5 March 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 13 March 2018 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 3.45pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 20 February 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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) or telephone 01629 761133.

4.1 APPLICATION NO. 18/00022/FUL (Site Visit) 6 - 15

Erection of Poultry Unit at Bentley Cottage Farm, Leapley Lane, Alkmonton.

4.2 APPLICATION NO. 17/01130/OUT (Site Visit) 16 – 25

Erection of 3 dwellings (Outline) at Spinfield, Derby Lane, Ednaston DE6 3AB.

4.3 APPLICATION NO. 17/00125/FUL 26 – 39

Change of use of first and second floors to form 4 flats at the Red Lion Hotel, Market Place, Wirksworth.

4.4 APPLICATION NO. 17/00126/LBALT 40 – 47

Internal alterations at the Red Lion Hotel, Market Place, Wirksworth.

4.5 APPLICATION NO. 17/01185/VCOND 48 – 56

Variation of conditions 5 and 6 of application code ref. 16/00374/FUL to enable replacement kennel building to be used to house boarding cats at Four Lane Ends Farm, Gibfield Lane, Hulland Ward.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 57 - 70

6. APPEALS PROGRESS REPORT 71 - 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, Dermot Murphy, Jean Monks, Joyce Pawley, Mark Salt, Andrew Statham and John Tibenham.

Issued 05 March 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. Online 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>Role</th>
<th>Time Limit</th>
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<tbody>
<tr>
<td>Town and Parish Council</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
</tr>
</tbody>
</table>

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.

Issued 05 March 2018
SITE VISITS
Members will leave The Venue, Wyaston Road, Ashbourne DE6 1NB at **3.45pm prompt** for the following site visits:

4.00pm **APPLICATION NO. 18/00022/FUL**  
**BENTLEY COTTAGE FARM, ALKMONTON**  
At the request of Officers for Members to appreciate the site and context in relation to the proposed development.

4.30pm **APPLICATION NO. 17/01130/OUT**  
**SPINFIELD, DERBY LANE, EDNASTON**  
At the request of Officers for Members to appreciate the proposal in the context of its surroundings.

5.00pm **RETURN TO THE VENUE, ASHBOURNE**
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 | 18/00022/FUL  
SITE ADDRESS: | Bentley Cottage Farm, Leapley Lane, Alkmonton  
DESCRIPTION OF DEVELOPMENT | Erection Of Poultry Unit  
CASE OFFICER | H Frith  
APPLICANT | Mr Allsop  
PARISH/TOWN | Hungry Bentley  
AGENT | Ian Pick Associates Ltd  
WARD MEMBER(S) | Councillor A Morley  
DETERMINATION TARGET | 10.04.18  
REASON FOR DETERMINATION BY COMMITTEE | Major development  
REASON FOR SITE VISIT (IF APPLICABLE) | For Members to appreciate the site and context.  

MATERIAL PLANNING ISSUES  
- Principle of development  
- Visual impact  
- Highway safety  
- Heritage assets  
- Impact on residential amenity  
- Ecological impacts  

RECOMMENDATION  
Approval
1.0 THE SITE AND SURROUNDINGS

1.1 Bentley Cottage Farm is a long established poultry unit which has five sheds currently on site. The unit is located in open countryside off Leapley Lane to the north west of the staggered crossroads in Alkmonton. Access into the site is along a surfaced track to the east of the sheds.

1.2 The existing units are set back from the road to the south west of the farm house. Earth mounding has been created between the road and the units. Open fields lie to the north and west of the site. The existing units are only partially obscured within the view from the road by the earth mounding which should be landscaped, although the landscaping appears to have failed over time. The site of the proposed building is open to views from the adjacent public footpaths which run to the west of the site and from the public highway which lies to the east.

1.3 To the far south west of the site lies the former medieval village of Hungry Bentley which is a designated Scheduled Ancient Monument.

2.0 DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for an additional poultry unit which is proposed to be set to the north of the existing complex this would be the sixth shed on the site. The proposed building, measuring 124.3m by 24.4m with a ridge height of 4.7m, is to match those already on site in terms of scale and finish.

2.2 The building is proposed to house a further 62,800 birds increasing the overall capacity of the site to 359,400 birds. The operation works on a 44 day cycle with the birds being reared within the building for 37 days with a 7 day empty period at the end of each growing cycle for cleaning and preparation for the incoming flock, 8 flocks per annum.

2.3 In addition a building measuring 12.2m by 2.74m and 2m high is proposed as a boiler room. It is also proposed to extend the concrete pad to the front of the building to match the remainder of the site frontage.
2.4 The application notes the intention to plant a hedge to the northern boundary and a woodland belt to the eastern boundary of the site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S1: Sustainable Development Principles
   - Policy S4: Development in the Countryside
   - Policy PD1: Design and Place Making
   - Policy PD2: Protecting the Historic Environment
   - Policy PD3: Biodiversity and the Natural Environment
   - Policy PD5: Landscape Character
   - Policy PD8: Flood Risk Management and Water Quality
   - Policy PD9: Pollution Control and Unstable Land
   - Policy HC19: Accessibility and Transport
   - Policy HC21: Car Parking Standards
   - Policy EC1: New Employment Development

2. National Planning Policy Framework
   - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
   - 15/00905/FUL Erection of agricultural workers dwelling – Permitted with conditions
   - 15/00546/FUL poultry rearing building, storage/boiler building – Permitted with conditions
   - 14/00243/FUL Poultry rearing building, feed bins and hard standings – Permitted with conditions
   - 11/00446/FUL Installation of solar panels on 3 no. existing poultry sheds – permitted with conditions
   - 10/00538/AGR Agricultural Prior Notification - Erection of agricultural storage building – Permitted
   - 10/00351/FUL Erection of three replacement poultry sheds – Permitted with conditions
   - 0885/0636 Extension to 3 chicken houses – Permitted
   - WED/380/169 Erection of chicken rearing house – Granted.
   - ASR/1169/17 Deep litter poultry farm – Granted.

5.0 CONSULTATION RESPONSES

Parish Council
5.1 Hungry Bentley Parish - No objection. But would like to comment:
   The site expansion may not end with this development and any future development would be strongly objected to due to the following:
   Increased noise and traffic on narrow roads
   Increased pollution from the obnoxious smells as each units cleaned out and prepared for the next flock.
   Increase in light and noise pollution from activities associated with the running of the units which take place at night.

Environment Agency
5.2 The Agency has inspected the application and has no comments to make.

Derbyshire County Council (Highways)
5.3 No objections providing additional poultry unit supports and is ancillary to existing operations already carried out on site.
5.4 The submitted drainage feasibility report indicates the proposed development will be on existing agricultural land with a suggested green field runoff rate of 1.4l/s/ha. Surface water drainage will be managed via infiltration trench/soakaway with surface water designed for a 40% allowance for climate change. No objection in principle subject to conditions.

5.5 The conclusions of the submitted preliminary ecological appraisal are supported. Following a best practice approach the strip of grassland within the application area should be kept short to reduce suitability for reptiles. Welcome the landscaping proposals. It would be beneficial to include bat or bird boxes within the woodland which would enhance wildlife. A condition in regard to lighting is required.

5.6 No comments to make on this application.

5.7 Footpath 15 runs very close to the western end of the proposed building. The proposed new planting and path is welcomed but this must not encroach on the legal width of the path nor have the potential to overhang the path. Provided that the full width of the path remains open and unobstructed at all times and the surface of the path is not affected by the construction works then I have no objection to the application.

5.8 No objection providing footpath 15 is not obstructed or amended in any way either during or after construction without prior permission from the ROW department.

5.9 The site is in open countryside off Leapley Lane north west of Alkmonton. The proposals represent an extension of an existing poultry rearing business directly associated with Bentley Cottage Farm. The existing units (5 no.) are set back from the road to the south west of the farm house. Earth mounding has been created between the road and the units and this partly screens them though they are still prominent features within the surrounding landscape. Existing hedgerows and hedgerow trees satisfactorily contain the buildings within the surrounding landscape on the southern and south western edges though views from a public footpath which runs along the back of them are much more open in nature.

It is proposed to erect an additional unit of similar proportions to the north of the existing development. Once construction is complete it is proposed to plant a native species hedgerow with hedgerow trees along the northern side and wrapping around both the eastern and western edges. A block of new woodland will be planted on the frontage.

There are no objections to the application in principle, this represents an extension to an established business and there is unlikely to be any substantial adverse impact on local landscape character additional to that which already exists. The planting proposals submitted in mitigation of adverse visual impact are satisfactory though no specification is included in spite of reference being made to one.

I am, however, concerned that despite previous efforts to better screen development little progress has been made in this regard. This has, to some extent, been a consequence of the rapid expansion of the business. New development occurs before landscape proposals...
conditioned as part of previous applications can be implemented. This does not explain why, in the first instance, a very effective screen of mature trees died as one and had to be removed or the lack of progress in undertaking replacement planting designed to provide effective screening in the mid to long term.

Therefore, in addition to planting proposals submitted as part of this application I would suggest that the applicant be required to submit an extended scheme that includes:

- Planting in areas in front of the existing units (required under previous permissions)
- Screen planting in areas immediately fronting the road
- Proposals for the maintenance and management of the planting for a five year period following development should be submitted for approval.

Development Control Archaeology
5.10 The proposals will have no archaeological impact.

Environmental Health (Derbyshire Dales)
5.11 No objection as the matter is regulated by the Environment Agency. Air quality form to be completed and returned. Form returned, in response Environmental Health had no further comments to make.

6.0 REPRESENTATIONS RECEIVED

6.1 None

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Principle of development
- Visual impact
- Highway safety
- Heritage assets
- Impact on residential amenity
- Ecological impacts

Principle
7.1 Adopted Local Plan Policies S4 and EC1 support the provision of agricultural business development in the countryside. Policy S4 f) states that ‘planning permission will be granted for development where it comprises proposals for agriculture and related development which helps to sustain existing agricultural and other rural based enterprises, including... new agricultural buildings that maintain the landscape quality and character of the countryside’ and j) where it ‘preserves and/or enhances the character, appearance and local distinctiveness of the landscape’. As the proposed building is an addition to an existing successful agricultural enterprise in an open countryside location that is beneficial for the rural economy it is considered acceptable in principle subject to detailed matters which are considered below.

Visual Impact
7.2 The addition of a further shed to the site will have some additional visual impact over and above that of the existing units, particularly in this location where the development would not be screened from the eastern boundary by trees and the existing dwelling. However, the proposed building is of the same design, scale and materials as the existing buildings on site and is set in very close proximity to these. It is therefore considered that the building will have minimal visual impact upon the wider landscape when seen within the context of the existing development. It is considered necessary to mitigate against this limited additional visual impact through supplementary landscaping of the site which should take place
particularly to the northern boundary and to the east. The submitted plans show a woodland buffer being planted to the east and a hedge to the north. This is considered acceptable and will appropriately mitigate against the intrusion into the countryside such that the proposal will have a neutral impact thereby preserving the character and appearance of the wider landscape setting. However, the planting of the wider site has failed and therefore given the additional intrusion into the countryside proposed it is considered necessary to secure the landscaping of the wider site under any conditional approval.

Highway Safety

7.3 The Local Highway Authority have considered the proposal and have advised that on the basis that the additional building supports the existing poultry rearing activities on site there is no objection to the proposal on highway safety grounds. Whilst there is likely to be a minor increase in traffic generation associated with the development, the majority of the surrounding highway has sufficient width to allow two-way traffic. In this respect, the overall increase in large vehicles is likely to have a minimal impact on the surrounding road network. The proposal meets the requirements of Policies S4 and HC19 of the Adopted Local Plan 2017.

7.4 Whilst no objection has been raised in terms of the impact the development will have upon the route of Hungry Bentley footpath no. 15 it is noted that the alignment of the footpath should remain and should not be obstructed by planting. This is noted and a footnote can be added to any permission to highlight this point.

Heritage Assets

7.5 The application site is located to the north east of the site of the former medieval village of Hungry Bentley which is a designated Scheduled Ancient Monument. The Development Control Archaeologist has advised that there would be no archaeological impact as a result of the proposed development. The proposal therefore satisfied the requirements of Policy PD2 of the Adopted Local Plan 2017.

Amenity Impacts

7.6 Through the application process no concerns have been raised by local residents although the Parish Council have expressed concern at any further expansion of the site following this development. In terms of the impacts of odours form the operation of the unit the control of processes or emissions are the responsibility of the Environment Agency. In this respect the Local Planning Authority should assume that these regimes will operate effectively (refer to paragraph 122 of the National Planning Policy Framework). The Council’s Environmental Health Officer has been consulted and has confirmed there are no objections to the proposal.

Ecological Impacts

7.8 A preliminary ecological appraisal has been submitted with the application. Derbyshire Wildlife Trust have considered this and agree with the findings. A condition is recommended to be imposed regarding lighting around the site to minimise impact on bat habitat. It is also noted that ecological enhancements can be provided within the landscaped area. It is considered reasonable to impose a condition to require such enhancements. Subject to conditions the proposal is considered to be acceptable in accordance with Policy PD3 of the Adopted Local Plan 2017.

Conclusion

7.9 It is considered that the proposed development will be of benefit to the rural economy and will have minimal visual impact subject to landscape mitigation. Issues regarding noise, dust and smells are in this instance also controlled by the Environment Agency. In view of this it is not considered reasonable to impose further planning conditions for matters that are controlled by other legislation. The proposal will have no adverse impact upon highway
safety. It is considered that the proposal meets the requirements of local and national planning policy and therefore planning permission should be granted.

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

1. Condition ST02a: Time Limit On Full

2. All structures hereby approved shall be constructed in materials which match the type and colour of the materials of the existing poultry unit buildings on site.

3. Condition LA12a: Approval of landscaping scheme before commencement of development (remove: a, b, c, d, f, i, j, l, m, n)

4. Condition LA13a: Landscaping to be carried out and maintained

5. No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority to safeguard bats. This should provide details of the type of lighting and any mitigating features such as shield, hoods, timers etc. lux levels of light spill around the building should be included. Guidelines can be found in Bats and Lighting in the UK (BCT 2009). The lighting shall be fully implemented on site in accordance with the agreed details.

6. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site in accordance with:
   a) Drainage Feasibility Report for a Proposed Agricultural Development at Alkmonton Derbyshire Project: JAG/AD/JF/40247-Rp001 (December 2017, Alan Wood and Partners)
   b) DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

7. Along with the submission of the detailed landscaping scheme a scheme of biodiversity enhancements shall also be submitted to and agreed in writing by the Local Planning Authority. The enhancements shall be installed on site in accordance with the agreed details.

Reasons:

1. Condition ST02a: Time Limit on Full

2. To ensure an appropriate finished form of development in accordance with Policies PD1, S4 and EC1 of the Adopted Local Plan 2017.

3. To ensure a satisfactory landscaped setting for the development in accordance with the aims of Policies PD1, S4 and EC1 of the Adopted Local Plan 2017.

4. To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies PD1, S4 and EC1 of the Adopted Local Plan 2017.

5. To protect habitats in accordance with policy PD3 of the Adopted Local Plan 2017.

6. To ensure that the proposed development does not increase onsite or offsite flood risk, ensure that the principle of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the local planning authority in advance of full planning consent being granted.
7. To provide biodiversity enhancements on the site in accordance with policy PD3 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

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

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

9.3 The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual C753. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status.

9.4 To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:

The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non-statutory technical standards for sustainable drainage systems: Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus the current recommended (by the Environment Agency) allowance for climate change critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 and S3.

Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus an allowance for climate change critical rain storm to comply with S7 and S8.

Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.

Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

9.5 The County Council holds a suite of information that can inform site development across Derbyshire. The information within this document has been interpreted and provided by an officer from the Food Risk Management team.
Historical data has been collated from a range of sources and is anecdotal. The provision of this data is suggested to act as a guide only.

Fluvial data has been provided by the Environment Agency however the applicant is advised to contact the Environment Agency for further information should the site lie within the floodplain of a Main River.

The County Council hold British Geological Survey data under a licenced agreement and therefore are not licenced to reproduce this information into the public domain.

The County Council have modelled surface water flooding for the whole of Derbyshire. The model output gives an indication of the broad areas likely to be at risk of surface water flooding and is intended to act as a guide only and cannot be used to identify specific properties at risk.

Further information regarding the Water Framework Directive, ecology and biodiversity should be obtained from the Environment Agency and Natural England.

9.6 Footpath no. 15 adjacent to the site shall remain unobstructed at all times throughout and after the construction works. If it is proposed to alter the alignment of the path this will need the formal agreement of the Public Rights of Way section at DCC.

9.7 This decision notice relates to the following documents:
Design and Access Statement received 09.01.18
Location plan received 09.01.18
Broiler rearing unit IP/DA/02
Broiler rearing unit IP/DA/04 received 09.01.18
Landscape proposals IPA 20535-11D
Site plan
Drainage Feasibility Report received 09.01.18
Preliminary ecological appraisal received 09.01.18
Broiler rearing unit IP/DA/03

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<tr>
<th>APPLICATION NUMBER</th>
<th>17/01130/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Spinfield, Derby Lane, Ednaston, DE6 3AB</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of 3 dwellings (Outline)</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr. Andrew Stock</td>
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<tr>
<td>APPLICANT</td>
<td>Mrs B Bowyer</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Brailsford</td>
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<tr>
<td>AGENT</td>
<td>Planning &amp; Design Practice Ltd</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. A Jenkins</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>9th February 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>5 or more unresolved objections have been received</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To appreciate the proposal in the context of its surroundings</td>
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**MATERIAL PLANNING ISSUES**
- Principle of the development;
- Impact on character and appearance of this part of the settlement
- Impact on residential amenity;
- Highway safety, and;
- Ecology

**RECOMMENDATION**
Refusal
17/01130/OUT

Spinfield, Derby Lane, Ednaston

1:1,250

Derbyshire Dales DC

Date: 02/03/2018

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 Spinfield is a detached, two storey, brick and tiled dwellinghouse located within the village of Ednaston. The application site forms part of the residential amenity garden of Spinfield which totals approximately 0.7 acres. Vehicular accessed is gained directly off Derby Lane.

1.2 The site is bounded by Derby Lane to the north and dense hedgerows along the east, west and south boundaries.

1.3 Ednaston House, a Grade II listed building lies approximately 35 metres south west of the application site.

2. **DETAILS OF THE APPLICATION**

2.1 The application is in outline with all matters reserved for the erection of three dwellings with detached garages and associated access.

2.2 The application is accompanied by an indicative plan which depicts three detached dwellings with detached garages in a cul-de-sac formation within the rear garden of Spinfield, as illustrated on submitted plans date stamped 15th December 2017. Within the supporting statement it states that the dwellings would comprise four bedrooms over two storeys.

2.3 It is proposed that the development would be accessed directly off Derby Lane via the existing residential access which serves Spinfield.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2017):

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
4. **RELEVANT PLANNING HISTORY**

None applicable.

5. **CONSULTATION RESPONSES**

5.1 **Parish Council**

Object - The above application should be considered as opportunistic and with scant regard for the adjoining properties, the village and the environment. We would like to bring to the notice of the planning authority the following points which we feel are pertinent and relevant. Backland and tandem developments in small settlement such as this should take into account the quality and living environments of the settlement as an important consideration, and under the Government Planning Policy Guidance note 3 (Housing) there are a number of issues which are relevant.

- There must be adequate space between old and new buildings to avoid spoiling the amenity of neighbouring houses. This is particularly relevant in this case for Corner Farm Cottage and Birch Garth, and indeed Springfield which would be seriously compromised.

- The site sits adjacent to Ednaston House which is a grade 2 listed building and although it would have no direct consequence to the house, it would certainly compromise the setting and its environment.

- Unfortunately the applicants have already removed some substantial trees which though not protected in themselves, form part of an established and pleasant village setting. Further the proximity of remaining trees to the proposed road and buildings will mean that foundations and trees would be compromised and the trees likely to be lost.

- The access road is overbearing given the setting, and the visions play requirements particularly to the west with only 32m relies on slow traffic well within the 30mph restriction and does not take into account that there are no pavements thereby seriously compromising safety.

- The detrimental effect on neighbouring properties particularly Birch Garth in terms of proximity is unacceptable given a requirement of 21m between opposing private elevations which appears to be unattainable given the indicative layout of plot 2.

The fact that a public footpath runs through the middle of the proposed sites and raises a number of issues, mainly of safety as it runs directly over the turning head and behind parking areas. It also appears to have been diverted without the enforcement of a diversion order.

No account has been made for a diversification of house type to accommodate the demographics of the area and an ageing population with a prediction of a 43% increase in people over 60, and with limited local facilities and no bus route. See policy TR3 and HC11.

Policy PD1 addresses that all developments should address the distinctiveness and sense of place is required. The proposed development does little to address the settlement or the location within the settlement.
Policy HC11 requires that the development will be required to contribute towards the creation of sustainable, balanced and inclusive communities by identified local and district needs. We would suggest that 3 detached 2 storey houses do not comply with this policy.

Under the NPPF 4.1 states that the purpose of planning is to help achieve a sustainable development and sustainable development is about positive growth for future generations. We would suggest that this development does nothing to enhance the village on an economic, social or environmental role and makes little or no contribution to the settlement; indeed its contribution is negative and makes scant regard for the social and environmental issues particularly.

In the recently adopted local plan, a five year land supply has now been identified and there is therefore no need for further housing particularly as the Parish has taken more housing than it is allocated.

The proximity of a new development (and 3 properties) will create an impact on the environment of the listed Ednaston House (and the planners thought this significant when they refused the development at Brailsford House). The proposed form of access which will impinge significantly on the existing neighbouring property and is also opposite the entrance of the pub and close to the junction.

The Local Plan states clearly for Ednaston limited development as infill or consolidation of the built environment framework (this is neither), on a brownfield site, or for affordable housing (which it clearly is not).

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

5.3 Derbyshire Dale Group of Ramblers
The Derbyshire Dales Group of the Ramblers have no objection to the above application, namely 17/01130/OUT The erection of 3 houses on land at Spinfield Ednaston, providing that Brailsford FP 40 which runs across the site is accommodated as set out in the application and as such will not closed or obstructed nor the width affected without prior approval from DCC ROW dept. either during or after development.

5.4 Peak & Northern Footpath Society
Footpath 40 Brailsford crosses the site. I do not object to the principle of the development, but the layout would result in the footpath crossing two turning areas for vehicles where vehicles would be reversing, which could lead to conflict with walkers if the drivers were less than careful, and particularly with delivery vehicles when the drivers were not familiar with the layout. One mitigating measure would be for the legal width and location of the path to be marked out on the turning areas, with the uvula walking symbol, so that all drivers were certain that there might be walkers on the path who had priority over vehicles. Also I cannot understand the "zigzag" in the path shown on the Block Plan - according to the map on the county council's web site, the path takes a straight line between the boundaries of the site. This must be checked with the county council's rights of way officers.

5.5 Environmental Health Officer
No objection.

5.6 Derbyshire Wildlife Trust
No objection, subject to conditions.
5.7 Derbyshire County Council (Archaeologist)
No objection.

5.8 Derbyshire County Council (Rights of Way)
No objection, subject to conditions.

6. REPRESENTATIONS RECEIVED

6.1 A total of 30 representations have been received. A summary of the representations are outlined below:

Principle of development:
- Contrary to the Adopted Derbyshire Dales Local Plan
- Contrary to the National Planning Policy Framework
- Not sustainable development
- Sets a president for back land development
- No identified need

Impact on residential amenity:
- Loss of view
- Overlooking issues
- Loss of light
- Construction traffic
- Noise pollution

Highway Safety:
- Poor access
- Increase in vehicular movements
- Pedestrian safety concerns
- Impact on the rights of way

Impact on the character and appearance of the surrounding area:
- Inappropriate density
- Negatively impact the area
- Intrusion into the historic area
- Over development
- Impact on the public right of way
- Development out of character

Impact on the setting of the listed building
- The closeness of the development to Ednaston House

Ecology:
- Impact on the local ecology
- Lack of assessment

7. OFFICER APPRAISAL

7.1 Having regard to the policies of the development plan the main issues to assess are:

- Principle of the development;
- Impact on character and appearance of this part of the settlement;
- Impact on residential amenity;
- Highway safety, and;
- Ecology
Principle of the development;

7.2 The application site is located in the village of Ednaston which does not lie within a Defined Settlement Boundary, as set by Policy S3 of the Adopted Derbyshire Dales Local Plan (2017). The site therefore located within the open countryside where the provisions of Policy S4 apply.

7.3 Ednaston is designated as a tier 5 settlement defined as ‘Infill and Consolidation Villages’ within Policy S2 in the Adopted Derbyshire Dales Local Plan. Despite being within the countryside, tier 5 settlements are identified as having basic facilities and little services to meet day to day requirements of local residents. The policy identifies that there could be scope for very limited development within the physical confines of the settlement where this is limited to infill and consolidation of the existing built framework.

7.4 The pattern of residential development within Ednaston forms predominately ribbon development within a linear formation following the main road (Derby Lane) through the village. Residential development can be found on either side of the highway comprising mainly detached properties within large plots which fronts the highway. The built framework within the immediate setting is defined by the row of 5 dwellings set back from the roadside.

7.5 Whilst the application is submitted in outline form, it is accompanied by an indicative plan which portrays three detached dwellings with associated garaging arranged around a cul-de-sac. It is proposed that the development would be accessed directly off Derby Lane via the existing residential access which serves Spinfield.

7.6 The proposal is essentially back land development within the rear garden of Spinfield, Ednaston. The proposal would result in over development of the existing dwellinghouses rear garden, which is peripheral and not well contained to the existing built form of Ednaston. The proposal would continue built development into the countryside beyond the physical linear built framework of Derby Lane.

7.7 Whilst Ednaston may be able to accommodate some limited development within the physical confines of the village it is considered the proposal does not constitute appropriate infill of consolidation within the existing built framework contrary to Policy S2 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on character and appearance of this part of the settlement;

7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with design and place making which 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.

7.9 Policy PD2 deals with protecting the historic environment which states the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

7.10 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.
7.11 The application site forms part of the residential garden at the rear of Spinfield. Whilst the site does not occupy an overly prominent position from the roadside (Derby Lane) within Ednaston the site would be readily seen from public vantage points specifically along two public rights of way, specifically routes 40 and 44. Public right of way 40 runs directly through the site whilst 44 lies to the south.

7.12 The amount of development will appear out of context within the immediate setting. The concept of a cul-de-sac development within the rear garden of Spinfield is likely, in general terms, to adversely affect the prevailing character of the immediate and wider area of Ednaston. The development would be physically divorced from the settlement which is not deemed appropriate in this lower tier settlement. The proposal would not contribute positively to the area character and identity but represents inappropriate and unwarranted development within the countryside.

7.13 In addition Ednaston House, a Grade II listed building lies within approximately 35 metres of the application site boundary to the south west. Whilst its immediate setting may not be harmed by development of the site in question it is considered that openness of the immediate area contributes significantly to its context.

7.14 The land on the southern and eastern sides of built framework has a distinctive character and appearance comprising linear development with an open aspect to the countryside thereafter. That distinctive character and appearance is important to the area and this openness contributes positively to the immediate and wider setting. The proposed development would erode the open character of the area in this location resulting in an urbanising impact which would detract from immediate landscape.

7.15 As such, given the above it is considered that the proposal would lead to an unwarranted and intrusive form of residential development, resulting in sporadic development outside of the built framework that would neither preserve nor enhance the character and appearance of this part of Ednaston contrary to Policies S1, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

**Impact on residential amenity;**

7.16 Corner Farm Cottage, Long Meadow and Birch Garth lie adjacent to the site. Concerns have been raised by the occupants of the aforementioned properties, as well as other local residents, that the development would lead to an adverse impact upon the amenities of the occupants of nearby residential dwellings.

7.17 The proposed dwellings would be located within in close proximity to neighbouring residential properties. It is considered that residential development comprising three two storey dwellings in this location is likely to result in direct overlooking into adjacent gardens. The application as submitted fails to demonstrate that 3 no. two storey dwellings could be accommodated on this constrained site without resulting in a significant loss of privacy to both the occupants of existing and the proposed residential dwellings contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

**Highway safety;**

7.18 It is proposed to access the additional dwellings through sites existing access directly off Derby Lane. Whilst the sites existing access off Derby Lane is not suitable to serve 3 additional dwellings due to its limited width restricting 2-way traffic. The applicant however, owns land either side of the access so it can be widened to allow for this.
7.19 Following consultation with the Local Highway Authority it was considered that the available emerging visibility to the west is less than the recommended distance for a 30mph road, vehicle speeds approaching from the west are suppressed due to the location of the road junction.

7.20 During a recent site visit by the Local Highway Authority, it was estimated that vehicles approach the site access at 25mph from the west and 30mph from the east. In accordance with current design guidance, the recommended sightlines are 2.4m x 43m to the east and 2.4m x 33m to the west.

7.21 Although the available emerging visibility to the west is, in theory deficient by 1m, this is not something the Highway Authority could sustain an objection on. It should be noted that, whilst the applicant is not in control of all the fronting grass verge to achieve the sightlines, the fronting boundaries have been set back under a Section 159 Agreement, so any future proposals within the grass verge can be controlled under separate legislation. It’s therefore unlikely the emerging visibility sightlines will become obstructed.

7.22 The submitted indicative drawing illustrates an acceptable internal layout with regards to parking and turning for each proposed dwelling.

7.23 The Local Highway Authority raise no objection to the application, subject to conditions.

**Ecology**

7.24 There are multiple ponds within 500m and records of great crested newt in the local area. Other protected species records in the locality include brown hare, badger, water vole, white clawed crayfish and otter. Local Wildlife Sites are present to the east and west of the application area.

7.25 In their initial consultation response Derbyshire Wildlife Trust did consider that the application contained insufficient information to fully understand the impacts that the development would have on any features of ecological interest. However, following the submission of an Ecological Survey and Assessment Report prepared by Ardea Ecology Derbyshire Wildlife Trust conclude that there does not appear to be any significant ecological constraints to development, subject to conditions.

**Conclusion**

7.26 Taking the above into consideration the application does not satisfies 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 proposal would not constitute appropriate infill of consolidation within the existing built framework of a lower tier settlement and would lead to an unwarranted and intrusive form of residential development in the countryside that would neither preserve nor enhance the character and appearance of this part of Ednaston, contrary to Policies S1, S3, S4, HC1, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The application as submitted fails to demonstrate that 3no. two storey dwellings could be accommodated on this constrained site without resulting in a significant loss of privacy to both the occupants of existing and the proposed residential dwellings contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
Submitted plans date stamped 15th December 2017.
### Planning Committee 13th March 2018

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00125/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Change of use of first and second floors to form 4 flats.</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Red Lion Hotel, Market Place, Wirksworth</td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>PARISH/TOWN</td>
<td>Wirksworth</td>
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<tr>
<td>APPLICANT</td>
<td>Mr P Booth</td>
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<tr>
<td>AGENT</td>
<td>Mr A Murphy</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor I Ratcliffe, Councillor M Ratcliffe, Councillor P Slack</td>
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<td>DETERMINATION TARGET</td>
<td>11.05.2017</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Development Manager due to the sensitivity of the proposal.</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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### MATERIAL PLANNING ISSUES

- Principle of residential conversion
- Impact upon character and appearance of the listed building
- Loss of assembly/function room and viability of the existing use
- Impacts upon amenity
- Highway safety

### RECOMMENDATION

Refusal
Red Lion Hotel, Market Place, Wirksworth
1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to the Red Lion Hotel which is a Grade II* listed building dating from the mid-18th century which is prominently sited within the Wirksworth Conservation Area. The building is operating as a hotel with two bar areas on the ground floor, a function room which was the Town’s original assembly room on the first floor with letting bedrooms and managers flat to the first and second floors.

2.0 DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to change the use of the upper floors of the building to form 4 flats.

2.2 The works required to form the flats are all internal works detailed as follows:
   - Removal of the bar servery from the function room and the installation of a kitchen unit associated with flat 1.
   - Removal of modern stud/plasterboard partition wall from the function room toilet and removal of ladies toilet door and board over.
   - Removal of modern plasterboard wall associated with proposed first floor flat to create lounge.
   - Removal of modern plasterboard office wall associated with proposed first floor flat to create kitchen.
   - Construction of partition wall and door on the landing associated with proposed flat 3 on second floor.
   - Removal of modern plasterboard walls and insertion of two doorways associated with the lounge to proposed flat 3 on the second floor.

2.3 Along with the application and through the processing of the application detailed reports and additional information have been submitted by the applicant to support the proposed change of use, these include:
   - Building Regulations Compliance Report by Derek Trowell
- Building Regulations Compliance Report by Salus
- Letter of the 22nd September 2017 on viability
- Accounts Information
- Letter in support of the proposal from agent dated 19th July 2017
- Marketing Summary from 2014 to 2017
- Combined Planning and Transport Statement - including function room viability report
- Acoustic Consultancy Report
- Heritage Statement and Heritage Impact Assessment

The pertinent information contained in these reports will be referred to within the assessment of the proposal below.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S1: Sustainable Development Principles
   - Policy S2: Settlement Hierarchy
   - Policy S3: Development Within Defined Settlement Boundaries
   - Policy S7: Matlock / Wirksworth / Darley Dale Development Strategy
   - Policy PD1: Design and Place Making
   - Policy PD2: Protecting the Historic Environment
   - Policy HC1: Location of Housing Development
   - Policy HC15: Community Facilities and Services
   - Policy HC19: Accessibility and Transport
   - Policy HC21: Car Parking Standards
   - Policy EC6: Town and Local Centres
   - Policy EC8: Promoting Peak District Tourism and Culture

2. National Planning Policy Framework
   - National Planning Practice Guidance
   - Wirksworth Conservation Area Appraisal
   - Historic Environment Good Practice Advice in Planning (Historic England)
     - Wirksworth Neighbourhood Plan:
       - NP4: Size of New Home and Space Standards
       - NP5: Principal Residence Homes
       - NP7: Energy-Saving Standards for New Dwellings
       - NP11: Loss of Existing Facilities and Open Spaces
       - NP17: Upgrading Existing Buildings

4.0 RELEVANT PLANNING HISTORY:

17/00877/LBALT Internal and external works – Permitted with conditions

17/00126/LBALT Internal alterations – Pending consideration

16/00130/LBALT Alterations To Form House In Multiple Occupation Incorporating 6 Flats, An Additional Flat And Commercial (Flexible) Uses – Refused for the following reason:

The introduction of kitchen units into the formal space of the function room will diminish the historic significance of the hotel and its continued use as the town's assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This harm is considered to be less than substantial harm as the harm is to the appreciation and hierarchy of space without loss or harm to the fabric of the building. This harm to the significance of this grade II* listed building is not outweighed by any public benefit as such the proposal conflicts with paragraphs 132 and 134 of the National Planning Policy Framework.

16/00129/FUL Change of use and conversion from hotel to house in multiple occupation incorporating 6 flats (Use Class C4), an additional flat (Use Class C3) and 2 commercial
units under flexible uses (Use Classes A1, A2, A3, A4 and D2) – Refused for the following reasons:

1. The proposed change of use, in particular to the assembly/function room introducing living accommodation and associated installation of a domestic kitchen into this space, will impact upon the special architectural and historic character and appearance of the building. Such a change of use will diminish the significance of the heritage asset which is partly derived from its role as the town's assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This amounts to less than substantial harm to the significance of this grade II* listed building which is not outweighed by any perceivable public benefit. As such the proposal is contrary to paragraphs 132 and 134 of the National Planning Policy Framework and Policy NBE18 of the Adopted Local Plan.

2. Insufficient information has been submitted to demonstrate that that the existing use is no longer financially or commercially viable or that there are no other viable means of maintaining the existing use, which as a hotel, public house and assembly room is a holistic business that is a valued local facility offering a unique function within the town. As such the proposal is contrary to the aims of Policy S12 of the Adopted Local Plan, Policy NP11 of the Wirksworth Neighbourhood Plan and guidance contained within the National Planning Policy Framework.

3. The applicant has failed to demonstrate that there will be no adverse impact upon the amenity of future residents as a result of the proposed ground floor uses and that there will not be amenity issues between the flats to be created. It also remains unclear as to whether any mitigation works will be required which could in turn have a harmful impact upon the special character and appearance of the grade II* listed building. As such the proposal is considered contrary to the core principles and part 12 of the National Planning Policy Framework.

5.0 CONSULTATION RESPONSES

Town Council
5.1 No comments received

Derbyshire County Council (Highways)
5.2 It is considered that the sites existing access is substandard in terms of its restricted width and available emerging visibility. However this application proposed to convert the existing function room into a one bedroom flat and to change the 6 existing hotel rooms into 2 flats. It is therefore unlikely the proposals, if permitted, would result in a significant increase in traffic generation associated with the substandard vehicular access.

Whilst the proposed 11 car parking spaces within the site is less than the recommended level given the Public House is remaining in use, parking is available elsewhere in the close vicinity of the site. The applicant is proposing to designate one space to each flat which is adequate level given the sites central location within Wirksworth. The Local Highway Authority has no objection to the application. If the Authority is minded to permit the application a condition is recommended relating to parking provision in the interests of highway safety.

Conservation Advisory Forum
5.3 The Forum previously, and again on this occasion, recognise the importance of the first floor assembly room as being an intrinsic and significant part/element of this Grade II* listed building.

Under the current application, whilst a commercial usage is to be retained on the ground floor the upper floors, including the assembly room, are to be converted to self-contained
apartments. Whilst it was acknowledged that there is to be no sub-division of the assembly room its original and continuing use up to the present day will be lost and this was deeply concerning to the Forum. The Forum endorsed the concerns raised by Historic England and felt that the character of the listed building and Conservation Area would be lessened by the loss of the historic hotel, and the loss of this historic assembly room. Concerns were raised relating to potential fire and building control requirements/alterations to the fabric/interiors of the building if converted as proposed. The Forum wished to raise the following comments – they considered it unfortunate that no pro-active approach appeared to be in place to keep the hotel going (based on a financial masterplan and a masterplan for the entire site). They also considered it unfortunate that there appeared to be no community involvement as it would appear to be a community asset.

Historic England

5.4 The Red Lion Hotel is a Grade II* listed building of more than special architectural and historic interest in a national context. It dates from the mid eighteenth-century as a Coaching Inn and architecturally is a fine brick building. Within Wirksworth the Hotel is a prominent and imposing local landmark facing onto the Market Place. It is of significance within the Conservation Area and has particular historic and communal value as the town’s former assembly room. The building lies within the medieval core of Wirksworth and there is an earlier building of coursed stone rubble with large buttressed chimney embodied in the rear. We believe the archaeological potential of the site remains significant.

Refer to previous advice given re: 16/00129/FUL.

We continue to support the need to find and secure sustainable uses for this former hotel which are compatible with the heritage significance of the building and conservation area. The submission includes a heritage assessment which provides a useful assessment of the significance of the building and its component parts. At first floor and of particular note is the single full-length room – we have previously raised concerns over the insertion of a kitchen within the first floor space which was historically used as the town’s assembly room. It is the main first floor assembly room and stairs that retain much of their original 18 Century feeling despite the more recent décor. The conversion of this space as living and kitchen area for a one bedroomed flat will alter the character and appearance of this former civic and communal space. In our view this will result in some harm to the buildings significance, though we note the spatial qualities will be retained without subdivision. The physical alterations are minor and certain elements of the proposal seek to remove modern partitions, which is of benefit. The harm can be mitigated through sensitive design and we are also mindful that the change of use will inevitably require upgrading for fire regulations and building control legislation - these details require careful consideration and advice should be sought from your Conservation Officer. We refer to paragraphs 132 and 134 of the NPPF which require clear and convincing justification for any harm caused to sustain this highly graded listed building.

Recommendation:
Historic England has concerns regarding the application on heritage grounds. In determining this application bear in mind the statutory duty under Section 66 of the Act to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to Section 72 of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Recommend that further advice is sought from your Conservation Officer and that the concerns raised in this letter are met to comply with paragraphs 128 to 134 of the NPPF.
5.5 The property is a grade II* listed building within the Wirksworth Conservation Area. It dates from the later 18th century (c. 1770s) with earlier buildings to the rear. As part of the original design concept for the 18th century frontage building was a large and imposing first floor assembly room accessed via a fine cantilevered stone staircase with metal balustrade. Such a room, with its decorative elements and central Venetian window would have been the height of architectural fashion for the day and provided an imposing civic function space. That use has continued up until the present day.

The proposal for this particular room is to form a one-bedroomed apartment. The large room itself will not be sub-divided and a short run of fixed units to one corner (currently where the ‘bar’ is located) will contain a cooker and sink. The two principal issues are – firstly, that the original and long-standing use of the room as a civic function space will be permanently lost and secondly, that whilst un-divided the character of the space as a domestic, residential, space will inevitably alter its existing character. These two issues will result in some harm to the building’s significance. Whilst that would be regrettable, that harm is in usage and spatial and not physical harm to the fabric of the historic building. A change of use of this space to a residential apartment, without any physical alterations or changes to the room or its existing character and appearance would not constitute substantial harm. As changes representing less than substantial harm, that harm has to be weighed against any public benefits. In this regard, the original and current use of the function space provides a public benefit to the community and that benefit would be lost if conversion to private residential apartment was granted.

With regard to the identified proposed internal alterations to the hotel, it is considered that, on balance, these are acceptable. A Building Regulations Compliance Report has been submitted which raises questions as to whether further internal works are required/intended. The report is broad brush and details of any alterations to fabric to comply with the Regulations should be considered prior to determination.

No details of the proposed new bin-store appear to have been submitted. Details of this will be required.

5.6 Although the site is of considerable archaeological interest the current proposals will have little or no archaeological impact. Recommend that the Local Planning Authority be guided by the advice of its Conservation Officer and Historic England given the impacts of the scheme on the grade II* listed building.

5.7 Recommend that the following proposals are applied as a condition of the planning application:
1. To install the proposed additional mass layer of dense rubberised matt (such as acoustilay 15) on top of the floorboards at first floor,
2. To monitor sound levels following conversion and address with further mitigation if necessary.

6.0 REPRESENTATIONS RECEIVED

6.1 Comments from Wirksworth Civic Society:
We would like to recommend that the owner considers other options; could additional rooms be built adjoining the existing building to create a boutique hotel? A lift could be provided in the new build connecting the whole of the first floor. The assembly room could
then be left intact and re-decorated as a lounge for the hotel and a bistro restaurant for the
general public.

6.2 A letter has been received from a neighbouring resident which notes the following
concerns:
The application if successful is one step away from the closure of the Red Lion as a Public
House.
The application details the removal of the smoking shelter and the kitchen, both of which
are necessary for a pub to trade successfully.
We consider that with commitment and investment the Red Lion could be a successful
business.
We have previously raised concerns with Environmental Health regarding damp, rats, rubber and fire risk.
With regard to the proposed flats this would result in 8 to 12 wheelie bins in addition to the
pub refuse.
The proposal would cause parking problems and traffic congestion/conflict where there is
also a pedestrian access, all using the narrow archway into the site which is also a right of
way for another property.
We recognise there is a need for new housing but there are developments already in
progress.
Public Houses are needed and this property is the only Hotel, there are only 2 function
rooms in other Public Houses in the town.
This is a thriving town where the hotel and function room is needed.
The new housing development will also increase the use of such commercial properties.
The loss of the grade II* listed assembly room is a grave concern to locals and historians.
The occupation of the flats is of concern when they will be housed in a building which will
operate as a Public House.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Principle of residential conversion
- Impact upon character and appearance of the listed building
- Loss of assembly/function room and viability of the existing use
- Impacts upon amenity
- Highway safety

Principle of residential conversion

7.1 The site is within the market town of Wirksworth which is a first tier settlement. In such a
location residential conversion is an appropriate re-use provided other planning
considerations are satisfied. Whilst locationally such a use would be acceptable, in this
case the change of use relates to a grade II* listed building where such a change could
have significant impact upon the significance of the building as a heritage asset. The loss
of the use of the premises as a combined hotel, public house and function room requires
further consideration as does the impact of the development upon the significance of the
listed building as a heritage asset, this report will consider these matters in detail.

Impact upon character and appearance of the listed building

7.2 The building as a Grade II* listed building is of more than special architectural and historic
interest in a national context and therefore any alterations or changes to such a building
requires careful consideration. The buildings layout reflects its historic and most
appropriate use.
7.3 In terms of the Listed Building, the primary legislation is set out in the planning (Listed Buildings and Conservation) Act 1990. Section 66 of the Act states:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a Local Authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

7.4 Therefore when considering development which may have an impact upon the special character and appearance of a listed building the NPPF advises as noted above that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification……Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.5 The Historic Environment Good Practice Guide by Historic England gives advice on assessing the significance of a listed building and the impact of development upon that significance. The significance of the heritage asset in this case is in part determined by its status as a grade II* listed building which is as noted by Historic England a building or more than special architectural and historic interest in a national context. Therefore in accordance with paragraph 132 of the NPPF given the significant importance of this heritage asset it deserves the greatest level of protection.

7.6 In this case the property as a whole retains its original use as a Hotel and Public House with letting bedrooms and an assembly room which in itself is important to the town in cultural and historic terms. The use of the building overall is part of its significance as a Coaching Inn dating back to the mid-18th century and remarkably unchanged in that time. Therefore the continued use of the building in accordance with its intended use is an intrinsic part of its history. As such the proposed use of the building as a whole will have an adverse impact upon the significance and appreciation of the asset and therefore should only be considered if this is the only way to ensure the longevity of the building. In this case it is not considered that the changes of use proposed are the only options for this property. The LPA remains unconvinced that the use of the property in such a prime location offering a unique facility cannot continue in its existing use as a hotel and public house with assembly room. The section of the report below regarding the marketing and viability of the present use will consider this matter in more detail.

7.7 The assembly room is still appreciated as a function room and retains its grandeur as such. The introduction of a kitchen and living accommodation within this space will impact upon the special architectural and historic character and appearance of the grade II* listed building. It will diminish the historic significance of the hotel and its use as the town’s
assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel.

7.8 It is therefore clear that the change of use of the premises will lead to harm to the special character of the listed building without public benefit to justify that harm. The harm to the significance of the heritage asset in this case is considered to be less than substantial harm as the fabric of the building will not be harmed through the change of use or the proposed works. The public benefits arising from the development are considered to be minimal, but include the provision of additional housing units to add to the supply of housing, the removal of modern elements within the building and the removal of flue pipes etc. externally. These benefits are considered to be minor benefits and are not considered to outweigh the harm identified in this case. The proposal therefore fails to meet the requirements of paragraphs 132 and 134 of the NPPF and Policy PD2 of the Adopted local Plan 2017.

Loss of assembly/function room and viability of the existing use

7.9 Local plan policy seeks to protect facilities which are valued by their communities. Policy HC15 of the Adopted Local Plan seeks to retain valued local facilities where it states in part that:

‘The District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities. Development which involves the loss of a community asset or facility including land in community use, community/village halls, village shops and post offices, public houses, schools, nurseries, places of worship, health services, convenience stores, libraries, and other community services/facilities including Assets of Community Value, will only be supported where it can be demonstrated that:

a) there is evidence to demonstrate that the existing use is no longer needed to serve the needs of the community;

or, b) the existing facility is no longer financially or commercially viable as demonstrated through a robust and comprehensive marketing exercise with the facility actively marketed at a realistic price for a continuous period of at least 12 months immediately prior to the submission of an application;

and, c) the use or facility has been offered to the local community for their acquisition/operation at a realistic price’.

7.10 This is supported by Policy NP11 of the Wirksworth Neighbourhood Plan which states that: Planning permission for the redevelopment or change of use of community assets, facilities and open spaces will be granted only if it can be demonstrated that:

1. a) the asset or facility is no longer needed to serve the needs of the community,

b) the asset or facility is no longer financially or commercially viable or

c) an alternative facility of the same type can be provided in an equally accessible location;

and

2. All possible options have been explored to maintain a community use, the buildings, uses and sites protected by this policy and by the relevant policies of the Adopted Local Plan include those listed here. (The list includes the Red Lion)

7.11 Policy EC8 states in part that: The District Council will support the development of Peak District tourism and culture. This will be achieved by:

- Strengthening the tourism role of the Plan Area by supporting and supplementing the tourism offer of the Peak District National Park.

- Supporting tourism and provision for visitors which is appropriate to the settlements and countryside and consistent with environmental objectives.
- Retaining and enhancing existing serviced accommodation in towns and villages and supporting the provision of new serviced accommodation particularly hotel accommodation in order to encourage overnight visitor stays.
- Maintaining and where possible enhancing existing tourist, visitor cultural and recreational facilities.
- Supporting the growth of the Derwent Valley Mills World Heritage Site as a tourist destination.

7.12 To support the change of use/loss of the original use of the whole building and address the issue relating to the loss of a valued community facility, the applicant’s agent has submitted marketing information, a function room viability assessment and accounts of the existing business to justify the change of use and prove that the change of use is necessary to ensure the long term future and protection of the building.

7.13 It is clear from the marketing information that the premises have been marketed to various degrees since 2014. The premises were originally marketed at £695,000 and then discounted to £650,000 and more recently marketing has been on an offers sought basis. It is noted that the sale price was then reduced to £600,000 but no evidence of marketing on this basis has been submitted. When the sale resulted in no interest, the operation of the premises was then offered leasehold at £40,000 per year with a premium of £100,000 as a one off payment to cover fixtures, fittings and good will. It would also appear that the offer on a leasehold basis has again resulted in no interest.

7.14 The property is in a central and prominent location in the town which is an ideal location for trade with a daytime working population and an evening economy. Being in the centre of the town is also ideal for customer potential with a tourism economy to a historic Market Town and local custom. There are other pubs in the town but none of these have the additional facilities of the assembly room and letting bedrooms as a Hotel serving the community it is unique. The flexibility of this site to expand is limited given the heritage status of the building; however it is large building and therefore offers potential. There is parking available at the site which is also served by public transport. It would appear from the recent refurbishment of the New Bath Hotel that it is possible for such historic and listed buildings to produce a viable hotel business with appropriate vision and investment.

7.15 The latter marketing of the premises has been on an ‘offers sought’ basis. Whilst this means that the price was not aimed too high it does introduce uncertainty and possibly a reluctance to make an approach. Although the property is currently for sale and for lease it is considered the premises being for sale should have a better presence online and in the town through the provision of a sale board.

7.16 The application put forward would retain the pub use on the whole of the ground floor, but it would result in the loss of the hotel facility and function room associated with the wider use of the premises. The application includes information as to why Public Houses generally are no longer thriving. A viability report on the function room as a standalone element is also provided. The applicant has also revealed that at the time of purchase they paid £400,000 for the premises. No assessment has been provided as to why the marketing price of the property has increased, as detailed above. The applicant has not provided information to a satisfactory level to indicate why the use of the ground floor as a pub is intended to continue given that the justification documents submitted seem to repeat that is this the element of the business that is failing. There is no overall strategy for the entire building to indicate why the hotel element of the business is to be lost and why/whether this element alone is failing and why the hotel and function room use cannot be made viable in association with the ground floor uses. There is no indication as to how the change of use to the upper floors will result in the future use of the ground floor premises as a public house being viable, it would be logical to assume that the viability of such premises overall would likely be increased with the associated benefits of overnight
accommodation and function room. The consideration of the function room as a stand-alone element is considered to be irrational given that this use is intertwined with the wider operation and would not realistically be used as a stand-alone element.

7.17 Given the unique offer provided by The Red Lion as a combined public house, hotel and function in a prime position within the centre of the town it is considered that insufficient information has been submitted to convince the LPA that a change of use of the premises as proposed is the only option for the future of the property. It is not considered that all possible options have been explored to maintain the existing use of the entire building. As such it is not considered that the submitted information is sufficient to justify that this new use of the building is necessary for the future and long term maintenance of the building. As a justification or public benefit the need to find a new use of the building does not outweigh the less than substantial harm identified to the significance of the heritage asset.

7.18 Furthermore the proposed change of use would lead to the loss of a valued community facility. Whilst the use of the property as a hotel is not specifically referred to as an asset of value to a community in Policy HC15, the combined use of the premises as hotel with function room and public house on the ground floor is a unique offering within the town. Whilst the public house use is to be retained this retention is without the benefit of the associated uses and therefore it is considered that in accordance with the aims of policy HC15 the subdivision of the building and associated changes of use and reduction of commercial floor space, would diminish the value of the use as a community facility overall. Furthermore the loss of the hotel and function room uses would likely result in the public house use being a less viable proposition in the future. As such it is considered that the proposal will result in a diminished community facility contrary to the aims of policy HC15 of the Adopted Local Plan and Policy NP11 of the Wirksworth Neighbourhood Plan.

7.19 Policy EC8 in the newly adopted local plan seeks to retain and enhance existing accommodation in our towns and villages. In this respect it is again considered important to ensure that the justification for the loss of such a use is robust. In this case the Local Planning Authority remain unconvinced that the proposed use is the only viable long term option for the premises and furthermore is of the view that the loss of the Hotel and function room element of the operation will harm rather than assist the viability of the public house element of the use. In this respect it is considered that the proposal fails to retain and enhance existing serviced accommodation contrary to the requirements of Policy EC8 of the Adopted Local Plan 2017.

**Impacts upon Amenity**

7.20 Also to be considered are the likely impacts of the proposed change of use in terms of noise and nuisance regarding use of the ground floor as a public house with flats above and in terms of similar issues between the proposed residential properties, this includes whether any additional works would be required to the historic fabric of the building to ensure compliance with building and fire regulations.

7.21 A detailed noise report has been submitted and a detailed building regulation compliance report. These documents adequately demonstrate that although listed building consent would be required for some of the works needed to meet the noise, building and fire regulations, it is not considered that these works would cause harm to the building subject to an application for detailed listed building consent being submitted and assessed. It is therefore considered that these matters are adequately resolved in relation to the proposed change of use and that the proposal would not lead to undue harm to residential amenity to warrant refusal of planning permission in this case.
Highway safety

7.22 Concern has been raised by a local resident regarding the impact that additional traffic will have on the access to the property and highway and pedestrian safety. The Local Highway Authority has considered the scheme and has concluded that the proposed uses are unlikely to generate additional traffic compared with the permitted use of the premises. On this basis there is no highway objection to the proposal and the scheme is considered to be acceptable in terms of highway safety.

Conclusion

7.23 The primary legislation as set out in the planning (Listed Buildings and Conservation) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case with development relating to a grade II* listed building of the high national importance, in accordance with paragraph 132 of the NPPF such important buildings deserve the highest level of protection and conservation.

7.24 The proposed change of use of the building will lead to the loss of the original use of the building and the appreciation and significance of the heritage asset without sufficient public benefit to outweigh the harm. In this respect the proposal fails to meet the requirements of legislation and guidance set out in paragraphs 132 and 134 of the NPPF.

7.25 Furthermore the applicant has failed to demonstrate that the existing use is no longer financially or commercially viable or that there are no other viable means of retaining and/or enhancing the existing use as valued tourist accommodation, as a combined hotel, public house and assembly room within a market town which provides a sustainable tourism beneficial to the local economy. This failing makes the scheme contrary to the underlying aims of Policy HC15 and Policy EC8 of the Adopted Local Plan 2017.

8.0 RECOMMENDATION
That planning permission is refused for the following reasons:

1. The proposed change of use, in particular to the assembly/function room introducing living accommodation and associated installation of a domestic kitchen into this space, will impact upon the special architectural and historic character and appearance of the building. Such a change of use will diminish the significance of the heritage asset which is partly derived from its authenticity of use and role as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This amounts to less than substantial harm to the significance of this grade II* listed building which is not outweighed by public benefits arising from the proposal. As such the proposal is contrary to Policy PD2 of the Adopted Local Plan 2017 and paragraphs 132 and 134 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate that the existing use is no longer financially or commercially viable or that there are no other viable means of retaining and/or enhancing the existing combined uses of the premises as a hotel, public house and assembly room. As such the proposal is contrary to the underlying aims of policies HC15 and Policy EC8 of the Adopted Local Plan 2017 and Policy NP11 of the Wirksworth Neighbourhood Plan.

9.0 NOTES TO APPLICANT:

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

9.2 This decision notice relates to the following documents:
- Building Regulations Compliance Report by Derek Trowell
- Building Regulations Compliance Report by Salus
- Letter of the 22nd September 2017 demonstrating viability
- Accounts Information
- Letter in support of the proposal from agent dated 19th July 2917
- Marketing Summary from 2014 to 2017
- Combined Planning and Transport Statement - including function room viability report
- Acoustic Consultancy Report
- Heritage Statement and Heritage Impact Assessment
- Proposed plan 8109-301 Rev A received 16.03.17
- Existing floor plan 8109-300 Rev A received 16.03.17

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<td>DESCRIPTION OF DEVELOPMENT</td>
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<td>CASE OFFICER</td>
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<td>APPLICANT</td>
<td>Mr P Booth</td>
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<td>AGENT</td>
<td>Mr A Murphy</td>
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<td>WARD MEMBER(S)</td>
<td>Councillor I Ratcliffe, Councillor M Ratcliffe and Councillor P Slack</td>
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<td>DETERMINATION TARGET</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
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**MATERIAL PLANNING ISSUES**

- Impact of the proposal upon the historic fabric and character and appearance of this Grade II* listed building.

**RECOMMENDATION**

Refusal
Red Lion Hotel, Market Place, Wirksworth

Derbyshire Dales DC

Date: 02/03/2018

100019785
1.0 THE SITE AND SURROUNDINGS
1.1 The application relates to the Red Lion Hotel which is a Grade II* listed building prominently sited within the Wirksworth Conservation Area. The building is operating as a hotel with two bar areas on the ground floor, a function room which was the Town’s original assembly room on the first floor with letting bedrooms and managers flat to the first and second floor.

2.0 DETAILS OF THE APPLICATION
2.1 The application for listed building consent is in association with a proposal for the conversion and change of use of the upper floors of the building to flats.

2.2 In this application only the works to the listed building are considered, the works to be considered are listed as follows:
- Removal of the bar servery from the function room and the installation of a kitchen unit associated with flat 1.
- Removal of modern stud/plasterboard partition wall from the function room toilet and removal of ladies toilet door and board over.
- Removal of modern plasterboard wall associated with proposed first floor flat to create lounge.
- Removal of modern plasterboard office wall associated with proposed first floor flat to create kitchen.
- Construction of partition wall and door on the landing associated with proposed flat 3 on second floor.
- Removal of modern plasterboard walls and insertion of two doorways associated with the lounge to proposed flat 3 on the second floor.

2.3 Through the application process additional information was submitted by the applicants in relation to the application for planning permission outlining the works that would be required in order to ensure the creation of the flats would comply with building regulations.
Whilst these works do not form part of this application for listed building consent it is important to note that none of the works specified in the schedule would cause particular concern should listed building consent be submitted in the future.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
17/00877/LBALT Internal and external works – Permitted with conditions

17/00125/FUL Change of use of first and second floor s to form 4 flats – Pending consideration

16/00130/LBALT Alterations To Form House In Multiple Occupation Incorporating 6 Flats, An Additional Flat And Commercial (Flexible) Uses – Refused for the following reason:

The introduction of kitchen units into the formal space of the function room will diminish the historic significance of the hotel and its continued use as the town's assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This harm is considered to be less than substantial harm as the harm is to the appreciation and hierarchy of space without loss or harm to the fabric of the building. This harm to the significance of this grade II* listed building is not outweighed by any public benefit as such the proposal conflicts with paragraphs 132 and 134 of the National Planning Policy Framework.

16/00129/FUL Change of use and conversion from hotel to house in multiple occupation incorporating 6 flats (Use Class C4), an additional flat (Use Class C3) and 2 commercial units under flexible uses (Use Classes A1, A2, A3, A4 and D2) – Refused for the following reasons:

1. The proposed change of use, in particular to the assembly/function room introducing living accommodation and associated installation of a domestic kitchen into this space, will impact upon the special architectural and historic character and appearance of the building. Such a change of use will diminish the significance of the heritage asset which is partly derived from its role as the town's assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This amounts to less than substantial harm to the significance of this grade II* listed building which is not outweighed by any perceivable public benefit. As such the proposal is contrary to paragraphs 132 and 134 of the National Planning Policy Framework and Policy NBE18 of the Adopted Local Plan.

2. Insufficient information has been submitted to demonstrate that that the existing use is no longer financially or commercially viable or that there are no other viable means of maintaining the existing use, which as a hotel, public house and assembly room is a holistic business that is a valued local facility offering a unique function within the town. As such the proposal is contrary to the aims of Policy S12 of the Adopted Local Plan, Policy NP11 of the Wirksworth Neighbourhood Plan and guidance contained within the National Planning Policy Framework.

3. The applicant has failed to demonstrate that there will be no adverse impact upon the amenity of future residents as a result of the proposed ground floor uses and that there will not be amenity issues between the flats to be created. It also remains unclear as to whether any mitigation works will be required which could in turn have a harmful impact upon the special character and appearance of the grade II* listed
building. As such the proposal is considered contrary to the core principles and part 12 of the National Planning Policy Framework.

5.0 CONSULTATION RESPONSES:

Town Council

5.1 No comments received

Conservation and Design Officer (DDDC)

5.2 The property is a grade II* listed building within the Wirksworth Conservation Area. It dates from the later 18th century (c. 1770s) with earlier buildings to the rear. As part of the original design concept for the 18th century frontage building was a large and imposing first floor assembly room accessed via a fine cantilevered stone staircase with metal balustrade. Such a room, with its decorative elements and central Venetian window would have been the height of architectural fashion for the day and provided an imposing civic function space. That use has continued up until the present day.

The proposal for this particular room is to form a one-bedroomed apartment. The large room itself will not be sub-divided and a short run of fixed units to one corner (currently where the ‘bar’ is located) will contain a cooker and sink. The two principal issues are – firstly, that the original and long-standing use of the room as a civic function space will be permanently lost and secondly, that whilst un-divided the character of the space as a domestic, residential space will inevitably alter its existing character. These two issues will result in some harm to the building’s significance. Whilst that would be regrettable, that harm is in usage and spatial and not physical harm to the fabric of the historic building. A change of use of this space to a residential apartment, without any physical alterations or changes to the room or its existing character and appearance would not constitute substantial harm. As changes representing less than substantial harm that harm has to be weighed against any public benefits. In this regard, the original and current use of the function space provides a public benefit to the community and that benefit would be lost if conversion to private residential apartment was granted.

With regard to the identified proposed internal alterations to the hotel, it is considered that, on balance, these are acceptable. A Building Regulations Compliance Report has been submitted which raises questions as to whether further internal works are required/intended. The report is broad brush and details of any alterations to fabric to comply with the Regulations should be considered prior to determination.

No details of the proposed new bin-store appear to have been submitted. Details of this will be required.

Conservation Advisory Forum

5.3 The Forum previously, and again on this occasion, recognise the importance of the first floor assembly room as being an intrinsic and significant part/element of this grade II* listed building.

Under the current application, whilst a commercial usage is to be retained on the ground floor the upper floors, including the assembly room, are to be converted to self-contained apartments. Whilst it was acknowledged that there is to be no sub-division of the assembly room its original and continuing use up to the present day will be lost and this was deeply concerning to the Forum.

The Forum endorsed the concerns raised by Historic England and felt that the character of the listed building and Conservation Area would be lessened by the loss of the historic hotel, and the loss of this historic assembly room.

Concerns were raised relating to potential fire and building control requirements/alterations to the fabric/interiors of the building if converted as proposed.
The Forum wished to raise the following comments – they considered it unfortunate that no pro-active approach appeared to be in place to keep the hotel going (based on a financial masterplan and a masterplan for the entire site). They also considered it unfortunate that there appeared to be no community involvement as it would appear to be a community asset.

6.0 REPRESENTATIONS RECEIVED

6.1 A letter has been received from a neighbouring resident which notes the following concerns:
The application if successful is one step away from the closure of the Red Lion as a Public House.
The application details the removal of the smoking shelter and the kitchen, both of which are necessary for a pub to trade successfully.
We consider that with commitment and investment the Red Lion could be a successful business.
We have previously raised concerns with Environmental Health regarding damp, rats, rubbish and fire risk.
With regard to the proposed flats this would result in 8 to 12 wheeili bins in addition to the pub refuse.
The proposal would cause parking problems and traffic congestion/conflict where there is also a pedestrian access, all using the narrow archway into the site which is also a right of way for another property.
We recognise there is a need for new housing but there are developments already in progress.
Public Houses are needed and this property is the only Hotel, there are only 2 function rooms in other Public Houses in the town.
This is a thriving town where the hotel and function room is needed.
The new housing development will also increase the use of such commercial properties.
The loss of the grade II* listed assembly room is a grave concern to locals and historians.
The occupation of the flats is of concern when they will be housed in a building which will operate as a Public House.

7.0 OFFICER APPRAISAL

The following matter is relevant to this application:
- The impact of the proposed internal works upon the character and appearance of this significant Grade II * listed building.

7.1 The change of use and loss of the function room will be considered under the application for full planning permission and is not a matter that can be considered as part of this application for listed building consent.

7.3 In terms of the Listed Buildings, the primary legislation is set out in the planning (Listed Buildings and Conservation) Act 1990. Section 66 of this Act states:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
7.4 When considering development which may have an impact upon the character and appearance of a listed building the NPPF advises in paragraphs 132 to 134 that:

> When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.5 The majority of the proposed works will result in alterations to modern partitions or installing doors/partitions which will have no adverse impact upon the historic fabric of the building. The removal of the bar servery's to the function room will also have no harmful impact upon the historic fabric of the building. The removal of some of the modern elements is welcomed as it would help to preserve the character and appearance of the original building.

7.6 The assembly room remains in its original form and use with the exception of the servery area which is proposed to be removed. However, the introduction of kitchen units into this formal space, although not harmful to the fabric of the building, will diminish the historic significance of the hotel and its continued use as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This harm is considered to be less than substantial harm as the harm is to the appreciation and hierarchy of space without loss or harm to the fabric of the building. This harm to the significance of the heritage asset, which as a grade II* listed building has greater protection, is not outweighed by any public benefit and therefore listed building consent should be refused in accordance with paragraphs 132 and 134 of the NPPF.

7.7 The comments of the submitted heritage impact statement in relation to finding new uses for buildings/uses that are no longer commercially viable are noted. It is also accepted that the conversion works respect, insofar as they are able, the historical and architectural significance of the building by proposing minimal alterations. However, it is nevertheless considered that the insertion of kitchen units into the formal assembly room, which remains in its original intended use, will harm the appreciation and hierarchy of space. In this respect the proposal fails to meet the requirements of legislation and national guidance in that the proposal would result in harm to the significance of the listed building without sufficient public benefits to outweigh the identified harm.

8.0 RECOMMENDATION
8.1 That listed building consent be refused for the following reason(s).

The introduction of kitchen units into the formal space of the function room will diminish the historic significance of the hotel which architecturally will alter the appreciation and hierarchy of this important space within the hotel and its continued use as the town’s assembly rooms. This harm is considered to be less than substantial harm as the harm is to the appreciation and hierarchy of space without loss or harm to the fabric of the building. This harm to the significance of this grade II* listed building is not outweighed by any public benefit as such the proposal conflicts with paragraphs 132 and 134 of the National Planning Policy Framework.
9.0 NOTES TO APPLICANT:

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

9.2 This decision notice relates to the following documents:
Planning and transport statement received 16.03.17
Heritage Statement and Heritage Impact Assessment received 16.03.17
Acoustic consultancy report received 16.03.17
Block Plan 215/4538.11 received 16.03.17
Salus building regulations compliance report received 16.03.17
Location plan 215/4538.10 received 16.03.17
Existing plan 8109/300 Rev A
Proposed plan 8109/301 Rev A

BACK TO AGENDA
APPLICATION NUMBER

17/01185/VCOND

SITE ADDRESS:

Four Lane Ends Farm, Gibfield Lane, Hulland Ward

DESCRIPTION OF DEVELOPMENT

Variation of conditions 5 and 6 of application code ref. 16/00374/FUL to enable replacement kennel building to be used to house boarding cats

CASE OFFICER

Mr Chris Whitmore

APPLICANT

Mr and Mrs R. Bowler

PARISH/TOWN

Hognaston

AGENT

Mr Brian Reid

WARD MEMBER(S)

Cllr. L. Rose

DETERMINATION TARGET

31st January 2018

REASON FOR DETERMINATION BY COMMITTEE

Requested by the ward member

REASON FOR SITE VISIT (IF APPLICABLE)

No site visit required - Members visited the site on the 17th January 2017

MATERIAL PLANNING ISSUES

- The implications of the development on the terms of the original permission;
- whether the use of the replacement kennel building to house boarding cats is acceptable having regard to the rural location of the site;
- the impact of such use on the wider site and local environment including the residential amenity of the occupants of nearby residential properties, and;
- whether there would be any highway safety implications.

RECOMMENDATION

Approval with conditions
1. THE SITE AND SURROUNDINGS

1.1 Four Lane Ends Farm lies in open countryside at the junction of Gibfield Lane and Dog Lane, approximately 1km to the north west of Hulland Ward. No longer a working farm, the grouping comprises a large red brick dwellinghouse (see photograph 1) and a series of storage buildings mainly associated with a dog breeding business (see photographs 2 and 3). A dense hedge of native and evergreen species lines the north and south western boundaries and filters views of the site from Dog Lane and Gibfield Lane. Access is from Gibfield Lane. Brick Kiln Farm lies to the south west of the site and Over House Farm, Stydd Farm and The Hayloft are located to the south east.

2. THE APPLICATION

2.1 This application follows the granting of planning permission for the use of the premises for commercial dog breeding and boarding purposes, the erection of a replacement kennel building and new isolation unit at planning committee on the 9th May 2017. Planning permission was granted subject to a number of conditions to mitigate the impact of the development on the residential amenity of nearby residents. The applicants advise as part of this application that it is impossible to achieve the insulation required to the replacement building or develop adequate alternative mitigation that would effectively constrain the acoustic impact of the development on neighbours in a financially viable way.

2.2 Taking the above into consideration, the applicants propose to utilise the replacement ‘kennels’ building to provide accommodation for boarding cats and seek to vary conditions 5 and 6 of application code ref. 16/00374/FUL to enable this change.
Condition 5 states:

_The 15 number replacement kennels set out in the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be used to house boarding dogs only and shall not at any time be used to house breeding stock. Other than within the isolation cubicle boarding dogs shall not be housed in any other buildings on site._

Condition 6 states:

_Excluding puppies, the maximum number of dogs on site shall not exceed 15 boarding, 20 breeding bitches, 10 young breeding stock and 5 stud dogs at any one time._

2.3 The applicants advise that the business operation would remain substantially the same, with the notable difference being a substantial reduction in noise levels.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan 2017:
- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD9 Pollution Control and Unstable Land
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC1 New and Existing Employment Development

3.2 Other:

4. **RELEVANT PLANNING HISTORY**

4.1 16/00374/FUL Use of premise for commercial dog breeding and boarding purposes, replacement kennel and erection of new isolation unit - Granted

5. **CONSULTATIONS**

5.1 Hognaston Parish Council:

Object. Hognaston Parish Council notes that the primary motivation behind this application is the potential cost of meeting the requirements specified in 16/00374/FUL decision. Whilst it is not within the remit of the planning response to comment upon the acceptability in animal welfare terms of this proposal, and the ability of the applicant to meet those welfare requirements (including those arising from the proposed removal of accommodation for sick dogs), it is of concern insofar as it would appear reasonable to assume that the kennelling of dogs and cats in close proximity would provoke more canine barking, thereby exacerbating noise issues. If, as is implied, this request pertains to both the proposed replacement kennel and the proposed isolation kennel this would put boarding cats within 20 metres of c. 29 dogs.

Furthermore, there is no indication as to how the proposed change in use would impact on numbers of dogs. Given that the replacement kennels were intended to house dogs this proposal should indicate a reduction by 15 in the number of dogs to be permitted on the site.
5.2 Atlow Parish Council:

Agree with the representations made by Hognaston Parish Council and make the following comments:

1. There have been repeated retrospective applications put in for this property, not by a remorseful applicant, but following reports by neighbouring Parish Councils to the Planning Department about the various illicit developments at the premises.
2. The latest issue, of the unlawful building of a 15-kennel block and isolation block, was reported to the Council nearly 2 years ago, after which Planning Officers discovered that none of the kennel buildings on the site, in total housing 54 dogs, appear ever to have had Planning Permission. Neither has there been permission for Business Use of the site.
3. It took 12 months to get a vaguely comprehensible application to Committee, a delay I understand was largely due to difficulties with obtaining details from the Applicant. After 2 deferrals by the Committee due to insufficient/unsatisfactory information, permission was eventually granted under the strict proviso that the specified changes to the building and other noise reducing measures were implemented.
4. Now, a further 7 or 8 months down the line, the Applicant, having failed to comply with the conditions he had accepted, has now lodged a new plan.

5.3 Local Highway Authority:

No objections providing the number of boarding animals remain the same as approved under application reference 16/00374/FUL.

5.4 Environmental Health:

Raise no objection, however, recommend conditions to cover the following.

- Screening is to be erected between the dog breeding yard and the yard belonging to the units proposed for cat boarding, in order to prevent dogs and cats from seeing each other and causing distress to the cats and excessive barking from the dogs.
- As cat boarding is subject to licensing, advice should be sought from the Environmental Health Commercial Team prior to the boarding of cats, to ensure that the proposed cat boarding facility meets licensing criteria.
- Details of the commercial waste disposal arrangements should be submitted and agreed prior to the boarding of cats.

6. REPRESENTATIONS

6.1 None.

7. ISSUES

7.1 At the 20th February 2018 planning committee meeting it was resolved that consideration of this application be deferred to enable an Environmental Health Officer to be present at a future meeting to answer questions and allow Members to make an informed decision. Following this request, arrangements have been made for an Environmental Health Officer to be present at the next available planning committee meeting on the 13th March 2018.

The implications of the development on the terms of the original permission

7.2 Following the grant of planning application code ref. 16/00374/FUL the applicants have considered the implications of the terms of this permission and the options open to them to
mitigate noise in respect of the existing and replacement kennel buildings on site with their
noise consultant. In respect of the replacement kennel building it is not considered
economically viable to mitigate noise outbreak from this building to within acceptable limits
and therefore alternative uses have been explored. To be able to utilise the replacement
kennels building it is now proposed to accommodate boarding cats within it. This has
resulted in the need to vary conditions 5 and 6. A number of other conditions were
imposed in respect of the original permission which sought to secure noise mitigation
measures in respect of the existing and new buildings on site. In relation to the
replacement kennels building the original permission required the sound insulation
recommendations in the original Noise Impact Assessment to be carried out in full within 3
months of the date of the decision and in the case of the existing kennel buildings a
scheme to be submitted and implemented in full within the same period. At the end of this
period, Planning and Environmental Health Officers visited the site and the difficulties /
costs associated with mitigating noise outbreak from the replacement building were
discussed with the applicants. It was agreed that until appropriate noise attenuation
measures were introduced to mitigate noise outbreak that the replacement kennels
building should not be used to house dogs. No dogs have been witnessed within this
building following subsequent visits to the site.

7.3 The applicants have advised through their agent that they have completed the noise
insulation measures to the original kennel buildings with the exception of the isolation unit.
Although the walls have been insulated, the work to the roof has been omitted due to
ventilation problems. This matter and verification of the measures to both the replacement
and existing buildings by a competent person remain outstanding. The applicant advises
that this work will be completed following the outcome of this application. As the use of the
replacement kennel building has an influence on whether verification work in relation to
noise needs to be carried out, it is not considered proportionate or reasonable to enforce
the breach of condition(s) at this stage, particularly given that the applicant is co-operating
with the Council to address the matter. A number of the original conditions remain relevant
and it is considered appropriate in the circumstances to give the applicants a reduced time
period to comply with these, specifically in relation to the existing kennels on site
remaining in use for the kenneling of breeding dogs, an operation which has been taking
place from the site for some time.

Whether the use of the replacement kennel building to house boarding cats is acceptable
having regard to the rural location of the site

7.4 The application effectively seeks to vary two conditions to enable cats instead of dogs to
board in the replacement 'kennels building'. Since the granting of application code ref.
16/00347/FUL the District Council has adopted a new local plan. This plan contains similar
provisions (to those which the previous application was assessed against) in relation to
new employment development in the countryside. Policy EC1 requires new business
development to be of a type and scale of activity that does not harm the character,
appearance or environment of the site or its surroundings or to the amenity of occupiers of
nearby properties. Notwithstanding the applicants contention that they can establish
continuous lawful use of the site for commercial dog breeding purposes, the previous grant
of permission is a material consideration in respect of this application. The use of the
replacement kennels building for boarding cats instead of boarding dogs is considered an
appropriate use of the building that would accord with the requirements of Policies S4 and
EC1 of the recently Adopted Derbyshire Dales Local Plan (2017).

The impact of such use on the wider site and local environment including the residential
amenity of the occupants of nearby residential properties

7.5 Policies PD1 and PD9 of the recently Adopted Derbyshire Dales Local Plan contain
provisions to prevent adverse noise impacts from new development proposals. The
a proposal to vary conditions 5 and 6 to enable cats to be able to board in the replacement kennel building instead of dogs will eliminate noise nuisance from barking dogs from within this building to the benefit of the occupants of nearby dwellings / the local environment. The Councils Environmental Health department has recommended that screening be erected between the dog breeding yard and the yard belonging to the units proposed for cat boarding, in order to prevent dogs and cats from seeing each other and causing distress to the cats and excessive barking from breeding dogs that will still be accommodated on site. Given the proximity of the building to be used to accommodate boarding cats to the kennels to remain in use for commercial dog breeding, this will need to be conditioned. Details of commercial waste disposal arrangements will also need to be submitted and agreed as some boarding cats are likely to be fed wet food which comes in packaging that can only be disposed of in a commercial waste bin. This, again will need to be conditioned. Concern has been raised from both Hognaston and Atlow Parish Councils with regard to the total number of dogs that will be accommodated on site. In line with the applicant’s existing dog breeding license and information supporting the original planning permission, Condition 6 would need to be varied to read:

“Excluding puppies, the maximum number of dogs on site shall not exceed 20 breeding bitches, 10 young breeding stock and 5 stud dogs at any one time.”

As such there would be a net reduction in the total number of dogs that would be accommodated on the site. The proposal presents an opportunity to address the impacts of the existing commercial dog breeding activity on the residential amenity of the occupants of nearby dwellings and subject to conditions will ensure that no adverse noise impacts from the proposed animal breeding and boarding activity will result. No representations from local residents have been received in respect of this development proposal, which seeks to address the impacts of noise from the site.

Whether there would be any highway safety implications

7.6 Subject to no increase in the total number of animals that would be accommodated on site, the Local Highway Authority has raised no objections from a highway safety perspective.

Conclusion

7.7 Whilst the concerns raised by Hognaston and Atlow Parish Council with regard to the time it has taken to reach this stage are noted, the applicant is working with the District Council to address the impacts of the existing dog breeding operation on the local environment / residential amenity of the occupants of the nearby dwellings. Subject to conditions to secure the completion and verification of the works to insulate the existing timber kennel buildings it is considered that the development would mitigate any noise nuisance associated with the existing dog breeding activity to within acceptable limits and that no adverse noise impacts from the new development proposal would result. Given that much of the insulation work to the existing timber kennel building has been carried out it is considered reasonable to give the applicants 56 days to complete the work and carry out the necessary verification. The proposal to vary conditions 5 and 6 to enable cats instead of dogs to board within the replacement building would for reasons set out above not conflict with the relevant provisions of the recently adopted development plan and subject to conditions would help to ensure that no adverse noise impacts will result. A recommendation of approval is put forward on this basis.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. ST02a – Time Limit on Full.
2. Within 56 days of the date of this decision, noise insulation measures shall be introduced to the existing kennels to remain in use for commercial breeding purposes in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority and retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

3. The sound insulation recommendations set out in the Noise Impact Assessment by Peak Acoustics dated 20th July 2016 in relation to the isolation building set out in the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be carried out in full within 56 days of the date of this decision unless otherwise agreed in writing by the Local Planning Authority and retained thereafter in perpetuity. No breeding dogs shall be housed in this building until the sound insulation works have been carried out in full.

4. Within 56 days of the date of this decision, details of how all kennels on the site will be ventilated following the introduction of the approved noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The ventilation shall thereafter be installed in accordance with the approved details.

5. The replacement kennels building set out on the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be used to house a maximum 15 boarding cats only and shall not at any time be used to house dogs. Prior to being brought into first use a scheme for modification of the building to accommodate cats and the provision of a screen to prevent dogs and cats seeing each other and causing distress to the cats and excessive barking from the dogs and a timetable for carrying out the work shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

6. Excluding puppies, the maximum number of dogs on site shall not exceed 20 breeding bitches, 10 young breeding stock and 5 stud dogs at any one time.

7. The 6 number isolation units are to be used for the strict purpose of the isolation of sick dogs only and must not be used for the full time occupation of any dog at any time, in order to prevent and control the spread of disease among the dogs. On site records shall clearly document periods of use and associated reasoning plus follow-up actions. The said records shall be readily available to inspecting officers on request.

8. Within 56 days of the date of this decision a revised Noise Management Plan specific to the animal breeding and boarding activities authorised by this permission shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter operate in strict accordance with the approved details.

9. Customers shall not drop off or pick up boarding cats and there should be no visits to the site in association with the dog breeding business before 8am or after 6pm.

10. Details of the commercial waste disposal arrangements for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the replacement kennel building being brought into use for the boarding of cats. Waste shall thereafter be disposed of in accordance with the approved details.

Reasons:

1. ST02a.

2-4. For the avoidance of doubt and in the interests of safeguarding the residential amenity of the occupants of nearby dwellings in accordance with the aims of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).
5-6 For the avoidance of doubt, in the interests of highway safety and safeguarding the residential amenity of the occupants of nearby dwellings in accordance with the aims of Policies PD1, PD9 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. For the avoidance of doubt and in the interests of safeguarding the residential amenity of the occupants of nearby dwellings in accordance with the aims of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

8-9. In the interests of safeguarding the residential amenity of the occupants of nearby dwellings in accordance with the aims of Policy PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

10. In the interests of protecting the local environment in accordance with the aims of Policies S4, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

Footnotes:

1. Prior to the submission of this application the Local Planning Authority engaged in a positive and proactive dialogue with the applicant to address the impact of the use of the replacement kennel building on the residential amenity of the occupants of nearby dwellings.

2. The applicant is advised that any sound insulation added to the kennels should be constructed in such a way as to allow for adequate ventilation and regular air changes. This should be achieved whilst maintaining a necessary balance between adequate ventilation and the unnecessary removal of warm air. Ventilation is important to aid the control of disease, protect against odour accumulation and to prevent excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided. The above sound mitigation and ventilation methods should fall in line with the Chartered Institute of Environmental Health’s model conditions for dog boarding establishments.

3. The applicant is advised to discuss how the existing dog breeding kennels can be noise insulated whilst allowing for adequate ventilation and air changes with their appointed noise consultant.

4. In respect of cat boarding, the applicant is advised that this will require a license from the District Council. Advice should be sought from the Environmental Health Commercial Team prior to the boarding of cats, to ensure that the proposed cat boarding facility meets licensing criteria.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:100 Scale Replacement Kennel and Isolation Building Elevations and Floor Layout Plan numbered SW16/20;
Design and Access Statement;
Noise Impact Assessment by Peak Acoustics;
Amended 1:500 Scale Block Plan;
Statement of Existing and Projected Traffic Movements, and;
The Noise Management Plan approved in respect of application code ref. 16/00374/FUL, and;
The Design Access Statement specific to this application received by the Local Planning Authority on the 6th December 2018.

BACK TO AGENDA
## Ashbourne North

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<th>ENF Number</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>
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<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
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<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue, Ashbourne, Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre, Dig Street, Ashbourne, Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00011</td>
<td>Works to roof not done in accordance with approved plans (Planning permission reference number. 17/00045/FUL)</td>
<td>Blacks Cottage, Coopers Close, Ashbourne, Derbyshire DE6 1EQ</td>
<td>Pending Consideration</td>
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<td>ENF/18/00020</td>
<td>Change of use to hot food takeaway (A5) and works to a listed building (Grade II) - Shopfront changes, additional side entry and removal of bricks</td>
<td>3 Church Street, Ashbourne, Derbyshire DE6 1AE</td>
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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>
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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>
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<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited, Blenheim Road, Airfield Industrial Estate, Ashbourne, Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00018</td>
<td>Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL</td>
<td>47 South Street, Ashbourne, Derbyshire DE6 1DP</td>
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## 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>
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<tr>
<td>ENF/17/00125</td>
<td>Installation of a Biomas Generator</td>
<td>Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD</td>
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<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>
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**Carsington Water**

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<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00041</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Pending Consideration</td>
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<td>ENF/17/00082</td>
<td>Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire.</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
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<td>ENF/17/00085</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use.</td>
<td>Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB</td>
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<td>ENF/17/00095</td>
<td>Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.</td>
<td>Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW</td>
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<td>ENF/17/00132</td>
<td>Unauthorised installation of gas cylinder, forward of a principal elevation.</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
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<td>ENF/17/00141</td>
<td>Tipping of Materials on Land</td>
<td>The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF</td>
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<tr>
<td>ENF/18/00013</td>
<td>Building not built in accordance with approved plans</td>
<td>Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR</td>
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<td>ENF/18/00016</td>
<td>Unauthorised demolition/conversion of barn.</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
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**Clifton And Bradley**
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<tr>
<td>ENF/17/00155</td>
<td>Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill</td>
<td>Saw Mill Osmaston Derbyshire</td>
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<tr>
<td>ENF/18/00015</td>
<td>Unauthorised use of land for wood processing facility</td>
<td>Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN</td>
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<td><strong>Darley Dale</strong></td>
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<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/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>
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<tr>
<td>ENF/17/00100</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
<td>Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ</td>
<td>Pending Consideration</td>
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<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>
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<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>
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<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>
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<td>ENF/17/00158</td>
<td>The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing</td>
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<td>ENF/17/00159</td>
<td>Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney</td>
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<td><strong>Dovedale And Parwich</strong></td>
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<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
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<td><strong>Hulland</strong></td>
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</tr>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3).</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00064</td>
<td>Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton</td>
<td>Caravan At Valley View Broad Way Kirk Ireton Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00109</td>
<td>Use as a collection point for County Council vehicles</td>
<td>Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**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

**Location:** 1 High Street Bonsall Derbyshire DE4 2AS

**Status:** Pending Consideration

### ENF/17/00147
Breach of Conditions of Planning Permission Reference 11/00504/FUL

**Location:** Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU

**Status:** 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.

**Location:** 1 Water Lane Cromford Derbyshire DE4 3QH

**Status:** Pending Consideration

### ENF/18/00003
Breach of condition relating to planning permission 17/00567/FUL - Development not being built in accordance with approved plans (Doors in Gable End)

**Location:** The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ

**Status:** Pending Consideration

### ENF/17/00146
Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)

**Location:** 10 Crook Stile Matlock Derbyshire DE4 3LJ

**Status:** 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

**Location:** The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX

**Status:** Notice Issued

### Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherd's hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
</tr>
<tr>
<td>ENF/17/00110</td>
<td>Development not being built in accordance with approved plans (Doors in Gable End)</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
</tr>
<tr>
<td>ENF/17/00146</td>
<td>Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)</td>
<td>10 Crook Stile Matlock Derbyshire DE4 3LJ</td>
</tr>
<tr>
<td>ENF/18/00001</td>
<td>Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years</td>
<td>The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX</td>
</tr>
</tbody>
</table>

**Status:** Notice Issued

### Matlock St Giles

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
<td>Brookdale Riber Road Lea Derbyshire DE4 5JQ</td>
</tr>
</tbody>
</table>

**Status:** Notice Issued
**Norbury**

<table>
<thead>
<tr>
<th>ENF/14/00030</th>
<th>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</th>
<th>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</th>
<th>Pending Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00113</td>
<td>Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
<td>Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00156</td>
<td>Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park</td>
<td>Roston Inn Mill Lane Roston Derbyshire DE6 2EE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00007</td>
<td>Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017</td>
<td>Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Winster And South Darley**
<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<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>ENF/17/00022</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00079</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00051</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00104</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00106</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00127</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00136</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00140</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00153</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00154</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00002</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00006</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Address</td>
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</tr>
<tr>
<td>ENF/18/00010</td>
<td>Camping Pods not erected in the approved location</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00014</td>
<td>New Shop Signage</td>
<td>26 - 27 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00019</td>
<td>Erection of building and temporary screen</td>
<td>Lant Close Farm Bolehill Road Bolehill Derbyshire DE4 4GQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00022</td>
<td>Work activities being carried out from the site</td>
<td>Ashleigh House Cromford Road Wirksworth Derbyshire DE4 4FR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00023</td>
<td>Unauthorised erection of fence</td>
<td>Land At Cromford Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Total Open Cases**: 93
## Enforcement Investigations Closed

### Ashbourne North

<table>
<thead>
<tr>
<th>ENF/17/00054</th>
<th>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</th>
<th>Grange Barn Kniveton Derbyshire DE6 1JQ</th>
<th>Complied Voluntarily</th>
<th>13/02/2018</th>
</tr>
</thead>
</table>

### Ashbourne South

<table>
<thead>
<tr>
<th>ENF/17/00008</th>
<th>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.</th>
<th>39 South Street Ashbourne Derbyshire DE6 1DP</th>
<th>Planning Application Received</th>
<th>06/10/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received</td>
<td>25/10/2017</td>
</tr>
<tr>
<td>ENF/17/00128</td>
<td>Dwelling being built to the rear of the property</td>
<td>Rear Of 49 Derby Road Ashbourne Derbyshire DE6 1BH</td>
<td>Complaint Unfounded</td>
<td>03/11/2017</td>
</tr>
<tr>
<td>ENF/17/00134</td>
<td>Exterior Painting</td>
<td>Panda Express 7 Station Street Ashbourne Derbyshire DE6 1DE</td>
<td>Justification from Officer</td>
<td>06/11/2017</td>
</tr>
</tbody>
</table>

### Brailsford

<table>
<thead>
<tr>
<th>ENF/17/00063</th>
<th>Various adverts around Brailsford</th>
<th>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</th>
<th>Not in the Public interest to pursue</th>
<th>06/10/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00073</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Complaint Unfounded</td>
<td>15/01/2018</td>
</tr>
<tr>
<td>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</td>
<td>15/01/2018</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
</tr>
<tr>
<td>-------------</td>
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<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>
<td>17/11/2017</td>
</tr>
<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>Complaint Unfounded</td>
<td>13/02/2018</td>
</tr>
<tr>
<td><strong>Carsington Water</strong></td>
<td></td>
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</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Not in the Public interest to pursue</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00103</td>
<td>Early Morning Construction Noise from Development</td>
<td>Former Goodacres Farm Furlong Lane Hognaston Derbyshire DE6 1PX</td>
<td>Complaint Unfounded</td>
<td>28/09/2017</td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
<td></td>
<td></td>
<td></td>
<td></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 Received</td>
<td>20/10/2017</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>
<td>08/09/2017</td>
</tr>
<tr>
<td>ENF/17/00122</td>
<td>Addition of lean to building and slabbed area</td>
<td>Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Justification from Officer</td>
<td>12/01/2018</td>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
<td></td>
<td></td>
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</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 Received</td>
<td>28/09/2017</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>Planning Application Received</td>
<td>13/02/2018</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 Received</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00098</td>
<td>Erection of an outbuilding</td>
<td>11 Hillside Gardens Matlock Derbyshire DE4 3SH</td>
<td>Complied Voluntarily</td>
<td>04/12/2017</td>
</tr>
<tr>
<td>ENF/17/00107</td>
<td>Extension not being carried out in accordance with the approved plans.</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Not in the Public interest to pursue</td>
<td>13/10/2017</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Officer's Feedback</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------------------------------------------------</td>
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<td>-------------------------------------</td>
</tr>
<tr>
<td>06/10/17</td>
<td>Alleged unauthorised signage on roof of public house</td>
<td>Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ</td>
<td>Complaint Unfounded</td>
<td></td>
</tr>
<tr>
<td>13/02/18</td>
<td>Access Modifications/ Modifications to Public Footpath</td>
<td>Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td></td>
</tr>
<tr>
<td>18/09/17</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>
<td></td>
</tr>
<tr>
<td>21/02/18</td>
<td>Alleged unauthorised building works on land at The Woodyard, Pump Lane, Doveridge</td>
<td>The Woodyard Pump Lane Doveridge Derbyshire DE6 5LX</td>
<td>Complaint Unfounded</td>
<td></td>
</tr>
<tr>
<td>25/01/18</td>
<td>Unauthorised engineering works to create field access with gate on Hobs Lane, Kirk Ireton</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Complied Voluntarily</td>
<td></td>
</tr>
<tr>
<td>11/09/17</td>
<td>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.</td>
<td>Log Cabin At Millfield Stables Millfield Lane Kirk Ireton Derbyshire</td>
<td>Planning Application Received</td>
<td></td>
</tr>
<tr>
<td>28/11/17</td>
<td>Unauthorised works to listed building - External alterations including repointing works</td>
<td>Northfield Farmhouse Main Street Kirk Ireton Derbyshire DE6 3LD</td>
<td>Justification from Officer</td>
<td></td>
</tr>
<tr>
<td>01/11/17</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>No Code []</td>
<td></td>
</tr>
<tr>
<td>20/09/17</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Not in the Public interest to pursue</td>
<td></td>
</tr>
<tr>
<td>20/09/17</td>
<td>Unauthorised erection of &quot;carving&quot; building.</td>
<td>1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</td>
<td>Justification from Officer</td>
<td></td>
</tr>
<tr>
<td>20/09/17</td>
<td>Change of use of premises from a retail sweet shop to a cafe selling hot food.</td>
<td>136 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Planning Application Received</td>
<td></td>
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<tr>
<td>05/10/17</td>
<td>Use of premises as a Cafe.</td>
<td>20 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td></td>
</tr>
</tbody>
</table>
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/17/00111  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

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
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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

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/17/00069  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 3IA
Justification from Officer 04/12/2017
<table>
<thead>
<tr>
<th>Reference</th>
<th>Allegation</th>
<th>Location</th>
<th>Justification</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Justification from Officer</td>
<td>21/02/2018</td>
</tr>
<tr>
<td></td>
<td>rest of the property as conditioned by the planning permission 14/00360/FUL</td>
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<tr>
<td>ENF/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Justification from Officer</td>
<td>12/02/2018</td>
</tr>
<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00089</td>
<td>Unauthorised decking and shed.</td>
<td>1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY</td>
<td>Planning Application Received</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00130</td>
<td>Breach of Condition 3 of Planning Application 17/00025/REM - Developer</td>
<td>Land At Askler Lane Matlock Derbyshire</td>
<td>Complaint Unfounded</td>
<td>31/10/2017</td>
</tr>
<tr>
<td></td>
<td>not parking within the site as approved</td>
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</tr>
<tr>
<td>ENF/18/00024</td>
<td>Erection of industrial buildings, sheds and the siting of a chalet/</td>
<td>Ox Close Farm Carr Lane Riber Matlock Derbyshire DE4 5JT</td>
<td>Complaint Unfounded</td>
<td>15/02/2018</td>
</tr>
<tr>
<td></td>
<td>caravan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/18/00026</td>
<td>Erection of Breeze Block Wall and Parking of Caravan</td>
<td>44 The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complaint Unfounded</td>
<td>20/02/2018</td>
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</table>

**Norbury**

<table>
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<tr>
<th>Reference</th>
<th>Allegation</th>
<th>Location</th>
<th>Justification</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>ENF/11/0091</td>
<td>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks,</td>
<td>Home Farm Thurvastoon Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice complied with</td>
<td>13/02/2018</td>
</tr>
<tr>
<td></td>
<td>slates, gravel etc), old vehicles and caravans in a state of disrepair.</td>
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</tr>
<tr>
<td></td>
<td>Land at Marston House Farm and Home Farm, Thurvaston Road, Marston</td>
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<td></td>
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</tr>
<tr>
<td></td>
<td>Montgomery, Ashbourne, Derbyshire, DE6 2FF</td>
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<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Not in the Public interest to</td>
<td>13/02/2018</td>
</tr>
<tr>
<td></td>
<td>height).</td>
<td></td>
<td>pursue</td>
<td></td>
</tr>
<tr>
<td>ENF/17/00029</td>
<td>Unauthorised building works, in the burial grounds at the former Methodism</td>
<td>WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE</td>
<td>Planning Application Received</td>
<td>12/12/2017</td>
</tr>
<tr>
<td></td>
<td>Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and</td>
<td></td>
<td></td>
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<td></td>
<td>tractor shed</td>
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</table>

**Stanton**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Allegation</th>
<th>Location</th>
<th>Justification</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00149</td>
<td>Groundworks and the storage and burning of materials</td>
<td>Land Between Northwood Depot And Ashbrook Roofing And Supplies Limited Harrison Way Darley Dale Derbyshire DE4 2LF</td>
<td>Complaint Unfounded</td>
<td>24/11/2017</td>
</tr>
<tr>
<td>ENF/17/00151</td>
<td>Illuminated Signage, totem pole signage and banner advert</td>
<td>UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Justification from Officer</td>
<td>31/01/2018</td>
</tr>
<tr>
<td>Case Ref</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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<td>------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>ENF/18/0005</td>
<td>Removal of boundary fence and extension of lorry hardstanding into neighbouring field</td>
<td>Matlock Transport Northwood Lane Darley Dale Derbyshire DE4 2HQ</td>
<td>Complaint Unfounded</td>
<td>15/01/2018</td>
</tr>
<tr>
<td>ENF/18/00012</td>
<td>Unauthorised commencement of development relating to land at North Park Farm subject of planning application 17/00995/OUT for Mr G Lowe.</td>
<td>North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ</td>
<td>Justification from Officer</td>
<td>31/01/2018</td>
</tr>
<tr>
<td>ENF/18/00027</td>
<td>Occupied flat built inside barn</td>
<td>New Fallinge Farm Chesterfield Road Rowsley Derbyshire DE4 2NN</td>
<td>Complaint Unfounded</td>
<td>05/03/2018</td>
</tr>
</tbody>
</table>

**Wirksworth**

<table>
<thead>
<tr>
<th>Case Ref</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Complied Voluntarily</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
<td>1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP</td>
<td>Complied Voluntarily</td>
<td>02/03/2018</td>
</tr>
<tr>
<td>ENF/17/00092</td>
<td>Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations.</td>
<td>Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE</td>
<td>Justification from Officer</td>
<td>08/02/2018</td>
</tr>
<tr>
<td>ENF/17/00105</td>
<td>Finished detail on apartment bay windows not in accordance with the approved design</td>
<td>Land At Cromford Road Wirksworth Derbyshire</td>
<td>Justification from Officer</td>
<td>15/02/2018</td>
</tr>
<tr>
<td>ENF/17/00124</td>
<td>Erection of New Railway Building</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00144</td>
<td>Engineering Works</td>
<td>Barn, The Pingle Summer Lane Wirksworth Derbyshire</td>
<td>Complaint Unfounded</td>
<td>21/11/2017</td>
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</table>

**Total Closed Cases** 69

BACK TO AGENDA
## PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td>Southern</td>
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<td></td>
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<tr>
<td>16/00929/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00930/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00084/OUT</td>
<td>Former Brailsford CE Primary School Modular Building, Land south of Main Road, Brailsford</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00663/FUL</td>
<td>The Woodyard, 2 Old Marston Lane, Doveridge</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00661/FUL</td>
<td>Penfold Lodge, Hulland Village, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00872/OUT</td>
<td>Land east of “Les Ardennes”, Mugginton Lane End, Hulland Ward</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00384/FUL</td>
<td>Poplars Farm, Belper Road, Hulland Ward</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00628/ADV</td>
<td>1 Dig Street, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00896/FUL</td>
<td>1 and 2 Beresford Avenue, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00818/FUL</td>
<td>Oak Trees, Park Lane, Rodsley</td>
<td>HOUSE</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00951/FUL</td>
<td>Walnut Cottage, Marston Montgomery</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00752/FUL</td>
<td>The Manor House, Church Street, Brassington</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>Reference</td>
<td>Description</td>
<td>Type</td>
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<tr>
<td>ENF/16/00090</td>
<td>2 Primrose Cottages, St Johns Road, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00847/FUL</td>
<td>Adjacent to 2 Mill Road, Cromford</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00093/PDA</td>
<td>The Racecourse, Hey Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00809/FUL</td>
<td>Rear of Sunnyside Terrace, Farley Hill</td>
<td>WR</td>
<td>Appeal allowed – copy of appeal decision attached</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision
Site visit made on 8 January 2018

by Elizabeth Pleasant  DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2018

Appeal Ref: APP/P1045/W/17/3183330
Former Brailsford CE Primary School Modular Building, Land South of Main Road, Brailsford DE6 3DA

- 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 H Broadbent against the decision of Derbyshire Dales District Council.
- The application Ref 17/00084/OUT, dated 11 April 2017, was refused by a notice dated 22 August 2017.
- The development proposed is an outline application for the development of a dwelling.

Decision
1. The appeal is dismissed.

Procedural Matters
2. The application is for outline planning permission, with all matters reserved for future consideration. Drawings showing the proposed route of the site access, an indicative site layout and house type was submitted with the application, and I had regard to these in determining the appeal.

3. 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 Issues
4. The main issues in this case are the effect on:
   - The character and appearance of the countryside; and
   - The setting of the former Brailsford CE Controlled Primary School.

Reasons
Character and appearance
5. The site of the proposed dwelling is located within the settlement of Brailsford and was formerly part of Brailsford CE Controlled Primary School. It is
currently occupied by modular classrooms and takes access via a pedestrian link adjacent to the former school building. A new school has been built within the village and the old school building and the modular classrooms are now redundant. The former school is a Grade II listed building and I understand that planning permission has been granted for its conversion into two dwellings.

6. The land immediately to the south west of the former school and its modular classrooms is situated outside of the Brailsford’s defined settlement development boundary and is designated as countryside. This land is currently open pasture, enclosed on three sides by hedgerows, and rises gently in a south westerly direction. Its bucolic appearance provides a rural setting to this part of Brailsford, the heart of which nestles along Main Road. A public footpath traverses the south eastern corner of this field.

7. There is currently no means of vehicular access to the site of the proposed dwelling. The application details indicate that a new access track would be constructed to serve the proposed dwelling which would extend around the edge of the adjoining field and link into the existing private lane which exits onto Main Road.

8. Although the precise details of the proposed access track have been reserved for subsequent approval, the appellant’s statement indicates that the track would be surfaced in crushed stone, with grass in the centre, and follows the line of the boundary hedgerow. I recognise the appellant’s intention to provide a track which would be akin to those often used for agricultural purposes, and I have taken into consideration the examples provided by the appellant of similar tracks found in the countryside. However, I am not aware of the individual circumstances which surround the development of those tracks and each case must be considered on its own merits. In this instance the proposed track would serve a domestic dwelling and would need to be laid out, constructed and surfaced in a manner suitable for the use of the vehicles of future occupiers of the dwellings, its visitors and service/delivery vehicles. In view of the existing field contours it is also clear that engineering works would be required to construct the access, particularly where the proposed access track would join the private lane and where existing levels within the field are particularly undulating. Furthermore, in view of the length of the proposed track, passing places would almost certainly be required.

9. The undeveloped and natural appearance of the field provides an attractive rural backdrop to the edge of the settlement. The access track would, according to the Council’s calculations, extend to some 160 metres in length. Furthermore, it would take a convoluted route around the field edge which would appear contrived in this edge of settlement location. Despite the route being closely aligned to the field boundary, the track would be clearly visible from the public footpath which crosses the field, as well as from neighbouring houses. It is clear to me that overall the track would have an urbanising appearance which would harmfully encroach upon the rural landscape.

10. I conclude that the appeal proposal would have a harmful effect on the character and appearance of the area and would conflict with the development plan. In particular I find conflict with Policy S5 of the LP which seeks to ensure, amongst other things, that new development in the countryside protects and where possible, enhances the landscape’s intrinsic character and
distinctiveness, including character, appearance and integrity of the historic, cultural environment. I also find conflict with Policy PD1 of the LP which, amongst other things, requires development to contribute positively to an area’s character, history and identity and Policy PD5 of the LP which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or setting of the settlement.

Setting of the former Brailsford CE Controlled Primary School

11. The former Brailsford School is an imposing early nineteenth century two storey building. It has a central pedimented gable with a clock face and bell turret with a pyramid roof. It is Grade II listed for its group value and its setting is derived primarily from its relationship with neighbouring historic buildings, including the adjacent School House, but also from its position on the settlement edge where it is framed by the open landscape.

12. The proposed dwelling would be sited on a parcel of land which is visually distinct from the original school building. It is located to the rear of the school building and is well related to neighbouring properties which front onto Main Road. Consequently, there is no inter-visibility between the site of the proposed dwelling and the cluster of historic buildings which contribute to the setting of the school building. The existing classrooms, despite their modular form, are not visually conspicuous from Main Road or indeed from the adjoining field. Therefore, whilst they may not be attractive, their siting and location does not compromise the setting of the school building. I am therefore satisfied that subject to due care being given to its form and design, a modest dwelling to replace the classrooms could be accommodated on this site without having a harmful effect on the setting of the former school building. Whilst I note the Council’s concern regarding the scale and form of the dwelling shown on the submitted indicative drawings, details of scale, appearance and layout have been reserved for subsequent approval and are not therefore for my consideration in this appeal.

13. The field to the rear of the school building provides uninterrupted views of the former school building from the public footpath that traverses it. Although the proposed track would have a harmful urbanising effect on the character and appearance of this part of the countryside, it would be positioned well away from the school building and would not compromise views of the building from the public footpath. The track itself would not therefore diminish the open landscape setting of the school building.

14. I therefore conclude that the appeal proposal would have a neutral impact on the setting of the former Brailsford CE Controlled Primary School. The appeal proposal would accord with the provisions of the Planning (Listed Building & Conservation Areas) Act 1990 and preserve the setting of the former Brailsford CE Controlled Primary School. I therefore find no conflict with policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment.

Conclusion

15. Although I have found that there would be no harm to the setting of the former Brailsford CE Controlled Primary School, I have found that the proposed development would cause significant harm to the character and appearance of
the area. Therefore, for the reasons given above and taking into consideration all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR
Appeal Decision

Site visit made on 5 January 2018

by Susan Ashworth  BA (Hons) BPL MRTPI
an Inspector appointed by the Secretary of State

Decision date: 6th February 2018

Appeal Ref: APP/P1045/W/17/3185341
The Woodyard, 2 Old Marston Lane, Doveridge, Ashbourne, Derbyshire DE6 5JS

- 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 Andrew Johnston against the decision of Derbyshire Dales District Council.
- The application Ref 17/00663/FUL, dated 6 July 2017, was refused by notice dated 8 September 2017.
- The development proposed is new single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

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

Preliminary Matter

3. Since the planning application was refused, the Council has adopted a new local plan, the Derbyshire Dales Local Plan 2017 (the Local Plan). Accordingly I have determined the appeal in accordance with the most up-to-date policies, on which the main parties have had the opportunity to comment.

Reasons

4. The site lies on Old Marston Lane, a narrow cul-de-sac off Derby Road situated on the northern perimeter of the settlement. The lane is truncated at the end by a newer road, Marston Lane, which links the settlement with the A50. The 0.62ha site, which is primarily open grassed land, contains buildings used for storage purposes associated with the adjoining residential property 'The Woodlands'. The proposal is for a five bedroomed detached house and garage on the site, with vehicular access off Old Marston Lane utilising and improving an existing access.

5. Policies SP1 and SP2 of the Local Plan identify the Council’s approach to sustainable development, including future housing development, setting out a hierarchical approach that focuses growth on Matlock, Ashbourne and Wirksworth, with some development in Darley Dale, a local service centre. Policy SP2 also identifies that in ‘third tier’ settlements, which include Doveridge, some growth would be supported to encourage greater self-
containment and to safeguard or improve their role consistent with maintaining or enhancing key environmental attributes. New development, it states, should be focused within the settlement boundaries in accordance with their scale, role and function. Policy HC2 allocates specific sites for housing, including in Doveridge. These sites include allocations HC2 (o) and HC2 (m) which lie adjacent to Old Marston Lane.

6. The appeal site is located outside the settlement boundary as defined in the Local Plan proposals map. The purpose of the settlement boundary is clear; to assist in directing built development to suitable and sustainable locations and to define the intended relationship between settlements and the countryside beyond. Whilst I acknowledge the appellant’s concerns regarding the position of the settlement boundary, which excludes the neighbouring properties, this issue has only recently been publically examined and forms part of the adopted Local Plan. Outside of the settlement boundaries, Policy S4 seeks to ensure that new development protects or enhances the landscape’s intrinsic character, whilst also facilitating, amongst other things, sustainable rural community needs. This requirement is also reflected in Policy PD1 and PD5 which seek to protect and where possible enhance landscape character.

7. Old Marston Lane is a rural lane that currently passes through open countryside. Development along the road is sporadic, such that there are gaps between buildings and long views through to the wider countryside beyond. The neighbouring residential dwelling ‘The Woodyard’ is set well back from the road with a long, open front garden. Both it and its neighbour ‘Kamloops’, are set in spacious plots. The road itself is narrow, bounded by hedgerows and grass verges, has no footpaths and is unlit. These factors together help define the rural character of the area. The appeal site, which is largely open, and allows views through to the countryside beyond, makes a positive contribution to the area’s character.

8. I acknowledge that the current character of the lane will change once the allocated housing sites to the south and north-east of the lane are developed. The appellant has referred me to a recent, dismissed, appeal where the Inspector notes that the allocated sites are an ‘integral part of the compact settlement’. Whilst I have taken into account the proximity of the appeal site to these areas, which are strategically allocated, the site forms part of a wider area of open space and is itself bounded to the north and west by open land and by sporadic development of an open character to the east.

9. Moreover, it seems to me that the development of the allocated sites will heighten the importance of the land on the north side of the lane, of which this site forms an important element, in maintaining a rural setting to the village. The storage buildings on the site at present have a limited impact on the character of the area as a result of their position, low-key use, limited scale and modest appearance. A substantial detached house, which would be highly visible from the road, would erode part of an open gap, consolidate residential development and would consequently have a harmful urbanising effect on the rural scene. Whilst I accept that landscaping would help screen the development it would not assist in preventing the erosion of the rural landscape.

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1 Appeal Ref: APP/P1045/W/16/3152087

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10. The National Planning Policy Framework (the Framework) recognises the intrinsic beauty and character of the countryside as a core planning principle and so the recently examined policies outlined above are consistent with it. I acknowledge that the site, which lies within walking distance of the services and facilities of Doveridge, is in an accessible location. However, the impact of the development on the character of the area would not fulfil the environmental role of sustainability as set out in the Framework in terms of protecting and enhancing the natural and built environment. Accordingly the proposal does not constitute sustainable development.

11. My attention has been drawn to an application for a detached house outside the settlement boundary, approved by the Council in November 2017². I do not have all the information that led to the Council’s decision before me so cannot be sure it is directly comparable to the appeal proposal. Nevertheless it appears that the site is well contained and Committee Minutes indicate that the proximity of industrial development and existing landscaping were determining factors in that case. Notwithstanding this, the decision was made prior to the adoption of the new Local Plan, against which the appeal proposal must be considered, on its own merits.

12. For the reasons set out above, the proposal would be contrary to Policies PD1 and PD5 of the Local Plan 2017 which seek to ensure, amongst other things, that development on the edge of settlements enhances or restores landscape character and that development respects the intrinsic character and appearance of the landscape. Although not noted on the decision notice, it seems to me that, for the same reasons, it would also be contrary to Policy S4 as set out above.

13. The main parties agree that in accordance with the requirements of the Framework the Council can demonstrate a five year supply of housing, albeit that the precise figure is disputed. There is no convincing evidence before me that the allocated sites are not deliverable or the five-year supply has otherwise been calculated incorrectly. I acknowledge that the site would make a limited contribution to the provision of windfall sites, which in turn will contribute to the five year supply. Nevertheless there is no reason to conclude that the required number of windfall sites will not come forward in sustainable locations. Therefore whilst I acknowledge that the proposal would make an albeit limited contribution to housing supply, any benefit would not outweigh the harm set out above.

14. Consequently, taking into account all other matters raised, including the lack of objection from neighbouring residents and the Parish Council, the appeal is dismissed.

S Ashworth
INSPECTOR

² Ashmore Cottage, Derby Road, Doveridge. Application Ref: 17/00876/OUT

https://www.gov.uk/planning-inspectorate
Appeal Decision
Site visit made on 20 November 2017

by Susan Ashworth  BA (Hons) BPL MRTPI
an Inspector appointed by the Secretary of State

Decision date: 5th February 2018

Appeal Ref: APP/P1045/W/17/3178658
Land adjacent to 2 Mill Road, Cromford, Matlock DE4 3RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Sabine against the decision of Derbyshire Dales District Council.
- The application Ref 16/00847/FUL, dated 18 November 2016, was refused by notice dated 26 January 2017.
- The development proposed is erection of dwelling house.

Decision
1. The appeal is dismissed.

Preliminary Matter

2. The planning application was accompanied by a Habitat Survey dated May 2010. The Council considered this survey to be out of date and this matter was a reason for the refusal of permission. Nevertheless, an updated survey dated May 2017, to which the Council raised no objection, was submitted with the appeal. I have taken the updated survey into account in my determination of the appeal.

3. The Derbyshire Dales Local Plan 2017 was adopted by the Council on 7 December 2017, after the appeal was lodged. Relevant policies supersede those of the former Local Plan (2005) referred to in the Council’s decision notice. I have referred to the most up to date policies in my decision.

Main Issues

4. The appeal site lies within the Cromford Conservation Area immediately adjacent to the Grade I listed buildings that form part of the Cromford Mill complex which is within the Derwent Valley Mills World Heritage Site.

5. Accordingly, the main issues in this case are:
   1. The effect of the proposal on the setting of the Grade I listed Cromford Mill complex and the character and appearance of the Derwent Valley World Heritage Site and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Cromford Conservation Area.
   2. The effect of the proposal on protected species or otherwise important wildlife interests.
Appeal Decision APP/P1045/W/17/3178658

Reasons

Heritage Assets

6. The appeal site is an irregular shaped area of land occupying an elevated position above Mill Road bounded at the rear by the cliff face of Scarthin Rock. The southern boundary of the site, adjacent to part of the mill complex is treed. Accessed by a sloping drive adjacent to No 2 Mill Road, the site itself is relatively flat. A collection of buildings and structures associated with previous uses on the site, including a garage and wooden structures associated with a former cat rearing business, still exist but are in a dilapidated state. The site is overgrown and has an unkempt appearance.

7. The proposed dwelling would be located in a similar position to the existing garage but with a floor level some 1m lower. It would have a broadly L shaped plan form with a mono-pitched front section with a smaller, shallow pitched gabled element at the rear. External materials would include natural stone and blue slate.

8. The starting point for the consideration of the appeal is Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is had to the desirability of preserving the listed buildings, or their setting, or any features of special architectural or historic interest they possess. In terms of the conservation area, Section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. The World Heritage designation of the site indicates that the site is of the highest significance as a heritage asset and I have taken account of the guidance set out in the National Planning Policy Framework (the Framework) and in the Planning Practice Guidance with regard to development within its setting.

9. The Cromford Conservation Area extends over a wide area and encompasses the historic core of the settlement of Cromford and the mill complex as well as part of the rural area which provides the buildings’ context. The Cromford Mill complex, which dates from the late 18th century is a collection of substantial buildings which were the first cotton mills to be established in this valley and which were later emulated elsewhere. Scarthin Rock forms an impressive backdrop to the complex. Part of the significance of the listed buildings is derived from their grouping in a largely unspoilt setting which allows an appreciation of their special architectural and historic interest and their landscape context. There is no dispute between the parties that the site lies within the setting of the listed buildings.

10. Other buildings in the immediate area include Nos 1 and 2 Mill Road which were built prior to the designation of the mill complex. The Conservation Area Character Area Appraisal notes that the 18th century character of the gorge has been slightly lost with the introduction of these houses which mask the worked out limestone rock face to the rear. These buildings therefore have a negative effect on the setting and therefore significance of the listed buildings.

11. The proposal would result in the introduction of a further domestic property, with attendant domestic paraphernalia, into the space immediately adjacent to the mill complex, in an elevated position in relation to the closest listed building some 20m away, and directly in front of the rock face. Its siting in this location would have no regard for the pattern of development or the physical or

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historical context of the complex and as such it would appear incongruous particularly when viewed from the road or from within the buildings themselves.

12. I note that there is a disagreement between parties as to whether any development would be appropriate in this location or whether the matter rests on the design of the house currently proposed. Notwithstanding that it seems to me that the dwelling as proposed would be of an awkward design that would be neither contemporary nor reflective of the predominant building style in the area. In particular, the form and massing of the building would lack coherence. As such the design of the house adds to the negative impact of the development derived from its siting.

13. I understand that since the previous appeal\(^1\), the proposed dwelling has been reduced in size and set into the ground although I have not had sight of that proposal and can only determine this appeal on its own merits. Notwithstanding that, the dwelling would still be considerably larger than the existing garage building. Since the last appeal close boarded timber fencing has been erected around part of the perimeter of the site, which the Council considers may be permitted development. Whilst I understand the fence has been erected in an attempt to screen the proposed development, it serves little purpose at present, and moreover fails to address concerns expressed in the previous appeal. The fence, which sits awkwardly in an elevated position and is highly prominent, shows little regard for the setting of the heritage assets or the character or appearance of the Conservation Area. Despite its presence, the roof of the existing garage can still be seen from within the public realm. The fence would not therefore entirely screen the proposed development. Whilst I note that additional planting is also proposed I am unconvinced that screening in itself would make the development acceptable in principle.

14. For the reasons set out above, the proposal would harm the setting of the World Heritage Site and the grade I listed buildings and would neither preserve nor enhance the character and appearance of the conservation area. As such, it would not comply with the weighty statutory requirements of the Act, as set out above.

15. Also, for the same reasons, the proposal would not comply with Policies S1, S3, PD1 and PD2 of the Derbyshire Dales Local Plan 2017 (Local Plan) which in various ways seek to ensure that new development conserves and where possible enhances the historic environment; is of a scale, layout and design that is compatible with the character and appearance of the area; protects heritage assets including listed buildings and conservation areas in accordance with their significance and protects the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

16. In terms of the approach set out in the Framework, given that the proposal would affect only part of the setting of a very large complex it seems to me that the harm to the significance of the heritage assets would be less than substantial. This is not the same as a less than substantial objection. In such cases, harm should be weighed against the public benefit of the proposal including securing its optimum viable use.

\(^1\) Appeal ref: APP/P1045/W/15/3012010
17. I acknowledge that the proposal would provide an additional unit of accommodation in an accessible location. However, such a contribution towards the supply of housing is inevitably very modest and therefore carries limited weight in support of the scheme. I acknowledge that buildings currently occupying the site are in a poor state of repair and have a dilapidated appearance and their removal, in itself, would improve the setting of the heritage assets. This carries additional limited weight in support of the proposal.

18. However, paragraph 132 of the Framework states that when considering the impact of the proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. As set out above the mill complex is of world class significance and the buildings are listed as being of the highest architectural and historic interest. Accordingly the harm I have identified to their setting carries substantial weight. Such weight clearly outweighs the modest benefits identified. This leads me to conclude, in the circumstances of this case, that the appeal should not succeed on these grounds.

Ecology

19. Despite the overgrown cliff face and its surroundings having potential for bat and reptile habitats as well as rare plant species, the updated survey found that there were no features suitable to support roosting bats within the site, nor was it considered that there would be an impact from the development on any other protected or notable species or habitats in the area. In the absence of any evidence to the contrary, and given that conditions requiring suitable bat roosting enhancement measures and preventing vegetation clearance during the bird nesting season could have been imposed were I minded to allow the appeal, I am satisfied that the proposal would not have an adverse impact on nature conservation.

20. In this respect the proposal would be in accordance with Policies S1 and PD3 of the Local Plan which seek to protect and where possible enhance the biodiversity resources of the area.

Conclusion

21. For the reasons set out above and taking into account all other mattes raised, the appeal is dismissed.

S. Ashworth

INSPECTOR

BACK TO APPEALS LIST
Appeal Decision

Site visit made on 12 February 2018

by A Jordan BA Hons   MRTPI

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

Decision date: 1 March 2018

Appeal Ref: APP/P1045/W/17/3189755
Rear of Sunnyside Terrace, Farley Hill, Matlock, DE4 5LT

- 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 M Slack against the decision of Derbyshire Dales District Council.
- The application Ref 17/00809/FUL, dated 14 August 2017, was refused by notice dated 9 October 2017.
- The development proposed is a dwellinghouse.

Decision

1. The appeal is allowed and planning permission is granted for a dwellinghouse at the rear of Sunnyside Terrace, Farley Hill, Matlock, DE4 5LT in accordance with application Ref 17/00809/FUL, dated 14 August 2017 and the plans submitted with it and subject to the conditions in the attached schedule.

Procedural Matter

2. Following the refusal of the application the Council adopted the Derbyshire Dales Local Plan (Local Plan). The Council have advised that the policies originally referred to in the reason for refusal have now been replaced by policies S1, S4, PD1 and PD5. I have therefore taken these policies into account in my consideration of the appeal.

Main Issue

3. The main issue for the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site comprises a piece of land which sits behind a short row of 2 storey cottages on elevated land a short distance but nonetheless outside the settlement of Matlock, on land designated as open countryside. The site has the benefit of outline planning permission\(^1\) for a single dwelling. The Council do not therefore dispute the principle of development on the site but rather, have concerns in relation to the form of development proposed. In particular, the height of the dwelling is considered to be out of scale for the site. The Council consider that a low building of contemporary form would be more appropriate, providing a “visual bridge” between the two storey dwellings of the terrace, and the open countryside to the rear.

\(^1\) Ref 16/00870 granted on 2\(^{nd}\) February 2017 for a single storey dwelling. The permission is in outline form with all matters reserved.

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5. I have no reason to dispute the Council’s view that such an approach would sit comfortably in the site context. However, it seems to me that to require it as the only appropriate design for the site ignores the wider context of the site. The terrace is not isolated, and is not the only development in and around the site. The plot is adjoined to the north by stables and to the east by the wider curtilage of a modern 2 storey dwelling and a dormer bungalow. There is therefore a mix of architectural styles within the wider area from which the proposal could take reference. Having accepted the site as being suitable for development, the introduction of a further dormer bungalow would not, to my mind, appear out of place in this context.

6. This brings me to the details of the dwelling as proposed. The Council’s concerns in relation to scale appear to relate to the height of the building, which would be perceived as being 2 storey in views across the fields from the north, and from the public footpath to the east. However, it would be seen in the context of the wider domestic setting of the cottages which includes the outbuildings, outriggers, dormers and domestic paraphernalia evident to the rear of the row of cottages. In these shared views the scale of the proposed dwelling would not appear incongruous, provided the appearance of the dwelling itself was otherwise sympathetic.

7. However, whilst the dwelling would appear to be relatively simple in form, the plans as submitted provide limited detail and the materials, which are specified on the application form as being blue slate, gritstone and brick. It isn’t clear from the plans which areas of the façade are intended for which material. Furthermore, the plans show no detail in relation to the materials or setting of the windows or details of the treatment of the eaves and dormers. Having regard to the visibility of the dwelling across open countryside, it is clear to me that without assurances that these details can be implemented in a sympathetic manner, which takes account of local materials and details, the quality of the finished dwelling could undermine its appearance to the extent that it would appear obtrusive and so fail to improve the character and quality of the area.

8. I have considered whether my reservations in this regard are sufficient to merit refusal of the scheme, or whether appropriate conditions would address these concerns. I note that these are matters identified by the Council in their recommended conditions, and are also matters on which the appellant has commented. I am therefore satisfied that subject to appropriate conditions in this regard the finished appearance of the dwelling would be acceptable.

9. I therefore conclude that although the proposal would fail to comply with policy S4, subject to appropriate conditions it would not conflict with policies S1, PD1 and PD5 of the Local Plan which together seek that the scale, location, materials of new development contributes positively to an area’s character.

Other Matters

10. A number of residents have expressed concerns in relation to the scheme. Some have concerns in relation to the proposed access and the available visibility, taking account of on street parking and bins impeding views in either direction. The Council have not expressed any concerns in relation to these matters and taking account of the previous historic use of the site are satisfied that the proposal would not intensify the use of the access. I noted on site that visibility at the access point would be impeded if cars parked either side of the...
drive. However, I share the view of the Council that taking into account the existing use of the access, including that of adjoining properties, use by a single dwelling would be unlikely to lead to a significant intensification of the access or be harmful to highway safety. Furthermore, subject to appropriate conditions, parking and turning provision could be secured on site.

11. Some residents have expressed concerns in relation to the effect of the proposal on their living conditions, in particular the right to light. I note that the Council are satisfied with the separation distances proposed. Furthermore, taking into account the juxtaposition and orientation of buildings on site, and the height of the proposed dwelling, I do not consider that adjoining properties or gardens would suffer significant loss of light or overlooking. I therefore do not consider that the proposal would materially affect the living conditions of existing occupiers.

12. I note comments in relation to the ownership of the site. This is not a matter which would preclude the grant of planning permission and so does not weigh against the proposal. I also note comments regarding the conduct of the appellant and the quality of other developments he has been involved in. I do not consider these unsubstantiated claims to be relevant to the proposal before me and I give them no weight. Residents have also advised that buildings on site are constructed in asbestos. I have no evidence that this is the case, nevertheless, the disposal of this material would be subject to other legislation and would not impact upon the grant of permission.

13. I note the comments of residents in relation to drainage. However, I have no basis for concluding that the proposal would increase the risk of flooding to adjoining properties. The scheme proposes the use of a sustainable drainage system which could ensure that surface water flows from the site do not exceed existing levels and this matter could be required by condition, in accordance with the applicant’s stated intentions. This matter does not therefore add to my concerns.

Conclusion and Conditions

14. Accordingly, for the reasons outlined above, and having regard to all other matters raised, the appeal is allowed. I have considered the conditions put forward by the Council in the light of guidance in Planning Practice Guidance. In addition to conditions relating to the period of implementation and the approved plans, I also consider it necessary to require details of the external materials to be used in the development. This should include details of the appearance of the proposed windows, including the extent they are set from the main façade. These details are necessary in order to ensure a satisfactory appearance for the development.

15. I also consider it reasonable to require details of site landscaping and boundary treatments, along with a condition ensuring implementation. Details of parking provision and bin storage are also necessary to ensure a satisfactory standard of development. Furthermore, in order to minimise disruption during construction a condition requiring details of site accommodation, storage of plant and materials and parking and manoeuvring of site operative’s and visitor’s vehicles is also reasonable and necessary. A condition requiring that details of drainage from the site are provided is also reasonable and necessary.
16. The Council have requested a condition which would remove permitted development rights. Taking into account the extent to which the proposed dwelling would fill the site, and the proximity of the dwelling to the rear boundaries of properties along Sunnyside Terrace, I consider it reasonable for the Council to have the option to exercise some control over future extensions and alterations to the property.

Anne Jordan

INSPECTOR
Schedule of Conditions

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

2) Samples of all materials to be used in the construction of the external surfaces of the proposed development and details of any finishes shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. These details shall include the materials, reveal and treatment and/or colour of the window and door frames. The development shall be constructed in accordance with the approved details.

3) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
   • indications of all existing trees, hedgerows and other vegetation on the land;
   • all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
   • measures for the protection of retained vegetation during the course of development;
   • all proposed additional landscaping to include all plant species and their number, planting sizes, planting densities and planting protection;
   • means of enclosure; and
   • hard surfacing materials;

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

5) Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

6) Prior to the development commencing, the applicant shall submit detailed drawings demonstrating the location of adequate bin storage and a bin dwell area for use on refuse collection days, clear of the public highway, within the
site curtilage clear of all access, parking and turning provision. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

7) The parking and turning area detailed on the approved drawings shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the dwellinghouse hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within its curtilage without the prior written approval of the Local Planning Authority upon an application submitted to it.

9) Development shall not commence until foul and surface water drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.