LP which seek to ensure, that amongst other things, that new
development and extensions to dwellings are of a height, scale, form and
design which is in keeping with the scale and character of the original dwelling,
and its wider setting and location.

Other Matters

9. Ridgewood Lodge lies within the Derwent Valley Mills World Heritage Site
(DVMWHS) Buffer Zone. Here, Policy PD2 of the LP requires that particular
protection is given to designated and non-designated heritage assets including
the DVMWHS. In doing so it will take into account the desirability of sustaining
and enhancing the significance of the asset and ensure that development
proposals contribute positively to the character of the built and historic
environment.

10. Although the site is situated on the hillside above the River Derwent, the
dwelling is well screened from the A6 trunk road which runs through the valley
and there is no inter-visibility between the property and the DVMWHS. The
proposed extension would not significantly extend the footprint of the dwelling
nor encroach into its landscape setting. I am therefore satisfied that the
setting of the DVMWHS would not be compromised and consequently there
would be no conflict with Policy PD2 of the LP. However, the absence of any
harm to the setting of the DVMWHS does not outweigh the harm that I have
identified to the character and appearance of the host property as set out
above.

11. It is clear that the property is in need of some general maintenance and repair,
and there is no dispute that the proposed materials of external construction
would reflect those used on the original dwelling. These considerations do not
however justify the harm I have identified in the main issue.
Conclusion

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

Elizabeth Pleasant

INSPECTOR
Appeal Decision
Site visit made on 5 December 2017

by Stephen Normington  BSc DipTP MRICS MRTPI FIQ FIHE
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 January 2018

Appeal Ref: APP/P1045/D/17/3183434
8 Pope Carr Road, Matlock DE4 3FF
• 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 Ashley Pigott against the decision of Derbyshire Dales District Council.
• The application Ref 17/00571/FUL, dated 16 June 2017, was refused by notice dated 15 August 2017.
• The development proposed is described as remove existing porch to front of 8 Pope Carr Road and erect new porch. The Porch will be constructed of painted lap timber sat on one course of dressed sandstone. Roof will be slate. Existing front door to house will still remain in place. New Front Door wood. Window to match existing white plastic glazing to rest of house.

Decision
1. The appeal is dismissed.

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

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

Reasons
4. The appeal property comprises a modest sized cottage style dwelling having an existing porch. It is located at the end of a row of similar properties that have a number of porches of various design styles but are predominantly simple in form and relatively small in scale and mass being slightly wider than the existing entrance door to the properties. These are mainly constructed of timber. In some cases they do not have a door and as such are open in character.

5. The proposed development would involve the removal of the existing porch and its replacement with a larger enclosed porch having a pitched roof, door and side window. It would be larger in size and form than others on the row and the construction would comprise a stone base, horizontal lap timber walling, a slate roof and upvc window with a hardwood door. The appellant indicates that

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a porch of the size proposed is necessary to accommodate a washing machine and dryer and to improve the thermal efficiency of the dwelling.

6. Although the proposed materials are reflective of other structures in the area and therefore would be appropriate, the scale, mass and in particular the width of the proposed porch would exceed that of others in the row. As such, it would appear unacceptably at odds with the general character of the more modest porches on the row which contribute to the character of this part of Pope Carr Road.

7. Although the existing porches have varied design styles, their modest size ensures that they are subservient additions to the property. By contrast, the proposed porch would be a much larger, substantial and enclosed addition to the property that would appear as being unacceptably dominant within the context of the row. It would therefore be harmful to the appearance of the row and the contribution that this makes to the character of this part of the street scene.

8. I have carefully taken into account the appellant’s comments in support of the proposal and the photographs showing the varied design of the existing porches on the row. I have some sympathy in the desire to provide a modest extension to the existing dwelling. However, owing to the width of the proposed porch I do not consider that these matters would outweigh the harm that would be caused to the overall appearance of the row.

9. Taking the above factors into account, the proposed development would have a materially harmful and unacceptable effect on the character and appearance of the surrounding area. As such, it would be contrary to Saved Policies SF1, SF5, H2 and NBE21 of the Derbyshire Dales Local Plan (2005). These policies, amongst other things, require that development proposals do not result in a detrimental impact on the character and appearance of the dwelling and its surroundings and should preserve local distinctiveness of the area and relate well to the surroundings.

Other matters

10. The appeal property lies just outside the Matlock Bank Conservation Area. Although the Council has raised no concerns regarding the impact of the proposed development on the designated heritage asset, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such asset. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. I am satisfied that the proposal would preserve those interests.

Conclusion

11. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington
INSPECTOR

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Appeal Decision

Site visit made on 8 January 2018

by Elizabeth Pleasant  DipTP MRTPI

an Inspector appointed by the Secretary of State.

Decision date: 19 January 2018

Appeal Ref: APP/P1045/W/17/3185345

Land to the rear of the Three Stags Head Public House, Main Road, Darley Bridge DE4 2JY

- 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 John Collins against the decision of Derbyshire Dales District Council.
- The application Ref 17/00624/FUL, dated 18 May 2017, was refused by a notice dated 30 August 2018.
- The development proposed is described as ‘Amendments to second floor windows of house and construction of garage to the side of new dwelling.’

Decision

1. The appeal is allowed and planning permission is granted for amendments to second floor windows of house and construction of garage to the side of new dwelling at land to the rear of the Three Stags Head Public House, Main Road, Darley Bridge DE4 2JY in accordance with the terms of the application, Ref 17/00624/FUL, dated 18 May 2017, subject to the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1622-04, Rev A and 1622-03/A, Rev A, dated 1 August 2017.

2) The materials to be used in the external construction of the garage shall match those used on the existing dwelling.

3) No development shall commence on the construction of the garage, nor shall any materials or machinery be brought onto site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected a continuous length, one metre beyond the crown spread of the trees to be retained (or such other fencing as is agreed in writing with the Local Planning Authority). The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or excavation or changes in level take place within the fenced area. The works shall be undertaken in full accordance with the requirements set out in the arboricultural report prepared by Jonathon Oakes and dated 1 August 2017.

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Background and Procedural Matters

2. In 2016 planning permission was granted on appeal\(^1\) for a dwelling on this site. Subsequent to this permission the Council approved a non-material amendment to alter the proposed front elevation of the dwelling\(^2\). This appeal case seeks to further revise the fenestration to the front (south-western) elevation of the dwelling, replace an external flue with a chimney stack and construct a detached single garage adjacent to the dwelling. At the time of my site visit the dwelling was substantially complete with the chimney stack in place and the fenestration to the front elevation composed in the manner proposed in this appeal case. However, I noted that the first floor windows had been constructed with stone jambs which are not shown on the proposed plans, and the glazing arrangement to the ground floor windows of the single storey addition was also different to that proposed in this appeal case.

3. The Council do not raise any objections to the chimney stack and garage, but they are concerned about the composition of the fenestration to the front elevation. I shall therefore confine my considerations to the amendments to the front elevation only, and as shown on proposed Drawing No: 1622-04, Rev A.

4. Since the appeal was submitted the Council has adopted its Local Plan (LP), December 2017. Details of the relevant adopted LP policies were included in the Council’s Decision Notice and Written Statement, and the appellant has therefore had an opportunity to comment on the adopted LP and has not been prejudiced.

Main Issue

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

Reasons

6. The dwelling is situated on the edge of the settlement of Darley Bridge and shares an access with the neighbouring Three Stags Head Public House which is a Grade II Listed Building. I concur with my colleague’s view\(^1\), that the appeal site does not play a material role in the setting of the listed building.

7. The layout, scale, form and materials of external construction of the dwelling have not altered from those originally permitted. The front elevation now has a simple symmetrical form with French style door openings positioned either side of a central front door and three casement windows directly above. The first floor openings have a traditional vernacular form with stone cills and lintels positioned directly below the property’s eaves.

8. Paragraphs 59 and 60 of the National Planning Policy Framework (the Framework) make it clear that planning policies and decision should not attempt to impose architectural styles or particular tastes, and should concentrate on guiding the overall scale, mass, layout, height and materials of new development. I accept that the number of door openings at ground floor level on the front elevation of the building is unusual, however the overall

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\(^1\) APP/P1045/W/16/3151904
\(^2\) Local Planning Application Ref: 15/00670/AMD

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composition of the fenestration does not appear visually incongruous, and moreover, the front elevation of the dwelling is clearly legible. The site does not lie within a Conservation Area, and although it lies close to the settlement edge, the boundary hedge screens the ground floor of the house from public views from the adjacent public footpath and sports field. Furthermore, the settlement edge in this location has a mixed character, and includes the neighbouring haulage yard with modern industrial buildings and residential development displaying varied architectural styles and forms.

9. I therefore conclude that the appeal proposal would not have a harmful effect on the character and appearance of the area and would comply the development plan. In particular I find no conflict with Policy PD1 of the LP which seeks to ensure, amongst other things, that new development contributes positively to an area’s character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. I also find no conflict with the one of the core planning principles of the Framework to provide good design.

Other Matters

10. I have taken into consideration third party concerns relating to the construction of the garage and its potential impact on the adjacent Yew Tree. Subsequent to these objections an arboricultural report was undertaken and the size of the garage has been reduced. Subject to the condition I have imposed to require tree protection works to be undertaken I am satisfied that the health of this tree will not be harmed by the garage construction.

11. I note that the Parish Council raise concerns over the site access. However, the means of access to the site has been previously agreed and is not a matter for my consideration in this appeal case.

Conditions

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

13. As the development has commenced a condition specifying a time limit for the development to commence is not necessary.

14. I have imposed a condition specifying the approved plans and materials of construction as this provides certainty and is necessary to safeguard the character and appearance of the area.

15. A condition which requires the provision of protective fencing and to specify arboricultural works is necessary to protect the health of trees during construction works.

16. Conditions suggested by the Council relating to the construction of the site access, details of the windows/doors and removal of permitted development rights are not necessary as those matters have been secured by conditions attached to planning approval Ref: 15/00670/FUL which has been implemented. This planning permission relates solely to the amended elevation details and proposed garage.
Conclusion

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

Elizabeth Pleasant

INSPECTOR

BACK TO AGENDA