1 August 2016

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 9 August 2016 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall at 1.40pm 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 – 12 July 2016

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.

Issued 1 August 2016
PUBLIC PARTICIPATION

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

4.1 APPLICATION NO. 16/00307/FUL  6 - 15
Erection of a dwelling at The Old Cottage, Main Street, Kirk Ireton.

4.2 APPLICATION NO. 16/00316/FUL  16 - 24
Demolition of agricultural building and erection of dwelling at Wallands Farmhouse, Brassington Road, Brassington.

4.3 APPLICATION NO. 16/00095/OUT (Site Visit)  25 - 59
Residential Development of up to 165 dwellings, up to 47 units of Class C2 extra care and doctors surgery (outline) at land off Babbs Lane, Doveridge.

4.4 APPLICATION NO. 16/00208/OUT (Site Visit)  60 - 79
Erection of 17 dwellings (outline) at The Woodyard, 2 Old Marston Lane, Doveridge.

4.5 APPLICATION NO. 16/00100/FUL (Site Visit)  80 - 87
Conversion of business premises to dwelling with associated extension/alterations at former shop off Millers Green, Wirksworth.

4.6 APPLICATION NO. 16/00322/OUT (Site Visit)  88 - 97
Erection of dwelling (outline) at land off White Tor Road, Starkholmes, Matlock.

4.7 APPLICATION NO. 15/00814/OUT  98 - 124
Residential development of up to 57 dwellings (outline) at land adjacent to Bakewell Road, Matlock.

4.8 APPLICATION NO. 16/00144/S106D  125 - 132
Discharge of S106 Planning obligation dated 6 August 2013 to remove requirement to pay affordable housing contribution at The Miners Cottage, Mining Lane, Carsington.

4.9 APPLICATION NO. 16/00355/FUL  133 - 150
Erection of 6 No. bungalows and associated garages at Rick Yard Orchard, Church Lane, Brailsford.
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6. APPEALS PROGRESS REPORT

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

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

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

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

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

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

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

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

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

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

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

Issued 1 August 2016
g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.

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

**SITE VISITS**

Members will leave the Town Hall, Matlock at **1:40pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.40pm</td>
<td>16/00095/OUT</td>
<td>BABBS LANE, DOVERIDGE</td>
<td>At the request of Officers to enable Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>3.00pm</td>
<td>16/00208/OUT</td>
<td>THE WOODYARD, OLD MARSTON LANE, DOVERIDGE</td>
<td>At the request of Officers to allow Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>4.05pm</td>
<td>16/00100/FUL</td>
<td>SHOP AT MILLERS GREEN, WIRKSWORTH</td>
<td>At the request of Ward Member to consider the location for a house, amenity space, the impact upon neighbours and the impact on pedestrian route.</td>
</tr>
<tr>
<td>4.30pm</td>
<td>16/00322/FUL</td>
<td>LAND OFF WHITE TOR ROAD</td>
<td>To allow Members to fully appreciate the site context.</td>
</tr>
<tr>
<td>5.00pm</td>
<td></td>
<td>RETURN TO TOWN HALL, MATLOCK</td>
<td></td>
</tr>
</tbody>
</table>

**COMMITTEE SITE MEETING PROCEDURE**

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

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

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

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
**APPLICATION NUMBER** | 16/00307/FUL  
**SITE ADDRESS:** | The Old Cottage, Main Street, Kirk Ireton  
**DESCRIPTION OF DEVELOPMENT** | Erection of Dwelling  
**CASE OFFICER** | H Frith  
**APPLICANT** | Mr and Mrs S and G Patel  
**PARISH/TOWN** | Kirk Ireton  
**AGENT** | None  
**WARD MEMBER(S)** | Councillor Bright  
**DETERMINATION TARGET** | 22.06.16  
**REASON FOR DETERMINATION BY COMMITTEE** | Requested By Ward Member  
**REASON FOR SITE VISIT (IF APPLICABLE)** | None – as the site was recently visited by the committee for an application on the site for two dwellings.  

**MATERIAL PLANNING ISSUES**

1. Principle of Development  
2. Impact upon the character and appearance of the conservation area  
3. Impact upon setting of listed building  
4. Highway safety  
5. Residential amenity

**RECOMMENDATION**

Refusal

This item is being re-presented to the Committee further to the meeting of the 12th July 2016 where the meeting closed before consideration of this application.
1. **THE SITE AND SURROUNDINGS**

1.1 The application relates to garden land associated with the existing dwelling known as ‘The Old Cottage’. The site is reasonably level with a variety of boundary treatments. There is a conifer hedge crossing the site. To the east of the dwelling is an existing stone outbuilding. Access is to the west of the existing dwelling. The site is within a residential area in the centre of the village. Residential properties are located in close proximity to the main garden area to the east and south of the site. The site is located within the Kirk Ireton Conservation Area.

2. **DETAILS OF THE APPLICATION**

2.1 Planning permission is sought to erect a dwelling within the rear garden area of the existing dwelling. The dwelling would be two storeys in height and of an ‘L’ shaped form and of stone construction and would be sited to the south western corner of the rear garden facing in an easterly direction. It is intended that access to the site will be gained to the east of the existing dwelling with parking area within the attached front car port structure. The creation of the access will involve the demolition of the existing stone outbuilding which it has been determined can be carried out as permitted development as the building is less than 115m³. The access would wrap around the rear of the existing dwelling to meet the proposed unit.

2.2 The dwelling would be two storeys providing a three bedroomed dwelling, with a one and half storey projection to the south and a car port structure projecting forwards from the front elevation in an easterly direction. The principle view of the front elevation would be of gables with a main door set to one side with three single small windows and three double paned windows with central mullion detail.
2.3 The applicant has submitted a supporting statement the key points of which are summarised:

- The Conservation Area appraisal does not preclude back land development
- The building is of traditional materials
- The large open space of the garden would largely be retained
- The garden is not identified as a green space
- The single dwelling cannot be considered to be cramped
- It has less intensity than some development in the village
- The public benefit derived from this scheme is the provision of additional housing
- The adverse amenity impacts have been removed due to the reduction down to one dwelling.
- A recent appeal was allowed in a similar case in Kirk Ireton (Skyfall).
- On the previous application there were no objections from statutory consultees.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development in The Countryside
SF5: Design And Appearance of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
NBE16: Development Affecting A Listed Building
NBE21: Development Affecting A Conservation Area
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For new Development

3.2 Other:
National Planning Policy Framework
National Planning Practice Guidance
Kirk Ireton Conservation Area Appraisal
Draft Derbyshire Dales Local Plan:
- Policy S3 – Settlement Hierarchy.

4. RELEVANT PLANNING HISTORY:

15/00842/FUL Erection of two dwellings – Refused for the following reasons:

1. The development of this back land garden site would lead to the loss of a green space within the Conservation Area and the visual layering of housing in a cramped form of development which would harm the character and appearance of the Conservation Area contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan. This less than substantial harm to a designated heritage asset without public benefit is contrary to paragraphs 132 and 134 of the National Planning Policy Framework

2. The proposed development in such close proximity to ‘Greenway’ would have an overbearing impact upon that property leading to harm to the residential amenity of its occupants. The proposal is therefore contrary to policy SF5 and H9 of the Adopted Derbyshire Dales Local Plan and contrary to the core principles of the National Planning Policy Framework.

15/00685/DEM Demolition Prior Notification - demolition of outbuilding – Prior approval not required.
5. CONSULTATION RESPONSES

Parish Council
5.1 Many of the previous concerns have been addressed. Councillors have sympathy with the matters raised within the conservation report and feel that these should be taken into account when a decision is made on this application.

Derbyshire County Council (Highways)
5.2 This Authority did not raise objections to the previous application. The scheme has been reduced to one dwelling. On this basis the Authority would not wish to raise objections, note the highway conditions etc. as previously suggested.

Conservation Advisory Forum
5.3 Discussed the current proposal. They re-iterated their concerns (made previously) over the principle of developing the open land to the rear of the Main Street (refer to CAF comments made in January 2016). Considered that the outbuilding to be demolished should be retained as an historic part/element of the street scene and contributing to the character of Main Street. The proposed property is half of what, in essence, was put forward in January. CAF considered that this would not preserve or enhance the Conservation Area. In that regard, the forum considered the design and form inappropriate. If the principle of development for one property were to be considered acceptable (by the LPA) then the property should be respectful and appropriate to its context and setting. In this regard the forum noted that any development should be single-storey, of an appropriate and bespoke design solution befitting its context and setting and be respectful and take into account its potential impact on the character and appearance of the Conservation Area.

Internal comments:

Design and Conservation Officer (Derbyshire Dales)
5.4 The proposals involve the demolition of a 19th century stone outbuilding to obtain vehicular access to the site. Historic access to the site or land to the rear of the Old Cottage is to the west of the cottage. The proposed demolition of this historic ancillary building is unfortunate as the Main Street contains a number of such structures which punctuate the roadside streetscape emphasising the former agrarian economy of the village and presenting a diversity of building types (domestic and ancillary/service) onto the street frontage. The removal of the historic ancillary building will be a significant and irrevocable loss to the character and appearance of this side of Main Street.

5.5 The concept of back land development, especially to historic gardens or crofts which lay behind the built-up street frontage are valuable elements of open space within the Conservation Area and contribute significantly to its character and appearance. In this regard the concept of the development of these spaces with buildings of a domestic height, form, scale and appearance, irreversibly removes the historic survival of the open land beyond the built-up street frontage and creates a ‘stacked’ or layered development of houses behind houses. Late 20th century development within the village such as Buxton Close and Ireton Court differs from the proposal at The Old Cottage in that those earlier development always and historically benefitted from an established formal access to the land on which they are built. This is different to that at The Old Cottage where demolition of an historic building is required to create a new and, hither to, non-established access to its private garden/croft.

5.6 In the designation (and 2015 review) of the Conservation Area the surviving character and contribution that open land to the rear of street-frontage properties bring to its special interest and value is rightly recognised.
5.7 In conclusion, it is considered that the principle of the concept of a domestic, residential property to the rear of The Old Cottage, and the impact of its associated vehicular access and loss of the historic ancillary building will neither preserve nor enhance the Conservation Area nor will it fulfil the desirability of new development making a positive contribution to local character and distinctiveness.

3. REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received. A summary of the representations is outlined below:

Amenity
- The access will impact upon amenity introducing noise and disturbance to the neighbouring property.
- Loss of privacy
- Harm to amenity contrary to requirements of local plan
- Significant overlooking
- Loss of light to garden areas
- If approved operating hours restriction should be imposed for building works.

Conservation Area
- Layering effect of the development detrimental to the Conservation Area
- Loss of one of the few remaining areas of green space along Main Street
- Loss of the stone building will be detrimental to the Conservation Area, other similar buildings have been put to appropriate uses.
- Proposal does not respect the street pattern
- The dwelling would be too close to other properties
- The breaking up of the building does not reduce the scale
- The development will be cramming off what is a low density road
- Overdevelopment of the site the building would be visible from certain vantage points on Main Street the site does not afford a discernible gap behind the properties on the south side of Main Street and would interfere with the morphological pattern and visual evolution of the village
- Adverse impact upon character and appearance of the area
- The dwelling would be out of place and detrimental to the visual and historical landscape of this conservation area.
- Out of scale and proportion to existing development
- The building to be demolished was the former village laundry and therefore an important part of the history of the village.

Highways
- Access is limited and will lead to the loss of parking spaces
- Lack of parking for visitors which will increase demand for on street parking which will be worse at peak times
- Question the safety of the proposed access in terms of width and visibility

Other
- What will happen to the site that was for a dwelling previously
- Is this application an attempt to create a precedent to achieve the original goal in the future?
- The eaves of the building are not low enough
- Adverse impact upon trees through excavation and heavy machinery
- Impact on wildlife haven for birds, animals and insects, therefore trees should be kept
• Works will impact upon the stability of neighbouring properties some of which are over 100 years old and have minimal foundations with subterranean watercourses.
• Concerns regarding drainage of the site.
• The building should be lower to lessen impacts
• Further pressure on the local school.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of Development
2. Impact upon the character and appearance of the Conservation Area
3. Impact upon setting of nearby listed building
4. Highway safety
5. Residential amenity

Principle of Development

7.1 Whilst the Council considers that it can now demonstrate a 5 year housing land supply, the policies of the Adopted Local Plan remain out of date and therefore paragraph 14 of the NPPF remains the primary policy guidance for the determination of applications for housing development at the present time.

7.2 Paragraph 14 states that Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.
  - Footnote 9 to the latter part of paragraph 14, identifies policies relating to heritage assets as being an instance where there is not a presumption in favour.

7.3 Policy S3 of the draft local plan allocates Kirk Ireton as a fourth tier settlement where there are limited services and facilities such that development will be limited to that needed to maintain existing services and facilities and to meet the housing needs of the settlement and that as such there is some limited scope for development. Therefore in principle development in villages such as Kirk Ireton is likely to be acceptable in order to sustain the settlement. Sustainable development is promoted through the NPPF including paragraph 14. However there are three roles to sustainability which need to be considered, not only the location of development.

Impact upon the character and appearance of the Conservation Area

7.4 In terms of Conservation Area, the primary legislation is set out in the Planning (Listed Buildings and Conservation) Act 1990. Section 72 of the Act states:

With respect to any building or land in a Conservation Area…….special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.5 This is reflected in government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

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

7.6 Along Main Street the application property is one of the older properties with its associated curtilage providing a green space in the centre of the residential area. In this case the original dwelling whilst not of an imposing style is of some age and has one of, if not the, largest garden areas forming part of the historic pattern along Main Street. Due to earlier developments in this part of the village only two larger garden areas remain, leaving one of the few remaining green spaces along this part of Main Street providing a break between properties. The development of this site will lead to the loss of this green space. The development of the site with a single dwelling will be seen from Main Street as a layering of properties which is at odds with the prevailing character and appearance of the area.

7.7 It is acknowledged that there are examples of back land development along Main Street, for example Ireton Court, however this is quite different to the proposed development as Ireton Court was formed from a former yard area where the existing dwellings fronted the access route. This proposal is for wholly back land development which would be an incongruous form of development in this context harmful to the character and appearance of the Conservation Area.

7.8 In accordance with paragraphs 132 and 134 of the NPPF as noted above the harm to the Conservation Area in this case is considered to be less than substantial. However, as the proposal is for the development of a private dwelling there is no public benefit in this case to outweigh the harm, as such the proposal is contrary to paragraph 134 of the NPPF.

Impact upon the setting of the Listed Building

7.9 There is a grade II listed building to the south east of the application site known as Prospect Cottage. Development near to listed buildings can have an impact upon setting beyond the immediate curtilage of the listed building. In this case the listed building, Prospect Cottage, is a distance away from the site and there is intervening development between the application site and the listed building which has already eroded the open character that would have been between the listed building and The Old Cottage. There is also existing planting forming a screen between the two, however this planting could be lost and therefore minimal weight can be given to this. It is considered that the proposed development will have minimal impact upon the setting of this listed building and therefore there is no perceivable harm in this regard.

Highway Safety

7.10 Concern has been raised by local residents that the proposal will have poor access visibility and that the proposal will adversely impact upon highway safety and the safety of pedestrians and loss of on-street parking. The Local Highway Authority has considered the proposal and considers that the access visibility is acceptable. The potential loss of on street parking and increased demand for this is not a concern in terms of highway safety. The proposal is therefore acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan.
7.11 Policies SF5 and H9 of the Adopted Local Plan require that developments do not harm the amenities of others and are policies that remain broadly in line with guidance contained within the National Planning Policy Framework. One of the core principles noted in paragraph 17 of the NPPF states that planning should always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

7.12 Concern has been raised from local residents that the proposal will harm the amenity of neighbouring residents in terms of overlooking, loss of privacy and noise and nuisance.

7.13 The access drive to the proposed dwelling will be in close proximity to the adjacent property Laurel Mount. However, the access will lead to a larger parcel of land which would become garden to the proposed dwelling. It is not considered that this access whilst in close proximity to the neighbouring property will cause such harm that refusal of planning permission on this basis would be warranted.

7.14 The siting of the dwelling to the western most end of the plot would ensure that there is minimal harmful impact upon the amenity of the neighbouring residents at Ireton Court and Greenway. However, the siting of the dwelling is close to the boundaries of the site and may have some impact upon the garden use and any future potential use of the land to the immediate south and west of the proposed dwelling. It is considered that this harm could be mitigated by alterations to position and size of the windows which has not been sought through this application due to other fundamental concerns. It is not considered that this potential stymying of the neighbouring land is inevitable and that planning permission should be refused on this basis.

Conclusion

7.15 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

7.16 The location of the site in the centre of the village of Kirk Ireton is considered to be acceptable in terms of being a sustainable location where development would underpin local services and facilities. However, whilst Kirk Ireton is an acceptable settlement for some limited development this does not mean that any development here is acceptable. The NPPF seeks to approve sustainable development. There are three roles of sustainability to be met in order for development to be considered sustainable and therefore acceptable.

7.17 In this case these roles are assessed as follows:

- The economic role of sustainability will be met during construction and afterwards in the contribution to the economy created by the new occupiers.
- The social role of sustainability would be met in a very minor way through the provision of housing to meet future needs.
- The environmental role of sustainability would not be met due to the harm the development would have upon the character and appearance of the Conservation Area as described above. This harm is also contrary to the core principles defined in paragraph 17 and contrary to part 7 in relation to requiring good design and contrary to paragraphs 134 as there is no public benefit to outweigh the harm.
7.18 Therefore when considering matters in the round, despite the fact that housing policies are out of date, the less than substantial harm to the character and appearance of Kirk Ireton Conservation Area without counterbalancing substantial benefits means that the development is contrary to paragraph 14 and other policies within the NPPF and policies within the Adopted Local Plan and therefore planning permission should be refused.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reason.

The development of this back land garden site would lead to the loss of a green space within the Conservation Area and the visual layering of housing which would harm the character and appearance of the Conservation Area contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan. This less than substantial harm to a designated heritage asset without public benefit is contrary to paragraphs 132 and 134 of the National Planning Policy Framework.

9. 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 application overview received 27.04.16
Site location plan 01-001 Rev 001 received 27.04.16
Site plan visibility splays and access 01-003 Rev 001 received 27.04.16
Site block plan 01-002 Rev 001 received 27.04.16
Proposed elevations sheet 1 01-301 Rev 001 received 27.04.16
Proposed elevations sheet 2 01-302 Rev 001 received 27.04.16
Proposed floor and roof plans 01-102 Rev 001 received 27.04.16
Proposed floor plans 01-101 Rev 001 received 27.04.16
Planning Statement received 27.04.16
Design and Heritage Statement received 27.04.16

BACK TO AGENDA
APPLICATION NUMBER
16/00316/FUL

SITE ADDRESS:
Wallands Farmhouse, Brassington Road, Brassington

DESCRIPTION OF DEVELOPMENT
Demolition of agricultural building and erection of dwelling

CASE OFFICER
H Frith

APPLICANT
Mr N Spiteri

PARISH/TOWN
Brassington

AGENT
Planning Design Practice

WARD MEMBER(S)
Councillor L Rose

DETERMINATION TARGET
13.07.16

REASON FOR DETERMINATION BY COMMITTEE
Requested by Ward Member

REASON FOR SITE VISIT (IF APPLICABLE)
Not applicable

MATERIAL PLANNING ISSUES

Principle of the development
The impact upon landscape character and appearance
Impact upon the loss of part of an area of ridge and furrow of regional importance

RECOMMENDATION
Refusal

This matter is being re-presented to the Committee from the meeting of the 12th July where the meeting closed prior to this application being considered.
1. THE SITE AND SURROUNDINGS

The application site relates to a collection of farm buildings, in particular the steel framed farm buildings fronting the highway to the east of the site. The site is within open countryside with stone farm buildings to the west and planning permission has been granted for a replacement farm house to the south of the site in the field opposite the access. The site is enclosed by hedging with a stone boundary wall to the site frontage.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to demolish the existing steel framed farm buildings which are in a dilapidated state and erect a new dwelling to the north of the buildings to be demolished. The proposed dwelling would be served from a shared driveway leading from the highway to the east of the site. The dwelling proposed would be of a quasi-agricultural design. The main part of the building is to be two storeys in height with a single storey element creating a ‘T’ shape form with large glazed central hallway feature. A number of large glazed doorways are proposed in the ground floor with domestic type windows to both the ground and upper floor.

2.2 The accommodation proposed is as follows:
Boot room, utility, kitchen and living area, central hallway, lounge, dining room, WC, en-suite and bedroom on the ground floor. On the first floor three bedrooms, an en-suite and bathroom are proposed. A lean to car port structure is proposed to the eastern side elevation of the building.

2.3 A supporting statement has been submitted which notes the following key points:
Wallands farm is located approximately one mile to the south of the village of Brassington which has a range of services and facilities and is served by a bus service. The existing buildings on the site are of little visual merit. The building was granted prior approval for conversion to a dwelling under Class Q of the GPDO in January 2016 (15/00866/PDA).
This approval also authorised the conversion of the traditional farm buildings to the west of the site. Planning permission has also been granted to replace the former farmhouse with a new dwelling. The landscape context is relatively flat and open with hedges forming field boundaries. The access has good visibility.

2.4 The agricultural building benefits from approval under class Q for conversion to a dwelling. The alterations authorised in association with such conversion are limited. Whilst the building is of little character it would retain much if it’s utilitarian character post-conversion and would be visible in the landscape for years to come. The applicant is of the view that replacing the existing utilitarian outbuilding with a purpose built structure designed from the outset to have the character and appearance of a sympathetically converted traditional agricultural building, would be a better alternative. The proposed building will provide four bedroom accommodation as did the proposed conversion. The building has been designed to have the appearance of a traditional farm building. The footprint of the building would be moved to the north to open up views of the traditional farm buildings and improve the relationship with the existing dwelling, providing greater separation from the approved conversion.

2.5 The proposal effectively constitutes a replacement dwelling, although the outbuilding is yet to be converted. The applicant would accept a condition to demolish the existing building in order to build the new dwelling. Approval would not result in a net increase in the number of dwellings. The existing building is uninspiring and out of keeping with the vernacular. The proposed dwelling would be more in keeping with its landscape and context. It should be noted that the council cannot currently demonstrate a 5 year housing land supply. Paragraph 55 of the NPPF advises that local authorities should resist new isolated homes on the countryside unless there are special circumstances. Whilst this is not a sustainable location the proposal would not lead to any increase in the total number of units approved at the site. The scheme will also improve the character and appearance of the area.

2.6 The proposal is considered to be sustainable in economic, social and environmental terms. The impacts of the scheme are minor relative to its merits and therefore fail to outweigh them.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK
3.1 Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in The Countryside
   SF5: Design And Appearance of Development
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development

3.2 Other:
   National Planning Policy Framework and National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:
4.1 15/00866/PDA Change of use of agricultural buildings to 2 no. dwelling houses (Use Class C3) and associated building operations – Prior Approval Granted

5. CONSULTATION RESPONSES
5.1 None received from Brassington Parish Council

The following comments have been received from the neighbouring Parish of Carsington and Hopton:
The Parish Council strongly object to the application. The PC is mindful of the permission relating to this site.

The Applicant now seeks to demolish one of the barns on the basis that it is out of keeping with the rest of the buildings on site by its very nature and construction. The Applicant states that the replacement will be built from stone rather than the existing block materials it currently comprises, and of good design. The Parish Council feel that this development would set a very dangerous precedent if it were to be granted permission.

It is believed that this application is far removed from the spirit of the original legislation which allows for the conversion of barns into residences in these circumstances. If granted this would create a back door route which would enable the building of a new house in rural locations where they would not ordinarily be permitted under the current planning framework. It would simply require an applicant to initially justify a modern farm building, of say metal and sheet construction. Once that agricultural use is no longer required an application would be made to demolish that building and build a house to the same size and of completely different materials using the justification of good design. To simply say that as a barn doesn't sit well with the rest of the development on site that it warrants a whole new building of entirely different construction, and slightly relocated at that, is taking the planning system too far and is not justifiable in this case. It is also felt that if this application is allowed the overall appearance of the site would be far removed from the original farmstead and have a more suburban feel which is out of character with the surrounding area.

Derbyshire County Council (Highways)

5.2 No objection to the scheme and recommend the same conditions as requested on 15/00866/PDA.

Landscape Design Officer (Derbyshire Dales)

5.3 The remaining buildings stand in isolation in a prominent and exposed position. There are wide ranging views of the site to the west where land drops steeply away. The overall effect of the proposed development would be to replace a compact range of farm buildings with a much more widely dispersed cluster of three domestic properties with only the property at Barn 2 being as a result of actual conversion.

The development represents an intrusion of residential development into open countryside without the benefit of conversion of an existing farm building; as such it will have a significant adverse impact upon local landscape character. The property will be prominent in the view from Brassington Road resulting in significant adverse impact on local visual amenity. The cumulative impact of all three domestic properties within open countryside will have a significant adverse impact upon local landscape character and visual amenity.

Development Control Archaeologist

5.4 Development of the proposal site will involve loss of an area of earthwork ridge and furrow of medieval date. The extent of earthwork loss is not entirely clear from the application, and depends to some extent on whether earthworks in the curtilage of the proposed buildings are to be levelled, but could amount to 0.3ha. A further 0.4ha would be lost to the south of the farm should the application 16/00317 for a dwelling in the paddock to the south gain consent.

The ridge and furrow forms part of a large block mapped on the Derbyshire Historic Environment Record (HER 30649) around Wall Lands and Carslow and amounting to 123ha in total. Better-preserved elements of this block are recorded by SHINE (Natural England’s selected heritage inventory) as ‘medium’ significance and amount to c21ha around Wall Lands with a further 15ha just to the north. The proposal site therefore forms a small percentage of the overall ridge and furrow resource in the area (about 1% of the SHINE site around Wall Lands). In combination with the associated application to the
south this would see a loss of about 0.7ha or 3% of the ridge and furrow resource around Wall Lands.

Given its extent the surviving ridge and furrow in the area is likely to be of regional significance, although this asset would only incur a minor harm from the current development proposals. In determining the application the local planning authority should form a balanced judgement weighing this harm against the benefits of the development proposals (NPPF para 135).

6. REPRESENTATIONS RECEIVED
6.1 None

7. OFFICER APPRAISAL
The following material planning issues are relevant to this application:
1. The principle of development
2. The impact upon landscape character and appearance
3. Impact upon the loss of part of an area of ridge and furrow of regional importance

Principle of Development

7.1 The application site lies within open countryside in a location where new residential development is restricted.

7.2 Whilst the Council considers that it can now demonstrate a 5 year housing land supply, the policies of the Adopted Local Plan remain out of date and therefore paragraph 14 of the NPPF remains the primary policy guidance for the determination of applications for housing development at the present time.

7.3 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:
− Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
− Specific policies in this framework indicate development should be restricted.

7.4 It is acknowledged that in order to meet the housing needs of the District over the plan period some development is likely in the villages and on green field sites where such development can assist in the continued provision of local services and facilities. However, this application relates to an isolated rural setting where such a development cannot be considered sustainable as the occupiers of the property would be wholly reliant on the private motor car in order to access all services and facilities.

7.5 Paragraph 55 of the NPPF advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
It is essential for a rural worker to live permanently at the site,
The development would present optimal viable use of a heritage asset or disused building or,
The exceptional quality or innovative nature of the design of the dwelling, such a design should:
− Be truly outstanding or innovative
− Reflects the highest standards of architecture
− Significantly enhance its immediate setting; and
− Be sensitive to the defining characteristics of the local area.

7.6 It is not considered in this case that any of these special circumstances apply. The dwelling is not required for an agricultural worker. The design of the dwelling is not truly innovative or of special high quality architecture. The quasi agricultural design and the
sporadic siting of dwellings across the site which would result from this development would not significantly enhance the setting or be sensitive to the defining characteristics of the area. Therefore the proposal is contrary to the requirements of paragraph 55 in relation to unsustainable development in the open countryside.

7.7 It is noted that prior approval has been approved to convert the existing farm building under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. This legislation permits the conversion of agricultural buildings subject to certain criteria and the principle of this has been agreed under part a) of Class Q. However this permitted conversion has not taken place, and part b) of Class Q is yet to be submitted. Therefore this development cannot be considered as a replacement dwelling as there is no dwelling there to replace, merely a permission to convert. The purpose of this legislation is to enable the re-use of redundant farm buildings to boost housing supply. The legislation does not permit any extension or demolition and rebuild of the farm buildings to be converted and is restrictive in this regard to ensure conversion only. Therefore this proposed development has to be considered solely as a new build residential development in the open countryside in a wholly unsustainable location which is contrary to the core principles and paragraph 55 of the NPPF.

Landscape and visual impact

7.8 The restrictions on conversion of the buildings set out in the legislation ensure that the rural nature of the landscape context, of which rural farm buildings are in intrinsic part, is preserved. The proposal is to demolish part of a collection of farm buildings and erect a new dwelling further to the north of the site within the middle of the open field. This will result in a sporadic siting of dwellings within the wider context which will have an urbanising effect upon the appearance of the site.

7.9 The design of the dwelling has been noted by the applicant’s agent to have the appearance of a traditional farm building. The two storey scale, ‘T’ shaped form and design details are considered to result in a building of a domestic appearance and therefore the building would not have the appearance of a utilitarian building associated with a farming operation. It is also worth noting that whilst the existing farm building of little merit their conversion would retain the form of a wider group of utilitarian farm buildings and would likely improve the overall appearance of the existing buildings.

7.10 It is considered that the siting and the design of the proposed dwelling being overly domestic and of an urbanising form will cause harm to the character and appearance of the site as a traditional rural farmstead and the wider landscape character of which such farmstead groupings are typical. As such the proposal is considered to be contrary to Policies SF5 and NBE8 of the Adopted Local Plan which require development to preserve or enhance the quality and local distinctiveness of the surroundings and that protects or enhances the character, appearance and local distinctiveness of the landscape.

7.11 These policies of the local plan are considered, to some extent, to be in line with the National Planning Policy Framework. The proposal is also considered contrary to specific policies within the NPPF which requires that development should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and avoiding isolated new homes in the countryside.

Impact upon ridge and furrow

7.12 Paragraph 135 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Where there is a direct or indirect impact a balanced judgement will be
required having regard to the scale of any harm or loss of the significance of the heritage asset.

The application site is an area that covers a small percentage of a much larger area of ridge and furrow which as a whole is considered to be of regional significance. However given the minimal extent of the loss in terms of the area of ridge and furrow it is considered that the proposal will have minimal impact upon the significance of the ridge and furrow as a non-designated heritage asset. Therefore in accordance with paragraph 135 of the NPPF this will not amount to a level of harm to the non-designated heritage asset such that refusal of planning permission is warranted.

**Highway safety**

7.13 The Highway Authority has not to date provided any comments on this application. However, the access to the site appears to have sufficient visibility splays to allow safe access along this stretch of road. Without information to the contrary it is considered that safe access and sufficient parking can be achieved to the site in accordance with policies TR1 and TR8 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

**Conclusion**

7.14 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

7.15 This development needs to be considered against the three roles of sustainability. In this case these roles are assessed as follows:

- The economic role of sustainability will be met during construction and afterwards in the contribution to the economy created by the new occupiers, although this would be just as well served by the conversion of the existing building and therefore can only be given limited weight as a benefit.
- The social role of sustainability would not be met as occupiers of the building would be wholly reliant on the private motor vehicle in order to access services and facilities.
- The environmental role of sustainability would not be met due to the harm the development would have upon the character and appearance of the site as a traditional farmstead and as a typical feature in the landscape this would also harm the wider landscape character and appearance. Furthermore the reliance on the private motor vehicle to access services and facilities would result in additional pollution and emissions also contrary to the environmental role of sustainability.

7.16 Therefore when all matters are considered in the round the harm from the development is considered to be significant and demonstrable harm that is not outweighed by the minor economic benefit of the scheme that would equally be provided by the conversion already approved. Therefore planning permission is recommended for refusal.

**8. RECOMMENDATION**

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

1. The site lies in open countryside, without ready access to basic services, facilities and employment opportunities. The construction of a dwelling house, which does not need to be in such an isolated rural location, would be an inherently unsustainable, unwarranted and non-essential form of development in the countryside. As such, the
The proposal would be contrary to the requirements of paragraph 55 of the National Planning Policy Framework and would result in significant and demonstrable harm outweighing any benefit, contrary to the requirements of Paragraph 14 of the National Planning Policy Framework.

2. The siting, form and design of the dwelling would result in a form of development that would have an urbanising impact upon the wider site and is harmful to its character and appearance and the wider landscape character and appearance of the area. As such the proposal is contrary to policies SF5 and NBE8 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

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

This decision notice relates to the following documents:
Site location plan no. 2210-65 received 18.05.16
Site plan as proposed (permitted) 2210-50 received 18.05.16
Site plan as existing 2210-66 received 18.05.16
Supporting statement received 18.05.16
General arrangement as proposed 2210-63 received 18.05.16
Overall site plan as proposed 2210-62 received 18.05.16
Barn conversion unit 2, plans as proposed 2210-53 received 18.05.16
Barn elevations as proposed 2210-54 received 18.05.16
Barn elevations as existing 2210-52 received 18.05.16
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00095/OUT</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land off Babbs Lane, Doveridge</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential Development of up to 165 Dwellings, Up to 47 Units of Class C2 Extra Care and Doctors Surgery (Outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>PARISH</td>
<td>Doveridge</td>
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<tr>
<td>APPLICANT</td>
<td>Gladman Developments</td>
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<tr>
<td>AGENT</td>
<td>None</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Catt</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>13th May 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>To seek a resolution from committee following the decision of the applicant to appeal against non-determination.</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment</td>
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</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Impact of the development on medieval ridge and furrow earthworks, an undesignated heritage asset, below ground archaeology and the historic landscape;
- Sustainability of location, scale and the impact on existing services and facilities;
- Impact on local landscape character / the character and appearance of the locality
- Impact on the local environment, including mature hedgerows, trees and ecology;
- Whether there would be any highway safety implications
- Residential amenity impacts for existing and proposed residents and impact of noise from the A50;
- Affordable housing and housing mix;
- The land to be set aside for a new doctors surgery, and;
- Surface water drainage

**RECOMMENDATION**

Committee resolve that had they been asked to make a decision on this scheme they would have been minded to refuse it for the reason stated.
Babbs lane, Doveridge

Derbyshire Dales DC

Date: 29/07/2016

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephones: (01629) 731100.
Website: www.derbyshiredales.gov.uk
1. INTRODUCTION

1.1 The applicant has chosen to appeal against non-determination of the application. In non-determination appeals it is good practice to establish what the decision of the Local Planning Authority would have been in order that both parties can effectively prepare their cases. A view is therefore sought from members as to what decision they would have made had they been empowered to determine the application. A decision will ultimately be made by an Inspector appointed by the Planning Inspectorate who has agreed to the appeal being heard by Public Inquiry (date to be confirmed). This report assesses the planning merits of the submitted scheme and should members agree with the officer view the reasons stated will provide the basis of the Council’s case to be presented at the Public Inquiry.

2. THE SITE AND SURROUNDINGS

2.1 The site comprises a collection of agricultural fields, used as pasture, between Derby Road and the A50 and between Babbs Lane and Cavendish Lodge (see figure 1). The fields cover an area of approximately 10.8ha and are bound and subdivided by hedgerows with scattered, mature hedgerow trees. A mature hedge lines the boundary with Babbs Lane (see figure 2) and Derby Road. An established hedgerow and belt of trees planted in association with the A50 mark the north eastern boundary of the site (see figure 3). A hedgerow and hedgerow trees line the track / footpath that marks the southern boundary of the site with Cavendish Lodge and Steve Fosters Crane Hire premises (seen in the background of figure 3).

2.2 Fields at the south western end of the site are more closely related to existing development immediately to the west and at Cavendish Close and Baker’s Lane on the southern side of Derby Road. Otherwise the local settlement pattern is fragmented with outlying properties at The Cottage and Holme Lea (see figure 4).

2.3 The site is generally level and low lying within the landscape and is not conspicuous within medium to long distance views. However, it is open within the view from Derby Road and the public footpaths which traverse the site (no.s 18 and 19 ‘Doveridge’ and the footpath which follows the route of the track which marks the southern boundary (no. 17 ‘Doveridge’).

2.4 The site forms part of an area of land identified within the Historic Environment Record (HER) as a coherent block of medieval field system ridge and furrow. Access to the land can be achieved via field access gates at the southern end of the site off Derby Road and to the north, where the remaining section of Old Marston Lane terminates at the A50.
3. DETAILS OF THE APPLICATION

3.1 Outline planning permission is sought for the erection of up to 165 new dwellings on the land, the provision of an area of land to accommodate an extra care facility of up to 47 units and land for a new doctor’s surgery. The application reserves all matters, other than the point of access into the site, which will be from Babbs Lane. Various illustrative masterplans are contained within the supporting Design and Access Statement which considers the extent of the proposed residential area (some 4.93ha), land to be set aside for an extra care facility, which is shown at the south western corner of the site and covers an area of 0.54ha and land for a doctor’s surgery covering an area of 0.13ha to the south of this. In addition to the above the indicative masterplans make provision for:

- A noise attenuation bund;
- Highway and associated infrastructure works including pedestrian links;
- Formal and informal public open space, and;
- Landscaping

3.2 Existing public rights of way are shown to be retained and enhanced, connecting across the site via green corridors that link to the wider surroundings. Most of the existing trees and hedgerows are also shown to be retained. Public open space to the north and north east will include connecting paths set within a wooded landscape buffer. A balancing pond is shown to be located within public open space at the south eastern end of the site.

3.3 The indicative masterplans illustrate how the site could be development. The main purpose of the various masterplans is to show that the level of development proposed is achievable / can be accommodated on the site. Although the applicant has sought to
agree access, it would appear that only the point of access onto Babbs Lane is to be agreed, as internal roads are shown as indicative as is the layout of the houses / development.

3.4 In addition to the various indicative masterplans contained within the Design and Access Statement prepared by Gladman, the application is accompanied by the following supporting documents:-

- Development Framework Plan by FPCR
- Landscape & Visual Assessment by FPCR
- Transport Assessment by Gladman
- Proposed Access Drawing GA023-001-001 prepared by Gladman
- Travel Plan by Gladman
- Ecological/Biodiversity Report by FPCR
- Arboricultural Assessment by FPCR
- Phase I Site Investigation Report by LK Consult Limited
- Flood Risk Assessment (FRA) by LK Consult Limited
- Foul Drainage Analysis Report by Utility Law Solutions
- Air Quality Screening Report by Wardell Armstrong
- Noise Assessment by Wardell Armstrong
- Archaeology Report by CgMs
- Socio-Economic Impact Report by Gladman
- Statement of Community Involvement by Gladman
- Planning Statement by Gladman
- Affordable Housing Statement by Levvel
- Bat Survey Report by FPCR, and
- Sustainability Assessment by Rural Solutions

3.5 All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the ‘Issues’ section of the report. The broad outline of the applicant’s supporting case is set out in the Planning Statement. It is considered that the proposal provides significant material planning benefits, which weigh heavily in favour of the application including:

- Delivering market housing to meet an identified need, in an area where there has been historical substantial under-delivery;
- The application would deliver 35% affordable homes and provide the full range of affordable housing, which exceeds the current adopted policy requirement of 33%. The Council’s SHMA (2015) calculates a net need of 101 affordable homes per annum. In circumstances where there is a chronic shortage of affordable housing in Derbyshire Dales, this should be regarded as a significant material benefit which weigh heavily in favour of the application proposals.
- The Derbyshire Dales Housing & Economic Development Needs Assessment indicates a net need for 436 C2 bed spaces for older persons over the 2013-33 period, equivalent to 22 per year. The development proposals which include 47 Extra Care units will make a valuable contribution towards meeting that need.
- The proposals will provide land to accommodate a GP Surgery. This is considered a material benefit which allows the NHS to meet existing and newly arising need;
- The proposals will provide a noise attenuation bund and fence. It is considered that once installed the bund/fence combination and the proposed dwellings themselves will provide some useful noise screening from road traffic from the A50 at some of the existing residential receptors near the development site, off Derby Road, and Babbs Lane.
- The site will provide 2.52ha of open space provision, for the benefit of new residents and the existing wider community;
• New Homes Bonus of £1.7million and the wider economic benefits associated with construction and job creation; and
• Ecological benefits through the protection and enhancement of existing wildlife corridors and provision of new green infrastructure within the development.

3.6 The argument put forward by the applicant is that there are no significant and demonstrable adverse impacts that would outweigh the benefits of granting permission when assessed against the Framework as a whole in this case. The applicant considers that the proposals constitute sustainable development in the context of the environmental, social and economic dimensions of sustainability.

3.7 Appended to the applicants supporting statement is a list of suggested conditions and a document titled draft heads of terms for Section 106, which includes a commitment to provide 35% affordable housing including starter homes and bungalows, the provision of open space, an equipped play area, allotment and other contributions which may be identified through the planning process subject to meeting appropriate tests of necessity and reasonableness.

4. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

4.1 The Development Plan

The Development Plan consists of the Derbyshire Dales Local Plan (Adopted November 2005)

Adopted Derbyshire Dales Local Plan (DDLP)
SF4: Development in the Countryside
SF5: Design and Appearance of Development
SF6: Protection of the Best Agricultural Land
SF7: Waste Management and Recycling
SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
H4: Housing Development Outside of Settlement Framework Boundaries
H9: Design and Appearance of New Housing
H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
NBE5: Development Affecting Species Protected by Law or are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE16: Development Affecting a Listed Building
NBE24: Archaeological Sites and Heritage Features
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
CS8: Provision of Community Infrastructure
TR1: Access Requirements and the Impact of New Development
TR2: Travel Plans
TR3: Provision for Public Transport
TR8: Parking Requirements for New Development
L6: Outdoor Playing and Play Space in New Housing Developments

4.2 Other
National Planning Practice Guidance
Draft Derbyshire Dales Local Plan
5. RELEVANT PLANNING HISTORY

5.1 None.

6. CONSULTATION RESPONSES

6.1 Doveridge Parish Council:

Have employed planning consultants to object on their behalf. A detailed submission has been made which runs to in excess of 20 pages. The concerns raised are condensed into an executive summary which highlights the following concerns / objections.

1. The proposed development would constitute inappropriate development outside of a defined settlement boundary in the countryside contrary to Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan 2005 and the policies of the NPPF.

2. Insufficient evidence has been provided to demonstrate that the site is not the best and most versatile agricultural land. In the absence of such information it is considered that the development would contrary to policy SF6 of the Derbyshire Dales Local Plan and the NPPF.

3. The application site will have a negative adverse impact upon the sensitive rural local landscape character, as defined by the LPA’s Landscape Sensitivity Assessment, contrary to Policy NBE8 of the Derbyshire Dales Local Plan 2005 and policies of the NPPF.

4. The proposal will have a negative adverse impact upon the recreational amenity of the area, contrary to policy L9 of the Derbyshire Dales Local Plan 2005 and policies of the NPPF.

5. Planning applications for 70 dwellings on land at Bakers Lane (15/00389/OUT), and 46 dwellings at Cavendish Cottage, Derby Road (15/00570/OUT) have both been given a resolution to grant. In addition there is a pending application for up to 85 dwellings on land off Hall Lane, Derby Road (15/00739/OUT) and a proposed allocation within the emerging local plan for 18 dwellings on land off Sand Lane (SHLAA Ref: 384). It is considered that this proposal, when added to existing applications for residential development, the cumulative impact would be so significant (384 dwellings), that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that will be central to the emerging Local Plan or Neighbourhood Planning. The village of Doveridge currently comprises some 600 dwellings and the addition of a further 384 dwellings would represent a 64% increase. It is considered that this increase will significantly change the character of the village and overwhelm its existing facilities and infrastructure. It is therefore considered that planning permission should be refused on grounds of prematurity.
6. The application will see a significant increase in traffic volume using the local highway network. Residents from all existing, pending, and proposed applications in Doveridge travelling west via the A50 will be required to use the Derby Road/Marston Lane roundabout. Traffic arising from the pending application at Land off Derby Road (15/00739/OUT) and resolution to grant at Cavendish Cottage and land off Derby Road (15/00389/OUT) travelling east towards Derby will be required to access the Derby Road/Marston Lane roundabout and pass both Babbs Lane and the site with a resolution to grant at Bakers Lane (15/00570/OUT). It is considered that when considering all committed and proposed developments in Doveridge, there will be a significant adverse impact on the local highway network. Derby Road also forms part of the National Cycle Route 54. It is also considered that the increase in traffic generation as a result of this application when combined with the traffic generation from other developments in Doveridge, will have an adverse impact on the safety of cyclists using this route.

7. There is no confirmed commitment the provision of much needed community or utility infrastructure contrary to Policy CS8 of the Derbyshire Dales Local Plan 2005 and the policies of the NPPF.

6.2 Derbyshire County Council (Highways):

The application is in outline form with all matters, except for access, being reserved for future consideration; however, where similar outline planning applications have recently been submitted, consideration may need to be extended to cover ‘access’ within the site as well. From a highways perspective, and for the avoidance of doubt, I have limited my consideration to the primary vehicle access point off Babbs Lane only, as identified on the Proposed Access Strategy drawing (Drg No GA023-001-002).

Babbs Lane is currently a non-classified, narrow, rural lane with limited geometry, construction and facilities for pedestrians. There is no obvious drainage, no street lighting and the lane is subject to the national speed limit – although it is appreciated vehicles would not be in a position to reasonably attain these speeds. In its current format it would not be particularly suitable to safely cater for such an increase in development related traffic (vehicular or pedestrian) associated with further residential dwellings.

The applicant is keen to utilise Babbs Lane and its current junction with Derby Road to gain access to the development site, rather than perhaps a direct access off Derby Road itself – presumably to limit any impact on the roadside trees, on the Derby road frontage. The junction of Babbs Lane with Derby Road is considered acceptable from a highways perspective and already demonstrates adequate visibility sightlines in each direction. The Proposed Access Strategy drawing (Drg No GA023-001-002) shows Babbs Lane being widened to a minimum 6.75m (to allow potential penetration by existing bus services in the future), with the provision of a 2.0m wide linking footway back to Derby Road and Babbs Lane re-prioritised into the site, given the predominant vehicle flow will be to and from the new development. This is considered acceptable from a highways viewpoint but the proposed improvements will inevitably result in the loss of two mature trees and a significant section of hedgerow alongside Babbs Lane as a consequence of the carriageway widening and footway improvement works.

Babbs Lane beyond the proposed site access would form a side road junction onto the new estate street. This has been demonstrated to accommodate the manoeuvres of large agricultural vehicles likely to use the lane, which is considered acceptable in principle from a highways perspective. However, the applicant should be made aware that given the existing format of Babbs Lane that significant improvements, beyond what are shown or considered on the Proposed Access Strategy drawing, will need to be undertaken to ensure the access via this route is acceptable and can safely accommodate the increase
in residential traffic (vehicular and pedestrian), it will be subjected to; the details shown are an access ‘strategy’ and detailed designs may vary or slightly alter the access arrangements from those currently shown. The main improvements are likely to comprise possible reconstruction / strengthening of Babbs Lane, provision of street lighting and drainage, provision of safe crossing opportunities (across Babbs Lane and Derby Road), trimming / cutting back existing vegetation and relocation of the existing speed limit to a more appropriate location. Ideally more detailed designs should be provided given access is not a reserved matter, to ensure the precise details are fully considered and can be appropriately secured. Alternatively, conditions could be formulated that require further detailed information to be submitted at reserved matters or subsequent full application stage. These works will also be required to be undertaken prior to any development on site taking place to ensure that construction vehicles have an adequate access to and from the site. In the case of alterations to the existing speed limit, this will need to be promoted by the Highway Authority and will need to be the subject of a separate consultation exercise, the outcome of which cannot be pre-empted at this stage. It will therefore be necessary for the applicant to use their ‘best endeavours’ to achieve such alterations and fund the County Council to carry out the necessary processes, whether it is ultimately successful of not.

It will be necessary to carry out some form of pedestrian type audit to ensure appropriate walking routes and crossing facilities are available or are put in place to access key attractants within the village (school, shop, village hall etc.), to ensure safe routes are available for future residents. This may identify some off-site highway works, which would need to be secured and funded by the developer (either by condition and / or funding made available through any Section 106 Agreement).

Given the scale of development and extent of the site it may be desirable to divert existing bus services through the site, to encourage sustainable forms of travel. This was briefly raised in prior informal discussions with the applicant’s agent, however, it is presumed the bus operators have not yet been contacted to establish if this would be feasible to achieve in the future. Therefore in the interim period consideration should be given to providing additional or relocated bus stops that would be more convenient to the site, on the Derby Road frontage, which may include bus shelters, to enhance public transport facilities. Further allowance for developer funded improvements should therefore also be included in any Section 106 Agreement.

As identified in the Travel Plan comments above existing public rights of way within and adjoining the site, along with the creation of potentially new pedestrian access points on the site boundary, could improve pedestrian connectivity and permeability to and from and through the site, although improvements may need to be carried out on parts of these routes to ensure all weather use and that they are adequately drained and lit for the safety of pedestrian users. This should be considered when developing plans for any subsequent reserved matters or full application submission.

There will inevitably be an increase in traffic in the Doveridge area, as a result of the development proposals at this site, however, the Highway Authority is generally satisfied that there are no fundamental highway issues that would result in a severe impact of the surrounding highway network (with reference to Paragraph 32 of the National Planning Policy Framework), or that would exacerbate existing highway safety concerns in the vicinity of the site. Increased levels of traffic, as a consequence of development, would not necessarily constitute sufficient grounds alone to recommend refusal of a planning application, except where it can be clearly demonstrated that the generated traffic will have a harmful effect on highway safety, relative to existing conditions on the road network. It would be entirely inappropriate for the Highway Authority, in its role as a statutory consultee in the planning process, to recommend that the Local Planning Authority should refuse permission if it was not confident that sound, sustainable and defensible reasons
existed. Based on the evidence and information currently available, the Highway Authority would not be in a position to support or defend a reason for refusal of planning permission, on technical grounds.

Cumulatively there are a number of issues, as identified above, which should be given further consideration or require clarification from the developer before the application is determined - including additional off-site interventions and access improvements to support the application proposals. However, should your Authority be minded to determine the application in its submitted format these matters could be addressed by condition, requiring further details to be submitted at subsequent reserved matters or full application stage, and / or covered by Section 106 obligations. The Local Highway Authority also request that monies (not exceeding £5000) are secured towards the future monitoring of the Travel Plan.

**Impact on existing public rights of way – Doveridge Footpaths 17, 18 and 19**

The integrity of the existing rights of way across the site should be maintained, and enhanced where possible. These routes should be designed into the scheme as positive open features, enjoying a degree of natural surveillance in order to maximise their attractiveness, and upgraded to a suitable specification for year round use.

6.3 **Derbyshire County Council (Land Drainage)**

In raising no objections to the development subject to conditions the Land Drainage Authority make the following comments:

It appears the applicant hasn’t undertaken an appropriate ground investigation to support and inform the application. Therefore the application cannot demonstrate the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000. It is noted from the Flood Risk Assessment (FRA) that it is likely that infiltration is not likely to be feasible as the destination for surface water. However, infiltration rates across the site should be investigated to explore what percentage of surface water runoff may be discharged via this route, if applicable, which may affect the required storage volume.

The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required. The applicant should ensure that any proposed attenuation basins are situated appropriately in line with current site levels.

The FRA makes reference to a number of ditches located across the site, the applicant should be aware that these ditches form part of the river network and as are termed ‘ordinary watercourses’ as such any alteration wishing to be made to these watercourses will require consent under that Land Drainage Act (1991).

Whilst realistic provision has been provided for the area of balancing pond the applicant should ensure there is an adequate provision of access in order to carry out maintenance for the size of attenuation indicated. The CIRIA SuDS Manual recommends a safety bench and maintenance access distance of more than 3.5m for balancing ponds. This would allow for suitable vehicular access in order carry out essential management and maintenance for the lifetime of the development. Furthermore the applicant should provide 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.
Conditions to secure detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and information to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000 are recommended in addition to a number of advisory footnotes.

6.4 Derbyshire County Council (Strategic Planning)

Initial Response:

Requested that the development be afforded access to high speed broadband services and that new homes be designed to Lifetime Homes standard. Also encourage the installation of 32mm water main risers and sprinkler systems.

In relation to education, advised the following. The proposed development falls within the normal area of Doveridge Primary School. The proposed development of 165 dwellings would generate 33 primary pupils. Doveridge Primary School has capacity for 105 pupils and currently has 79 pupils on roll. The number of pupils on roll is projected to decrease to 49 during the next 5 years, indicating a surplus of 56 places. The County Council have advised that analysis of recently approved planning applications within the normal area shows no developments (with planning permission or allocated in an Adopted Local Plan). The County Council therefore advised that all of the 33 primary pupils generated by this development could be accommodated within the normal area primary schools.

Looking at secondary education the County Council advised that the proposed development falls within the normal area of Queen Elizabeth’s Grammar School at secondary level and that the proposed development would generate 25 secondary and 10 post-16 pupils.

The County Council advised that Queen Elizabeth’s Grammar School has capacity for 1384 pupils and currently has 1281 pupils on roll. They advised that the number of pupils on roll is projected to decrease to 1212 within the next 5 years, resulting in a projected surplus of 172 places. An analysis of recently approved planning applications within the normal area of Queen Elizabeth’s Grammar School shows developments totalling 648 dwellings, which would result in an additional 97 secondary and 39 post-16 pupils. Taking into account this analysis of recently approved planning applications, the school would have a projected surplus of 36 places. As such, it was concluded that the 25 secondary and 10 post-16 pupils that would be generated by this development could not be accommodated by the normal area school.

Given the resolutions to grant planning permission for new housing development at Cavendish Cottage (up to 46 dwellings) and Derby Road (up to 85 dwellings), in addition to 70 dwellings at Bakers Lane (all commitments), a further response from County Council Strategic Infrastructure was sought.

Second Response:

Following previous appeal decisions Derbyshire Dales District Council has advised that the County Council’s assessment of proposed development must only consider the impact of other development that is ‘committed’ (has planning permission or is allocated in an adopted Local Plan). For a development to have planning permission a decision notice would need to have been issued.

I understand from you that Derbyshire Dales District Council Planning Committee has resolved to grant planning permission for applications 15/00739/OUT, 15/00389/OUT and
15/00570/OUT. However, the issuing of planning permission for these applications is subject to Section 106 agreements that have not yet been signed, and decision notices have not yet been issued. The Derbyshire Dales District Council planning application public access portal shows these applications as ‘awaiting decision’. These sites are proposed to be allocated in the emerging Derbyshire Dales Local Plan but the emerging Local Plan is not yet adopted.

Therefore, I cannot factor applications 15/00739/OUT, 15/00389/OUT and 15/00570/OUT into my assessment and my original response to application 16/00095/OUT still stands.

Having said that, if the Section 106 agreements were signed and the decision notices for applications 15/00739/OUT, 15/00389/OUT and 15/00570/OUT were issued, I can confirm that in that scenario (based on analysis of projections as of today) the County Council’s advice would be as follows:

The proposed development falls within, and directly relates to, the normal areas of Doveridge Primary School and Queen Elizabeth’s Grammar School. The proposed development of 165 dwellings would generate the need to provide for an additional 33 primary, 25 secondary and 10 post-16 pupils.

Doveridge Primary School has a net capacity of 105 pupils and has 78 pupils on roll currently. The number of pupils on roll is projected to decrease to 47 during the next 5 years, indicating a projected surplus capacity of 58 places. However there are a number of recently approved planning applications within the normal area totalling 201 dwellings which will generate an additional 40 primary pupils. Therefore the normal area primary school would have capacity to accommodate only 18 of the 33 primary schools that would be generated by the proposed development. Therefore a financial contribution of £170,985.15 would be required to provide 15 primary places via the delivery of “Doveridge Primary School Project A: Extension to teaching accommodation”.

Queen Elizabeth’s Grammar School has a net capacity of 1,384 pupils and currently has 1,282 pupils on roll. The number of pupils on roll is projected to decrease to 1,220 during the next 5 years, indicating a projected surplus capacity of 62 places. However there are a number of recently approved planning applications within the normal area totalling 831 dwellings which will generate an additional 125 secondary and 50 post-16 pupils. This will result in the school being over capacity by 113 pupils. Therefore the normal area secondary school would not have capacity to accommodate any of the additional pupils generated by the proposed development. A financial contribution of £429,404.25 would be required to provide 25 secondary places via the delivery of “Queen Elizabeth’s Grammar School Project B: Additional secondary classroom” and a financial contribution of £186,279 would be required to provide 10 post-16 places via the delivery of “Queen Elizabeth’s Grammar School Project C: Extension to post-16 accommodation”.

According to the County Council’s records, no obligations have been secured for any of these projects since April 2010.

6.5 Derbyshire Wildlife Trust

Derbyshire Wildlife Trust have looked at The Ecological Appraisal which accompanies the application and sets out the details of the results of an Extended Phase 1 Habitat Survey undertaken during July 2015 and advise the following:

The site was identified to comprise field compartments of improved and poor semi-improved grassland bounded by hedgerows with mature trees. We would advise that the grassland is of limited botanical significance but the hedgerow network with hedgerow trees is of some significance in respect of both landscape and ecology.
The site is located within the Needwood and South Derbyshire Claylands National Character Area 68. Within the NCA profile it is identified that the distinctive field boundary patterns and characteristic hedgerows and hedgerow trees are key characteristics of this landscape character type. The strong hedgerow network needs to be maintained in order not to erode the essential “sense” of this landscape.

The “Statement of Environmental Opportunities” SEO1 of the NCA profile seeks to “conserve and enhance the essential character of this mainly pastoral mixed farm landscape with its distinctive field and settlement patterns, hedgerow trees, varied hedgerow types …..Etc.

All nineteen native hedgerows on the site were identified as qualifying as a Habitat of Principal Importance of which six were additionally classified as being “important” under the Hedgerow Regulations.

We would advise that the local planning authority needs to be satisfied that the proposed development will not have an adverse impact upon this distinctive landscape character.

The recommendation in the Ecological Appraisal for the retention of the hedgerows and mature trees is noted and welcomed and it is understood from the Design and Access Statement that the housing will be set within a robust green infrastructure that will include existing mature trees and hedgerows. While this is reflected to some degree in the submitted Development Framework it is important that the existing hedgerows are retained within undeveloped landscape buffers and not incorporated within the curtilage of domestic dwellings in order to maintain their ecological functionality. Such level of detail is understandably not evident at this outline stage but we would advise that a commitment to the retention of the existing hedgerow network and mature trees within undeveloped landscape buffers should be secured as a condition of any outline consent. In addition, the submission and approval of a scheme detailing how the retained hedgerows and mature trees will be protected from damage for the duration of the works should be secured by a planning condition.

Comments on protected species:

Several trees were identified as containing features that provide suitable opportunities for roosting bats and nesting birds. However, a detailed bat assessment of the trees was not undertaken as, at the time of the survey, it was not confirmed if any of the trees would be affected and it was considered likely that the trees would be retained. However, if the proposals change and any of these trees are later scheduled for removal, it is essential that the trees are subject to a bat survey to establish the presence or otherwise of roosting bats in order to avoid the committing of an offence. We support the recommendation for the erection of bat boxes around the site as detailed in section 5.12 of the Bat Survey report but advise that this should be seen as a biodiversity enhancement measure rather than mitigation. If any roosts are affected by subsequent tree removal this will require specific mitigation as part of the licensing process.

The Wildlife Trust considers that sufficient survey work has been carried out to establish that great crested newts are unlikely to be impacted by the proposed development and that no further survey work is required in respect of this protected species.

In addition to the above comments, conditions to protect breeding birds from harm during the development, the undertaking of a further survey to establish the presence or otherwise of badger on the site during the optimal survey period and conditions which secure the future maintenance and management of the development’s formal public landscape and a landscape and ecological management plan are recommended.
Landscape Design Officer (Derbyshire Dales District Council)

Raises the following concerns with the application.

1. The District Councils Landscape Officer does not agree with the applicants assertion that the character of the site and its immediate surroundings is defined by the nature and proximity of existing development (settlement) and existing highways infrastructure (in particular the A50) for the following reasons:
   - The Landscape Sensitivity study identifies Doveridge as being quite rural in character
   - The open, agricultural landscape on this side of the village (of which the site is but a part) extends considerably to the south west as far as the Brocksford Brook and beyond.
   - Existing development on this side of the Derby Road is sparse and fragmented.
   - Babbs Lane and Old Marston Lane retain the characteristics of narrow country roads that are typical of the Settled Farmlands landscape type.
   - The A50 undoubtedly has an influence but it has been purposely (surely) routed through a deep well vegetated cutting in order to minimise its impact on Doveridge and the countryside through which it runs. It has been successful, in this regard, in that it is largely obscured within the surrounding landscape allowing the character of the landscape type to wash over it into the area of the site and its surroundings.

   They advise that it is most important that the A50 is not assumed to be the logical extent of Doveridge on this side of the settlement and that the rural setting of the village (to which the site contributes) is appreciated and retained.

2. Agrees that the visual envelope around the site is tightly drawn, however:
   - The effect on the principle receptors – identified as users of the public rights of way network – is underplayed by the applicant. Existing footpaths traverse the site – or run alongside it – towards crossing points over the A50 in the north and the east. Though the paths will be retained, and routed through green corridors where possible, the experience of users will be entirely transformed by the presence of large-scale residential development.
   - The site is visually prominent within the view from Derby Road for pedestrians, properties backing onto the road and road users. The road itself acts as a strong limiter of development and countryside washes right up to the roadside at this point with only fragmented development to either side and in the north and the east. Views, currently enjoyed, across the countryside at this point would be almost entirely replaced by extensive housing development.

   As a result of development there is likely to be a moderate to high adverse effect on the visual amenity of these receptors.

3. Though the applicant asserts that the site landscape benefits from no special designation it is listed on the Historic Environment Record for extensive ridge and furrow earthworks and development is likely to have a highly adverse effect in this regard.

4. The applicant identifies benefits that will accrue from the development such as public open space, an equipped play area, the formation of a substantial buffer of open space and woodland alongside the A50 and improved footpath connections to the wider environment. However, these benefits will, principally, be to the advantage of new home owners rather than existing residents - who can currently enjoy the countryside by
6.7 Design and Conservation Officer (Derbyshire Dales District Council)

The site is covered by a non-designated heritage asset (Ridge and Furrow – HER'MDR790 and ‘789’).

There are no designated heritage assets within the vicinity of the site.

6.8 Development Control Archaeologist (County Council)

Initially advised that the archaeological desk-based assessment (DBA) did not include any mapping, quantification or photography of the ridge-and-furrow resource and no statement of significance for these earthworks in their local (parish) and regional context. Also advised that there was no discussion of historic landscape and associated features (hedgerows etc.) beyond a bare statement of the HLC status of the site and there being no mention of the PAS records for the site and no evaluation to provide an assessment of below-ground archaeological potential. For these reasons it was not considered that the application met the requirements of NPPF para 128 and advised that revised heritage impact assessment be submitted to address the following:

1) Mapping, quantification and photography of the ridge and furrow resource on the site, and a statement of significance placing the earthworks into a local (parish) and regional (county) context using appropriate comparators;
2) Discussion of historic landscape value including assessment of hedgerows, the field system as a whole and relationship to mapped ridge and furrow, set in a local (parish) context;
3) Evaluation of the site (geophysical survey in the first instance) to provide an assessment of below-ground archaeological significance.

The applicant updated their desk based assessment to take account of the above.

Second response:

The applicant has submitted a revised archaeological DBA which addresses the above points. The application now meets the information requirements at NPPF para 128.

The ridge and furrow earthworks on the site are mapped at Figure 9, showing the LiDAR data, and assessed at 4.7/4.8 of the DBA document. The ridge and furrow survives as slight earthworks, and has been subject to arable cultivation in the recent past. It is part of a wider landscape of earthworks which is becoming increasingly fragmented as parts are lost to ploughing, and the Doveridge bypass has severed its direct relationship with this wider landscape. It appears therefore that the ridge and furrow resource on the site is of local significance only.

In terms of historic landscape value the revised DBA suggests that the hedgerows within the site are historically ‘important’ in the terms of the Hedgerow Regulations. The argument is based upon the age of the surviving boundaries, which clearly reflect the shape of the medieval strip fields. The historic maps (e.g. 1821) within the DBA suggest however that there has been significant loss of field boundaries since 1821, and it is perhaps debatable whether the surviving boundaries comprise a ‘field system’ sensu the Hedgerow Regulations, particularly as the proposal site is isolated from its wider landscape context by the bypass.
In terms of below-ground archaeological remains the revised DBA contains the results of a geophysical survey, which has detected no potential archaeological remains beyond the remains of former field boundaries. The LiDAR shows extant ridge and furrow in the south-western part of the site, which argues against the possibility of a medieval or post-medieval farmstead as hinted at by the PAS finds.

To summarise therefore, development of the site would involve total loss of an area of slight, undesignated ridge and furrow earthworks of local significance. The historic landscape value of the site, comprising the evidential value of these earthworks along with the ‘important’ hedgerows surviving from enclosure of the medieval strip fields, would also be substantially lost: elements of the hedgerows themselves could be retained, but the landscape character of the whole would be fundamentally altered.

The local planning authority must therefore determine whether loss of the locally important/undesignated ridge and furrow resource and historic landscape value is outweighed in the planning balance by the benefits of the development proposals (NPPF para 135). With regard to below-ground archaeological remains the site appears to be of very low potential, and there is no requirement for any further archaeological work.

6.9 Principal Environmental Health Officer (Derbyshire Dales District Council)

Initial Response:

The proposed bunding and fencing should contribute to reducing road traffic noise from the A50, however would expect to see a noise report submitted with the full application. The Principal Environmental Health Officer is confident that there is no need to consider contaminated land and that the submitted air quality report is adequate and identifies sufficient means to limit dust and particulate emissions during the construction phase. Suggest hours of operation during the construction phase to be limited to 8am-6pm Monday to Friday (for any operational on goings such as the use of noisy equipment, deliveries and land movement etc.) and 8am-1pm on Saturdays with no works on Sundays.

Following receipt of the above response, the Principal Environmental Health Officer was asked to provide a clearer steer on a) whether a bund would mitigate noise from the A50 to the extent that it would not constitute a nuisance to the future occupants of the dwellings and b) the wider benefits to the occupants of existing dwellings in the local area (presented as a key benefit of the scheme)?

In response to the above questions the following comments were made:

a) The results of the noise assessment, carried out by Wardell Armstrong, indicate that noise mitigation measures would need to be incorporated into the site design in order to achieve the recommended guideline noise levels during daytime and night-time hours. The intended bunding, together with the siting of noise sensitive rooms and other attenuation methods, such as the composition of the building façade, enhanced glazing and acoustic ventilation; all dependant on the layout of the site and positioning of dwellings on a plot by plot basis, should help to reduce road traffic noise from the A50.

b) The assessment proposes that the 7.5m high combination of the bund and fence will reduce road traffic noise from the A50 across the development site but does not take into account any potential benefits to existing dwellings. In order to ascertain the benefits to existing dwellings in the local area, a further assessment should be sought from the developers/noise consultants.
6.10 **Strategic Housing (Derbyshire Dales)**

Advised verbally that the identified affordable housing need within Doveridge had been met through the granting of planning permission for new housing development on sites at Cavendish Cottage and Bakers Lane and that they would be willing to accept an off-site financial contribution in this case, to help meet the wider district need for affordable housing.

6.11 **Dove River Doctors Practice (Sudbury) (in response to consultation to East Staffordshire CCG):**

The Partners at Dove River Practice have discussed the development at Babbs Lane in respect of a doctor’s surgery being proposed at Doveridge but they are not interested.

The location will take us to the edge of our boundary and NHS England are unlikely to support such a development as politically the emphasis is around large primary care centres being built to accommodate multi health and social care organisations.

We have had a meeting with our closest Practice's based in Uttoxeter; Balance Street surgery and Northgate surgery who are not interested in having a branch site at Doveridge either.

The Practice, in response to other sites which have come forward in Doveridge (and have been allocated in the draft emerging local plan) have advised that they would need to extend their existing surgery to accommodate the increase in patient numbers / demands on its service. A capital project has been costed on the assumption that 157 new homes will be built in Doveridge in the next 5 years and a further 70 in 5 – 10 years’ time. The Practices also anticipates changes to administrative boundaries, which may mean that the Sudbury practice covers all of Doveridge, as a result of significant house building in Uttoxeter.

6.12 **Severn Trent Water Ltd**

Raise no objections to the proposed development subject to the inclusion of a condition which requires that no development commences until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority.

Severn Trent Water also advise that an informative footnote is appended to any decision to the effect that although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011 and that Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

6.13 **Derbyshire Dales Group of the Ramblers**

The Derbyshire Dales Group of the Ramblers have no objection providing that all the ROW that cross the development, and are shown on pages 31 and 39 of the Design and Access statement and in accompanying written statements on page 30 (stating that they will be enhanced), are not closed or obstructed during or after the development.

6.14 **Peak and Northern Footpaths Society**

Object because of the effect which the development would have on the public footpaths which cross or abut the application site, namely Footpaths 17, 18 and 19 Doveridge. These paths enable the residents of Doveridge, and visitors to the locality, to use traffic free routes for informal recreation, especially dog-walking, and to reach the paths in the
open countryside to the north of the A50. Developing the site into a housing estate will ruin the countryside experience of using the footpaths, to the detriment of the enjoyment, health and well-being of those who would use the paths.

If however the council is minded to approve the application, we welcome the proposed location of the paths in green corridors and the creation of new footpaths. The developers must be aware that:

1. The surfaces of the footpaths must not be altered in any way without the authority of the County Council.
2. If the paths are widened the additional widths should be dedicated as part of the public right of way.
3. The new paths should be dedicated as public rights of way.
4. If it is intended that cyclists should use the existing paths they should be dedicated as cycle tracks.
5. If any of the existing or new paths are to be used by cyclists as well as walkers, they should be at least 3 metres wide and preferably cyclists and walkers segregated with lines and symbols.
6. Contributions should be made to improvements to off-site rights of way as necessary to cope with the greatly increased use as a result of the development.
7. If the location of the existing paths is changed even by a short distance, the paths must be legally diverted.

7. REPRESENTATIONS RECEIVED

7.1 A total of 68 representations have been received from local residents. All of the representations received object to the proposed development.

The points raised by the 68 contributors, objecting to the proposed development can be summarised as follows:

**Principle**

It is a greenfield site. There are other brownfield sites available in Uttoxeter. There is no need for more new housing in Doveridge – reference is made to the granting of permission for 70 new houses at Bakers Lane and new housing development in villages and town outside of the Derbyshire Dales District.

The village agreed to 25 new homes in 2012 not 200.

If the development were to go ahead the number of dwellings would far exceed the number allocation for new dwellings in Doveridge for the next 15 years as proposed in the Council’s Local Plan.

The Council had previously considered this land to be an unsuitable site for development. The application and those already agreed is over and above the Councils own suggested allocation of 227 houses.

If passed the proposed number of houses for Doveridge will be in excess of 400 properties, increasing the size of the Village (if you can still call it that) by 66%.

The area is a green field site and is currently used by farmers for grazing and has previously been designated as unsuitable for development.

The site is greenbelt land and should stay as such. When all the greenbelt land is built on what will farmers use to produce food for this country?

The land at Babbs Lane is deemed not to be suitable for development on the Derbyshire Dales District Councils SHLAA map ref. site 37.

Reference is made to the SHLAA assessment which concluded that the site was constrained and undelopable.

All the schemes for housing development in the village must be considered together.
The proposals would be contrary to policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the NPPF.
If this development and others are successful, there will be a 64% increase in the number of dwellings in the village.
This is prime agricultural land. It should be preserved for farming.
By creating this type of development it will along with the other potential sites create upwards of 400 houses in Doveridge in a village of only 650 houses goes against human rights of choice to live in an open rural area and the value which people put on living in an area with high amenity value.
The proposed development off Babbs Lane is not part of the 227 houses the Council requires us to build.
The population of the village will escalate by nearly 1000 and bring about a totally disproportionate change in the structure to the village life.
The site sits outside the Settlement Boundary of the village of Doveridge.
Properties for sale in Doveridge do not always sell quickly.
Doveridge is taking more than its fair share of housing.
Previous developments have been phased in over decades to allow the village to absorb the changes.
The Babbs Lane site was specifically excluded from the recent allocations. It was concluded that it was unsuitable for development due to the historic landscape value and archaeological interest and as it acted as a buffer zone for the A50 road.
If greenfield development is acceptable, then it must be possible to share this amount of housing more evenly.
The addition of 400 new homes under current proposals is likely to add a further 900 residents, representing an increase of 72%.
In formulating a neighbourhood plan it emerged that 50 houses would be too great a number for most villagers to accept.
We should not be destroying valuable agricultural land.
Why aren't we developing struggling hamlets and small villages into sustainable villages rather than seeking to turn villages like Doveridge into towns.
There must be plenty of brown-field sites closer to larger towns with greater employment opportunities.

**Sustainability of Location**

The development is not sustainable for a village of Doveridge’s size, amenities and infrastructure.
Currently Doveridge has few direct transport links making the use of a car essential – any new housing will significantly increase the number of car journeys to and from the village.
There are a very small number of jobs within the village, which makes commuting essential.
Regarding affordable housing, young and less affluent families need public transport. It is disingenuous of the applicant to suggest they can take advantage of the 9,690 premises and more than 38,000 job opportunities that Derbyshire Dales has to offer when there is no public transport from here either to Ashbourne or the Dales.
Realistically any new occupiers would have little choice other than to drive in private cars to Derby, Stoke or Uttoxeter for day to day provisions and services.
Use of sustainable modes of transport is not an option for residents of Doveridge.
As local jobs are diminishing, this will only mean a rise in commuting.
There is a local bus service that operates in Doveridge, approximately every hour. These are large single decker vehicles that struggle to access the narrow roads around the village. This bus route does not venture anywhere near to any Derbyshire Town or to even Derby City. This will not encourage residents to leave their car at home.
We need to travel to Uttoxeter or Burton to get a bus or train to Ashbourne or Derby.
The village does not have the amenities to support such a development.
The nearest bus stop is located on Alms Road, a considerable distance away by foot.
Impact on Service and Facilities and the Proposal to set aside land for a Doctors Surgery

There is no mains gas in the village, there are problems with the sewers, noise from the A50, no doctor or dentist, and a lack of transport links. Primary and secondary school places will also come under pressure.

The impact on local medical facilities has not been looked at in light of all of the proposed developments and the significant increase in population these will cause.

Allocating the site is not the same as building a doctor’s surgery.

The developments already granted at Bakers Lane and three other areas for 227 additional houses will create considerable and unacceptable strain on the infrastructure of Doveridge.

Is the land to be set aside for a doctors surgery realistic in the current climate with a shortage of GPs and no funding for building.

The size of the proposed development will cause great strain on the village infrastructure and will if granted bring a total of 400 new homes in the village. This proposal is far too large for the village to absorb, once again putting further strain on existing roads, utility supplies, and local amenities.

There is only a possibility of a doctor’s surgery.

There are no health facilities in Doveridge, the school does not have the capacity for 160 new families (as well as proposed 116 new homes that have already been passed).

There are insufficient facilities (shops, employment, school places) within the village of Doveridge to cope with this level of development.

The governing body for new NHS GP surgeries have not identified Doveridge as a potential site for a new GP surgery. I fear that talk of providing one is a red herring.

The developer has offered hollow commitments about doctor’s surgery and health care facilities which are unlikely to ever come to fruition.

There would be no local GP practice and added pressure on NHS services without additional health funding.

Questions are raised as to whether the calculations relating to capacity at the primary and secondary schools by the County Council are correct, given the granting of planning permission for circa 200 new homes in the area.

The sewers will be inadequate, the education facility will not be enough (and the nearby centres of Uttoxeter and Ashbourne will not be able to accommodate our needs due to the vast expansion taking place in these areas). Public transport is limited, broadband speeds are low and BT infinity breaks down in busier times, water pressure is low as is electricity input.

If large developments in Uttoxeter close their middle schools to Derbyshire children, this will become a problem for the children of Doveridge.

The village school field has already been developed over the years. The children’s green field area would decrease.

There are no medical facilities in Doveridge.

There are very little employment possibilities in Doveridge.

A doctor’s surgery cannot be built unless the proposed surgery has gone through the official system and the site has been identified by the appropriate body.

We have two excellent doctors’ surgeries in Uttoxeter who are willing to accept new patients. We also have a surgery at Sudbury and Rocester.

The provision and running of a doctor’s surgery is an unknown factor.

If all the proposed developments take place then extra provision will be required for the education of children and there is no regard had by the individual developers to this.

Facilities for waste management and broadband to enable home worker are a major concern.

We should like to bring to the planner’s attention the fact that over 800 new homes are due to be created in both Uttoxeter (Staffordshire) and Ashbourne (Derbyshire). These 1, 600 new dwellings will be inhabited by a certain number of school age children. These same
children will need to be given a secondary education supplied by the various councils. The County Council has a responsibility to supply an education to these children and it is abundantly clear that in the foreseeable future these needs cannot be met therefore Doveridge cannot be considered as a sustainable village. Doveridge is so far away from the exchange that broadband will be slow. Although the village school currently has places available, these are mainly in year groups 5 and 6. This is because most Doveridge children transition to nearby Uttoxeter middle schools after year 4, since our local Derbyshire secondary school is 12 miles away in Ashbourne. The school is already at capacity. Other developments have used up any spare capacity at the village school.

Impact on the landscape / character and appearance of the surrounding area

The development will change the village and turn it into a small town. Reference is made to the damage caused to nearby Hilton. A large number of houses being added to the village will have a detrimental effect on the character and appearance and community feel. The proposed development will significantly change the character of this area. Added to the other proposed developments, this loss of open space will make the village feel very claustrophobic. Despite what is claimed that the area is not of significant wildlife or fauna importance, this will mean the loss of an area enjoyed by hosts of villagers, dog walkers etc. The site is well outside the curtilage of Doveridge. The development will have an adverse impact on the landscape, its views and heritage which gives Derbyshire its unique identity. This development in its size and density is a town development. It is stated that with the Bakers Lane development "the proposal would form a logical extension to the adjacent housing to the South of the site" What it doesn’t do is to point out the cumulative effect that the Babbs Lane development would have on the landscape. The lane would be widened and the hedge H2 would be removed creating an urban style road with footpath. This immediately destroys the lane and its attractive rural character. The size of the development is at odds with and out of keeping with the historical and social development of Doveridge. It is the equivalent of dropping a superstore in the middle of a small town. People in the community of Doveridge made a decision to live in this beautiful village because of its moderate size and rural setting. Access to the site is off Babbs Lane. This would require the junction of Babbs Lane and Derby Road to be totally re-designed, causing damage to the rural aspect of the village. The agricultural field has a large landscape character and building on this would spoil the rural feel within the village. Doveridge will lose its village feel. The site is on the northern side of the former A50 and as such would provide a major intrusion into open countryside. Doveridge will become a commuter settlement sat on the boundary of a noisy A50. The development is not in proportion with the village. There is a great lack of practical experience embodied in the planned layout of the new housing estate. The application will create a substantial settlement at the edge of the present village, far larger than any existing group of houses in Doveridge. A recent application close to this site was refused on the grounds that the site will encroach into what is currently an open field and would result in ribbon development. More importantly it went on to state that it would be of detriment to the character and appearance of this part of the countryside / local landscape. The proposal is in a similar situation, with far, far more houses being proposed / developed. Quantity and density of housing is far too high.
The proposed area is a greenfield site which is intrinsic to the environment of the village when entering Doveridge.
The site has high historic landscape value – ancient enclosure and fossilised fields.
The development will completely change the village from a caring community to a faceless town.
Development of this site, along with the applications already approved will mean that the approach into Doveridge along Derby Road will be almost completely enclosed, with no areas of open countryside left.

**Housing Mix**

Land has been offered for a 47 unit extra care facility. Our neighbourhood plan did stress the need for suitable accommodation for older residents [and starter homes] – but what kind of a facility is envisaged here?
No bungalows are planned. The developer are still proposing to build 4-bedroom properties when it has been pointed out that there are already plenty of this type of accommodation here.
New homes should cater for all income needs.
Derbyshire Dales own figures for the next 30 years show a negative population increase for this area and only an increase in the over 65s. Therefore it follows that any housing requirements in the district for 3 and 4 bedroomed housing will be from outside the area.
These houses are four bedded, built for commuters and not for people who have to get on a bus to work.
Survey work undertaken by residents during the Local Plan consultation showed that there was a desire for small houses or indeed bungalows so that residents could down-size and stay within Doveridge.

**Impact on Heritage**

The earth work ridge and furrow is well preserved in the fields, development would be harmful impact on the significance of heritage assets. Development would not be in keeping with the village and not sensitive to the surroundings. There is no local employment in the village.
There is evidence of a medieval farmhouse on the land. It would be sacrilege to lose that history forever. There have been significant historic findings on this site.
The archaeological assessment submitted with the application concludes that the site is of no archaeological interest. This is in direct contradiction to the views of the County Council Archaeologist which was one of the reasons for the rejection of the site in the recent allocations.

**Impact on ecology and trees**

On the site are a number of ancient, beautiful trees which if no damaged or destroyed, will no longer be visible for villagers to enjoy.
Hedgerows, mature trees Oak/Ash etc. and open space will be lost.
The development will destroy the non-designated ridge and furrow in the proposed location. The ridge and furrow is of importance because there are very few examples left of this type of archaeological interest at other sites in the local area due to planning permissions being granted.
Wildlife will suffer greatly.
We cannot manufacture the natural environment and wildlife, which we would lose if development went ahead.
Habitats of established flora and fauna will be destroyed including trees and hedgerows.
Widening the lane would destroy hedges, of which allow nesting for birds.
Flood risk and drainage

The drains cannot remove surface water at present and the roads flood especially.
The application says that surface water will drain towards an attenuation pond and eastwards towards Brocksford Brook. There is no mention of the water which runs southwards and across Derby Road during a wet spell and this would be increased if houses were built on the site.
There is already a problem along Lower Street with flooding.
Have the developers seen how much water already flows and percolates into Brocksford Brook in wet weather and the flooding that it creates on that side of the village?
The sewage system as a combined surface and sewage system has never been updated and yet it is stated that it will cope with further supply from this development.
The drains and sewers in Doveridge have not been fit for purpose since before we moved here 32 years ago.
Existing waterlogging and a high water table means that there is already a considerable problem with surface water run-off from these fields onto Derby Road.
The balance pond is shown 3.5m higher than the lowest lying areas.
The farms on Lower Street already suffer from severe flooding after a storm.
In some parts after a heavy rainfall there are ankle deep sections of water.

Highway Matters

The roads are in a poor state of repair and too narrow and cannot cope with current traffic.
This development will potentially generate 200 extra cars. This will impact the local roads, particularly Derby Road and access to the A50.
If the access is to be via Babbs Lane we do not believe this to be a big enough road.
If access is to be directly onto Derby Road then a large section of established hedgerow will be lost.
The increase in traffic from these homes will be enormous despite the applicants claims of essential workers homes, these workers will still have to travel. They also claim that a significant number of homes will also encourage home working, presumably these will not have vehicles and will undertake all journeys by the limited public transport, cycle or as they also seem to maintain on foot.
The access road (Babbs Lane) is a single track. Currently the maximum safe speed to travel is 15mph due to dog walkers, horse riders and an abundance of wildlife and mentally handicapped residents at the Residential home. The noise from the A50 is excessive.
There would be a huge increase in traffic at peak times (because everyone needs to commute) which would impact on noise levels, public safety and pollution etc.
The increase in traffic using Babbs Lane and Derby Road will be many times more than current usage and is an accident waiting to happen.
Our walking routes and national cycling route through the village will be rendered unsuitable by the amount of increased traffic.
Babbs Lane is virtually a single track quiet hedged lane and is part of a walking route around the village, linking up Marston Lane, Marston Old Lane, a narrowed section of the old A50 and Hall Drive on the parkland meadow. Under these plans it would widen and become a two-way road with 300/400 cars accessing and exiting on to it. Pavements and street lighting would probably be added. These narrow lanes define the rural village character of Doveridge and are much valued. We do not want them replaced by roads.
There being no Eastern slip road access on to the A50 from Doveridge, where is the analysis of the traffic that will have to use Derby Road to Sudbury from this development?
We face an increase of 800+ vehicles using this route along a National Cycling route. More pollution and traffic issues for the village whose residents also use Derby Road as a walking route. Even now car use in the village is becoming a safety issue, especially around the primary school.
Traffic along Derby Road will increase. At the moment the carriageway is dangerously shared between cyclists and vehicles travelling comfortably up to the 60mph speed limit and beyond. 60mph cars and cyclists on a supposedly safe cycle route do not mix. The five developments that have come forward in Doveridge have the potential to add 629 new vehicles to the 1390 or so that are already in the Doveridge (as Sudbury) area. This is a huge increase of 46.3%, which is not sustainable, proportionate or fair to current residents.

Any significant increase in children would impact on car usage and car parking around the school is already a significant issue.

The development will increase traffic along the A50, which will result in danger to those who park on the road outside Bell Cottages.

Derby Road would become overwhelmed with cars, lorries etc, which would have an impact on the national cycle route that exists on this road, therefore being a danger to the many horse and bikes that frequent this road.

300 extra vehicles on the road would mean more accidents.

The proposed site for the doctor's surgery will be on a single track road with no other access or passing places.

Traffic associated with the development would cause a bottleneck at the Babbs Lane junction and will bring about congestion, dramatically altering the quiet residential atmosphere of the village.

The roads will be overused and dangerous for our children.

Doveridge has many narrow lanes, including those approaching the local school e.g. Bakers Lane along which children from Babbs Lane would walk with no footpath.

The roads are too narrow to take the plant and machinery that will be needed to construct the sites and houses.

The extra traffic that would be created would make the likes of Bakers Lane dangerous. Concerns are raised about congestion and safety in and around the school at drop off / collection times.

Alms Road, Chapel Green and the High Street are narrow roads. The last thing we need is more cars. Some of the houses on Alms Road have doors which open directly onto the road. The school seems to be bursting at the seams.

Other Matters

There is a drop in water pressure at peak times.

The proposed development will spoil the character of the village with the increase in noise and light pollution.

The noise from the A50 is excessive.

With most of the housing being aimed at workers during the day time there would be no one around which could easily lead to an increase in crime (due to very easy access to the A50).

The fields have Public footpaths running through them and you will be denying the right to ramble this part of the Village.

Doveridge will be a building site for a considerable time and will be a big inconvenience to residents.

The proposed houses are so close to the A50 the noise and air pollution will be hard to bear.

The noise from the A50 currently put up with (not without repeated objection) by residents will be twice as bad at this site.

Our green spaces used for dog walking and public footpaths for recreation will be replaced by a housing estate with a few enclosed walk and cycle ways.

We expect that the buildings will incorporate the good ecological design expected in the 21st century but no mention has been made about the way the new homes will be heated. In the absence of gas in the village, this will be mainly by oil, expensive and that will add significantly to the air pollution (as will the accompanying traffic from oil tankers).
The visual impact of such a large site, in such a prominent position, as one enters the village and the removal of yet another of our green spaces, will not enhance our physical and mental well-being.
Most residents sleep with their windows closed, even in summer, as the noise from lorries starts as early as 5am.
Air pollution from the A50 has been considered but I find no references to the burning of heating oil or the source of home heating in such a housing dense area.
People need green space to aid their well-being.
Our house is as far away from the A50 as possible in the village and I can still hear noise from the traffic in my house, despite double glazing, and in my garden.
How does the development help the move to a low carbon economy?
Figures from the World Health Organisation state that noise levels are unacceptably high for residential development. The proposed site is closer to the A50 than any others.
The population of Doveridge would increase by 24.4% by this development alone. Combined with the four other proposals the population of Doveridge would increase by 56.7%, which is not sustainable, proportionate or fair.
There will be a huge increase in pollution and noise from the extra vehicles using the A50, which is very unfair for the residents living on it.
An increase in population will lead to an increase in antisocial behaviour.
Why would anyone want to build houses where residents could never sit in their gardens without ear muffs on and looking onto a wall or earth bund?
The water and electricity on Babbs Lane is barely adequate and certainly could not cope with such an extra load.
We are concerned by the huge impact of noise, disturbance, being overlooked and total loss of privacy.
We live at the northern end of the proposed site and would be totally surrounded by 165 houses. The proposed pedestrian access by the side of our property would be infringement on our privacy.
The northern boundary of the site is formed by the A50 dual carriageway, which is a concrete roadway with exceedingly high noise level. This will be an intrusion to the residential properties despite the sound barriers referred to in the application documents.
Who will wish to purchase a rural home so close to the A50, bordered by a 7m high wall and built all over a greenfield.
More ponds in the village would be dangerous to children.
I am concerned about fumes from the A50.
The statements in the noise report do not meet the standards they promote, neither is there a robust case made to provide the necessary assurance that potential new inhabitants will in reality be satisfied living with the actual noise levels.
The development will result in a loss of community spirit.
The development would have serious implications for the ambience of the village and quality of life.
Even following the erection of a 5m high bund topped by a 2.5m high close boarded fence, further amelioration will be required to achieve tolerable noise levels, including special noise reflecting glazing.
The noise barrier will be taller than the houses. Outside activities will not be possible, nor will opening house windows without exceeding comfortable noise limits.
No mention can be found of how the proposed houses are to be heated.
DEFRA has previously stated that the noise generated by the A50 running alongside Doveridge is too high for further development to take place near the road.
Public footpaths cross the green fields. Walking through a housing estate however attractively designed does not compensate for the loss of countryside.
Utilities struggle with current demands.
With no mains gas supply and no appetite by suppliers to install it in the village, new properties would be built with less energy efficient / environmental supplies.
8. OFFICER APPRAISAL

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

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

8.3 It had been the case that the District could not demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). However, based on new analysis of development that will come forward in the next five years it is considered that the Council can now identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The emerging local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it cannot be afforded any significant weight at this time. Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and is based on outdated housing needs information. Policies which deal with new housing development are therefore considered to still be out of date. Recent appeal decisions have confirmed this position, in that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries have been considered to be out of date and have been afforded no weight in the decision making process.

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

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

8.6 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and the consultee and public comments received the key themes that emerge are:
• Impact of the development on medieval ridge and furrow earthworks, an undesignated heritage asset, below ground archaeology and the historic landscape;
• Sustainability of location, scale and the impact on existing services and facilities;
• Impact on local landscape character / the character and appearance of the locality
• Impact on the local environment, including ancient hedgerows, trees and ecology;
• Whether there would be any highway safety implications
• Residential amenity impacts for existing and proposed residents and impact of noise from the A50;
• Affordable housing and housing mix;
• The land to be set aside for a new doctors surgery, and;
• Surface water drainage

Impact of the development on medieval ridge and furrow earthworks, an undesignated heritage asset, below ground archaeology and the historic landscape

8.7 The loss of medieval ridge and furrow earthworks is raised in a number of representations received by the public. Paragraph 135 of the National Planning Policy Framework requires consideration of the impact of development on the significance of a non-designated heritage asset. It states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

8.8 The site contains earthwork ridge and furrow of medieval date (part of Derbyshire HER 19124), described as ‘a coherent block of the medieval field system of Doveridge, which survives in the fields north of the village’. The HER record covers almost all of the proposal site, with a small area (about 4.7ha) covered by a SHINE record (Natural England heritage inventory) for upstanding medieval ridge and furrow earthworks of ‘medium’ significance, suggesting that significant earthwork ridge and furrow survives at least in this part of the site. The applicant has carried out mapping, quantification and photography of the ridge and furrow resource on the site. This has revealed that the ridge and furrow has been subject to arable cultivation in the recent past. It forms part of a wider landscape of earthworks that has become increasingly fragmented as parts are lost to ploughing and the Doveridge bypass has severed its direct relationship with this wider landscape. It is concluded therefore that the ridge and furrow resource on the site is of local significance only. The loss of locally important, undesignated ridge and furrow resource is, however, a disbenefit of the development that will need to be weighed in the planning balance.

8.9 The updated Archaeological Desk Based Assessment (DBA) has identified the hedgerows within the site to be historically ‘important’ in terms of the Hedgerow Regulations. This is based upon the age of the surviving boundaries, which clearly reflect the shape of the medieval strip fields. The Development Control Archaeologist has questioned whether the surviving boundaries comprise a ‘field system’ sensu the Hedgerow Regulations given the significant loss of field boundaries since 1821 and the sites isolation from its wider landscape context by the bypass, however, considers the remaining hedgerows to be a significant component of the historic landscape.

8.10 In addition to the loss of the ridge and furrow earthworks the ‘important’ hedgerows, surviving from enclosure of the medieval strip fields would be affected by the development, the extent to which is discussed later in this report.

Sustainability of location, scale and the impact on existing services and facilities

8.11 The site lies to the north east of Doveridge, approximately 300m from the village centre by road (at its southern boundary) where the shop, village hall / working men’s club and
recreation ground can be found. The site is also 300m from the village school by road. Reference is made to the lack of pedestrian footways along Bakers Lane (the quickest route) in some of the representations received. There is, however, an alternative route to the school following the pedestrian footways along Derby Road and Sand Lane. The site is therefore within reach of the village centre and facilities it has to offer by foot, car and cycle. The location of the site is therefore considered to be reasonably sustainable, insofar as access to these services and facilities is concerned.

8.12 A key concern with this application is the scale of new housing proposed and the impact that the development will have on existing infrastructure, particularly when considered in conjunction with other schemes for housing development, where it has been resolved that planning permission be granted and other sites allocated in the draft local plan for housing.

8.13 The Derbyshire Dales Housing and Economic Development Needs Assessment (2015) identifies that the objectively assessed need for the whole of Derbyshire Dales, including areas within the National Park, for the period 2013 - 2033 should be 322 dwellings per annum or an overall figure of 6,440.

8.14 Across the plan area it is envisaged that most new housing development will be brought forward in the market towns, local service centres and accessible settlements with limited facilities, such as Doveridge (a third tier settlement in the emerging local plan). It is recognised ‘accessible settlements’ possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is acknowledged that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes.

8.15 Within the emerging Derbyshire Dales Local Plan (July 2016) three sites are allocated for housing development in Doveridge. Committee have already resolved to grant planning permission for housing on the two larger sites. In addition to the site at Bakers Lane (up to 70 dwellings) this equates to 219 new homes being built in the village.

8.16 Doveridge is a substantial village of some 600 houses. In addition to the modest range of services and facilities available within the village, it also benefits from good access to the A50 and from its proximity to Uttoxeter, with residents being able to readily access the full range of services it has to offer and employment opportunities. The planned level of growth within the village would equate to a 36.5% increase in the number of homes. Consultation responses received in relation to strategic infrastructure (other than from the Local Doctor’s Surgery) indicate that the village could sustain this level of growth.

8.17 The level of planned growth combined with the level of housing proposed as part of this application would amount to a 72% increase in the number of homes. This level of growth would significantly alter the character of the village and put significant pressure on existing services and facilities, including the school and local doctor’s surgery. The County Council have indicated that whilst there is capacity within the local Derbyshire primary and secondary schools to accommodate the amount of planned housing growth, the additional demand generated by this development would result in the need to fund 15 additional primary school places and 25 secondary school places. Furthermore and notwithstanding the consideration of land to be set aside for the doctor’s surgery later in this report, the surgery at Sudbury have advised that they will already need to extend their premises to accommodate the increase in population as a result of the planned amount of new housing in the village. Further housing growth will inevitably put pressure on this facility.

8.18 Concern in relation to sewerage and water supply has also been raised. The capacity and connection to existing network water and sewage network is a matter which will need to be
agreed with sewage authority through negotiation and as part of the building regulations process and would not constitute a reason for refusing the application.

8.19 The lack of gas connection in the village has been raised as a concern. Again, this is a matter which would be considered and agreed as part of the building regulations process and would not constitute a reason for refusing the application.

Impact on local landscape character / the character and appearance of the locality

8.20 Landscape sensitivity of land around Doveridge to housing development was independently assessed by Wardell Armstrong in August 2015 as part of a landscape sensitivity study which was undertaken to support the emerging local plan. This study observes that Doveridge is quite rural in character despite its proximity to the A50 and that the majority of agricultural land to the north east of the settlement is visually prominent, open and, being a transitional area between the village and the urbanising influence of the A50, important in contributing to the rural approach to the village. It also identifies Derby Road as acting as a strong limit to development. With reference to the area of the site it identifies three fields to the north of Derby Road and east of Babbs Lane which do not contribute to the rural approach having low visual prominence in this respect and being semi-enclosed by hedgerows and individual trees. These fields are assessed as having medium sensitivity to housing development with opportunities to further reduce their visual prominence and create a strong, vegetated settlement edge by introducing additional planting on their northern boundary. All other parts of the site are assessed as having high sensitivity.

8.21 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) seeks to protect the character of local landscapes. Planning Inspectors have, however, in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection.

8.22 The application is accompanied by a Landscape and Visual Appraisal (LVA), which is used to assess the impact that development is likely to have on existing landscape character and the visual amenity of a range of receptors within the site and its surroundings. It concludes that the development proposals demonstrate a well-considered approach to the landscape and context of the site and appropriate development of the site has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects.

8.23 The assessment concludes that there will be no discernible effects on the relevant landscape character areas at national, regional, or county level. At the local level the LVA states that the area is cut off from the wider landscape character type by surrounding highway infrastructure and therefore the effect on the landscape will be negligible. It is considered that the development would form a logical extension to the adjacent housing to the south of the site and create a definitive settlement edge to Doveridge in the north. The applicant tries to make the case that the character of the site and its immediate surroundings is defined by the nature and proximity of existing development (settlement) and existing highways infrastructure (in particular the A50). This statement is at odds with the Landscape Sensitivity study which identifies Doveridge as being quite rural in character. The open, agricultural landscape on this side of the village (of which the site is but a part) extends considerably to the south west as far as the Brocksford Brook and beyond. Existing development on this side of the Derby Road is sparse and fragmented. Babbs Lane and Old Marston Lane retain the characteristics of narrow country roads that
are typical of the ‘Settled Farmlands’ landscape type. The A50 undoubtedly has an influence but it has been purposely routed through a deep well vegetated cutting in order to minimise its impact on Doveridge and the countryside through which it runs. It has been successful, in this regard, in that it is largely obscured within the surrounding landscape allowing the character of the landscape type to wash over it into the area of the site and its surroundings. When approaching Doveridge from the east views across the site are of open field. This contributes significantly to the rural setting and character of the village.

8.24 As stated by the District Councils Landscape Officer, it is important that the A50 is not assumed to be the logical extent of Doveridge on this side of the settlement and that the rural setting of the village (to which the site contributes) is appreciated and retained. The intrusion of the proposed development into the countryside, loss of existing farmland, the nature and scale of proposed development and the works involved in constructing the main access and the loss of trees, a significant section of hedgerow associated with the widening of Babbs Lane will result in significant harm to the character local landscape and rural setting of the village and Babbs Lane. Such harm weighs heavily against the proposed development.

8.25 Existing footpaths traverse the site or run alongside it towards crossing points over the A50 to the north and the east. Though the paths will be retained and routed through green corridors where possible, the experience of users will be entirely transformed by the presence of large-scale residential development. The site would also be prominent from views from Derby Road. Views currently enjoyed across the countryside from Derby Road would be almost entirely replaced by extensive housing development.

8.26 Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. The development is considered to be out of scale and context with its immediate surroundings. The extent of new housing, land for a doctor’s surgery and extra care facility would sprawl over a significant area of countryside which is open in character and contributes positively to the rural setting of the village.

Impact on the local environment, including ancient hedgerows, trees and ecology

8.27 An important issue to consider in respect of this application is the important of the development on landscape features, such as trees and hedgerows and ecology. Policies NBE6 and NBE7 of the Adopted Derbyshire Dales Local Plan seek to protect trees and woodlands and features that are important in the landscape. Existing public rights of way are shown to be retained and enhanced, connecting across the site via green corridors that link to the wider surroundings on the indicative masterplan. Most of the existing trees and hedgerows are also shown to be retained.

8.28 In order to accommodate the level of development proposed Babbs Lane will need to be widened for a distance of some 100m into the site. The will require removing a mature hedge and hedgerow trees which contribute to the rural character of the lane. The extent of modifications necessary, including the introduction of new footways and lighting along the lane will cause significant harm to the character and appearance of this part of the village. The loss of these landscape features and the impact on the character of the lane is an environmental dis-benefit that will need to be given weight in the overall planning balance.

8.29 The applicant proposes to introduce significant areas of new green infrastructure in addition to retaining the vast majority of existing trees and hedgerows on site. Subject to
these existing hedgerows and trees being retained within undeveloped landscape buffers and not incorporated within the curtilage of domestic dwellings they will continue to provide important wildlife habitat. Several trees have been identified as containing features that provide suitable opportunities for roosting bats and nesting birds, which the applicant has advised would be retained. The survey work carried out by the applicant confirms that Great Crested Newts are unlikely to be impacted by the proposed development. Subject to conditions to protect breeding birds from harm during the development, the undertaking of a further survey to establish the presence or otherwise of badger on the site during the optimal survey period and conditions which secure the future maintenance and management of the development’s formal public landscape and a landscape and ecological management plan it is considered that the proposed development would have a neutral ecological impact. Some benefits may be derived through new habitat creation.

Whether there would be any highway safety implications

8.30 Representations received from the public point to the inadequacy of Babbs Lane to accommodate the level of development proposed, the speed of vehicles travelling along this part of Derby Road, problems of traffic in the village and lack of access to public transport. To accommodate the development significant modifications to Babbs Lane would need to be carried out, including the widening of the road, formation of new footways and street lighting etc. Notwithstanding the harm to the character of the lane discussed earlier in this report, the Local Highway Authority are satisfied that with such modification the lane would be capable of accommodating the level of development proposed and that the point of access onto Babbs Lane set out on drawing numbered GA023-001-002 which this outline application seeks to approve would be acceptable.

8.31 Given the scale of development and extent of the site the Local Highway Authority have advised that it would be desirable to divert existing bus services through the site, to encourage sustainable forms of travel. This is a matter that would need, however, to be agreed with the relevant bus operator. In the interim period they have advised that consideration should be given to providing additional or relocated bus stops that would be more convenient to the site, on the Derby Road frontage, which may include bus shelters, to enhance public transport facilities. They advise that further allowance for developer funded improvements should therefore also be included in any Section 106 Agreement.

8.32 No concerns have been raised with regard to the capacity of the local road network to accommodate the level of development proposed. Although the concern of local residents regarding parking around the school are noted this does not constitute a reason to refuse planning permission for development on the site. Being sited within reasonable walking distance of the school future residents would not be reliant on the private motor vehicle.

8.33 The indicative masterplan shows the route of the public footpaths which cross the site to be retained.

Residential amenity impacts for existing and proposed residents and impact of noise from the A50

8.34 The vast majority of the public representations received raise concerns with noise levels (from the A50) in the locality and the potential for this to impact on the amenity of future residents. Whilst concerns are raised from existing residents of properties along Babbs Lane regarding loss of amenity, housing could be laid out on the site so as to not adversely impact on the residential amenity of the occupants of those dwellings.

8.35 The applicant proposes to construct a noise attenuation bund and fence to help mitigate noise nuisance from the A50. They advise that once installed the bund/fence combination and the proposed dwellings will provide some useful noise screening from road traffic from
the A50 and at some of the existing residential receptors near the development site, off Derby Road and Babbs Lane. The site extends up to the A50 and traffic noise is audible over the entire site. In order to attenuate noise to such an extent to not have a detrimental impact on future residents a bund and acoustic fence will be necessary, in addition to other attenuation methods, such as enhanced glazing and acoustic ventilation. Careful consideration will also need to be given to the layout and positioning of dwellings on a plot by plot basis. Whilst the Principal Environmental Health Officer is satisfied that subject to adopting such control, noise from the proposed dwellings could be within acceptable limits, the proximity of the site to the A50 is a concern and traffic noise from the A50 is a significant constraint to development on site.

8.36 Whilst the applicant claims that the development will provide some useful noise screening benefits to existing residents, no noise modelling / analysis has been carried out which considers the likely impacts of the proposed mitigation measures beyond the confines of the development site / within the wider village where noise from the A50 is an issue.

**Affordable housing and housing mix**

8.37 The applicant advises that development will provide a balanced mix of dwellings, including bungalows. They also advise the development will also safeguard a site for provision of a new 47 unit Extra Care facility to serve the local community. They point to the Derbyshire Dales Housing & Economic Development Needs Assessment which indicates a net need for 436 C2 bedspaces for older persons over the 2013-33 period, equivalent to 22 per year.

8.38 In terms of housing mix Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand …….”

8.39 The Housing and Economic Development Needs Assessment (September 2015) advises that in order to ensure new housing meets the community’s needs (Paragraph 8.43) that:

“…… the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

8.40 The applicant makes a commitment to deliver a balanced mix of housing and as the application is for outline consent, a development, which achieved the above mix would be possible. The land to be set aside for an extra care facility is a benefit of the proposal, however, it is envisaged that such development could come forward on other site which have been allocated for housing in the higher order settlements and therefore should only be afforded limited weight in this case.

8.41 In terms of affordable housing provision, Policy HC4 of the emerging local plan requires all residential developments of 10 dwellings or more with a combined floorspace of more than 1000 square metres to provide at least 30% of the net dwellings proposed as affordable housing. The Head of Housing has advised that the local affordable housing
need in Doveridge has been met through the delivery of other sites in the local area. In this respect the Local Planning Authority would require an off-site contribution towards affordable housing in this case. Given that the emerging affordable housing policy envisages at least 30% provision on the back of the delivery of other infrastructure, it is considered reasonable to request a 45% contribution in this case (a figure reflected in the previously withdrawn local plan) on the basis that the Council does not yet have a CIL charging regime in place and the nature of the site. This is a figure that has been consistently applied to other housing sites which have come forward ahead of the emerging Local Plan across the district. Based on a 45% contribution (and the delivery of a broad mix of housing to meet the Districts affordable housing needs) a financial contribution of £1,889,662.5 (165 x 0.45 x £25,450) would be required based on 165 units. The applicant has agreed to a contribution towards affordable housing being made at this level.

The land to be set aside for a new doctor's surgery

8.42 The application proposes to set aside land for a new doctor's surgery which is identified by the applicant as being a key benefit of the scheme. They advise that it was highlighted from public consultation that the village does not have any primary care (GP) facilities and that surgeries in the local area were stretched. The supporting planning statement advises that the land will be serviced and provided free of charge to the CCG and NHS.

8.43 Having consulted East Staffordshire CCG and received written correspondence from the doctor’s practice at Sudbury, it is clear that there is no interest in having a branch site at Doveridge. The practice advises that, if it was to relocate, the location would be on the edge of its boundary and NHS England are unlikely to support such a development as the emphasis is around large primary care centres being built to accommodate multi health and social care organisations. They also advise that none of the other practices are interested in the site.

8.44 Whilst the public of Doveridge would likely benefit from a local surgery given the above, the land to be set aside for a doctor's surgery, for which there is no need and is unlikely to be developed for such a purpose is not considered to be a benefit that can be afforded significant weight in the overall planning balance.

Surface water drainage

8.45 Subject to securing detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and information to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000 the Local Planning Authority is satisfied that surface water from the site can be appropriately drained, without the risk of flooding on site and in the local area.

The Planning Balance

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

8.47 Recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been afforded no weight in the decision making process.
8.48 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The benefits of providing new housing to meet the districts housing needs outside of settlements and on land not benefiting from draft housing allocation can therefore only be attributed limited weight. It is, however, important to weigh this alongside the other social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

8.49 In this case the social dimension would be limited to the delivery of land to be set aside for an extra care facility and a significant financial contribution towards an affordable housing scheme within the Derbyshire Dales District. In terms of the land to be set aside for an extra care facility, policies in the emerging local plan have been drawn up to secure appropriate provision for such housing and an appropriate housing mix in appropriate locations / allocated sites. The delivery of such a facility on this site and the contribution towards affordable housing are benefits that will be derived from other sites which have been identified / deemed more appropriate for housing development and this respect should be afforded limited weight. The scale of new housing proposed in this third tier settlement, in addition to the planned level of housing growth is likely to put a significant strain on local Derbyshire schools and the local medical practice at Sudbury. From the consultation responses received it is clear in this case that the land to be set aside for a new surgery is not a likely viable option for existing practices. The scale of the development and its unwarranted impact on existing infrastructure is a social disbenefit of the development.

8.50 The economic dimension would be served by employment generated during construction and the benefit to businesses within the village from additional resident spend. The applicant also considers the New Homes Bonus of £1.7million to be a significant economic benefit, which can be attributed to the development. All of these benefits are, however, derived from any new housing that is built and without any need to build additional housing to meet the districts objectively assessed housing needs, should be afforded limited weight.

8.51 In environmental terms the development would intrude into a significant part of the countryside that makes a positive and significant contribution to the rural setting of the village and have an adverse impact on landscape features which contribute to the rural character of Babbs Lane, causing significant harm to the character and appearance of the local landscape. Although the applicant points to the ecological benefits and the benefits of providing a large area of open space, the site is already accessible to the public and used frequently by walkers and wildlife. Whilst the noise attenuation measures may bring noise levels from the A50 down to acceptable limits for future occupants of the dwellings, there is no substantive evidence to suggest that there would be any wider benefits to the local community.

8.52 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF and the ability or otherwise of the District Council to demonstrate a five year housing land supply, it is considered that the level of environmental harm i.e. to the character and appearance of the local landscape and setting of the village identified above would significantly and demonstrably outweigh the benefits in this case and the proposal should be refused on this basis.
OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

1. The nature and extent of development would be a substantial and prominent encroachment into a part of the countryside where that land makes a positive and significant contribution to the rural setting of Doveridge. The proposals would have an adverse impact on landscape features, which contribute to the rural character of Babbs Lane and cause significant harm to the character and appearance of the local landscape and setting of Doveridge contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005). Moreover, the environmentally unsustainable nature of the development would significantly and demonstrably outweigh the benefits that would be derived contrary to guidance contained within the National Planning Policy Framework (2012).

Footnotes:

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

This Decision Notice relates to the following documents:

Application Form and Certificate  
1:2500 Scale Site Location Plan  
Development Framework Plan by FPCR  
Landscape & Visual Assessment by FPCR  
Transport Assessment by Gladman  
Proposed Access Drawing GA023-001-001 prepared by Gladman  
Travel Plan by Gladman  
Ecological/Biodiversity Report by FPCR  
Arboricultural Assessment by FPCR  
Phase I Site Investigation Report by LK Consult Limited  
Flood Risk Assessment (FRA) by LK Consult Limited  
Foul Drainage Analysis Report by Utility Law Solutions  
Air Quality Screening Report by Wardell Armstrong  
Noise Assessment by Wardell Armstrong  
Archaeology Report by CgMs  
Socio-Economic Impact Report by Gladman  
Statement of Community Involvement by Gladman  
Planning Statement by Gladman  
Affordable Housing Statement by Levvel  
Bat Survey Report by FPCR, and  
Sustainability Assessment by Rural Solutions received by the District Council on the 12th February 2016, and  

BACK TO AGENDA
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00208/OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Woodyard, 2 Old Marston Lane, Doveridge</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of 17 Dwellings (Outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
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<tr>
<td>APPLICANT</td>
<td>Mr Andrew Johnston</td>
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<td>PARISH</td>
<td>Doveridge</td>
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<tr>
<td>AGENT</td>
<td>Mr Jonathan Sargeant</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Catt</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>20th June 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow Member's to fully assess the impact of the development on the local environment</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Sustainability of location and the cumulative impact of new housing development on existing services and facilities;
- Impact on local landscape character / the character and appearance of the locality;
- Impact on the local environment / ecology;
- Whether there would be any highway safety implications;
- Residential amenity impacts for existing and proposed residents and impact of noise from the A50;
- Affordable housing and housing mix;
- Other contributions towards infrastructure, and;
- Surface water drainage.

**RECOMMENDATION**

Refusal.
1.0 THE SITE AND SURROUNDINGS

1.1 The site comprises an area of grassland / paddock at the northern end of Doveridge, off Old Marston Lane (see figure 1). It is approximately 0.5km from the village centre by road (400m by foot following Marston Lane). The site extends to 0.7ha and is bounded on all sides by field boundary and roadside hedgerows with some hedgerow trees. The land falls within the ownership of The Woodyard and Kamloops and is divided / separated by a post and rail fence and hedge. At the southern end of the site are a series of storage buildings (see figure 2) and to the north of Kamloops is a stable / field shelter (see figure 3).

1.2 Access to the site is off Old Marston Lane, through the Woodyard. This is a narrow country road (see figure 4) which once extended out into the countryside to the north east but is now blocked at its eastern end by a newer road (Marston Lane) which links the village with the A50 dual carriageway. The only remaining route through to the site is from Derby Road which runs to the south.
2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought to erect up to 17 no. dwellings on site, with all matters reserved for subsequent approval. The application is accompanied by an indicative site layout plan, which shows a series of detached and semi-detached dwellings serviced off a cul-de-sac. Development is shown to be spread evenly across the site, including where it ‘dog legs’ at the rear of The Woodyard and Kamloops. Although the layout and design of the houses is reserved for subsequent approval, the applicant advises that they have prepared a layout plan to demonstrate that 17 dwellings can be adequately accommodated on site. These dwellings consist of 8 semi-detached dwellings with attached single garages (126 sq.m in area), 2 four bedroomed detached dwellings with a detached garage and 4 detached dwellings with attached garages (162 sq m in area) and 2 detached dwellings with attached double garages and 1 no. detached dwelling with detached double garage (195 sq. m in area).

2.2 A Design and Access Statement accompanies the application, which advises the following:

- The aim of the development is to provide residential housing of similar style and character sympathetic to its surroundings.
- The proposal would create a formal frontage of housing set back from the southern boundary of the site in an inverted L shape, with the rear gardens overlooking the open countryside to the west and north. Two units with south facing rear gardens adjoining the northern boundary of Kamloops.
- The development loops to the north and east around The Woodyard and Kamloops properties leaving them with substantial areas of garden/land around them. The dwellings have been located in this way to ensure the site is utilised to its full potential and to ensure each property has sufficient amenity space.
- Generally the houses have similar rectangular footprints, with variations achieved by the addition of attached or detached garages, and standard elements and finishes.
- Each house will be 2 storeys with the added interest of a change in orientation of the duo pitched roofs dependant on the type and size. The development density will be appropriate for this rural setting with adequate private amenity space for each dwelling, in line with local guidelines.
- The final design and scale of the dwellings are reserved for approval at a later date. The proposed materials propose to be warm red facing bricks, small format roof tiles, plastic windows (coloured brown), plastic rainwater goods (coloured black) all to be confirmed and approved at a later date.
- The dwellings will be carefully landscaped to ensure that they do not dominate the landscape. All of the proposed dwellings are provided with two parking spaces; the larger properties with more space having three. The front areas are proposed to be open plan with the rear gardens segregated by 1.8m high close boarded timber fences with concrete posts and gravel board.
- Access will be off Old Marston Road, and will follow the road layout as indicated on the proposed layout drawing C22-02A. The access will have visibility splays and be set back as recommended by the Highways Department.

In support of the proposal the applicant suggests that the site is has been identified as a (ref: site DOV2) as a preferred site for development as part of the emerging local plan. This suggestion is, however, made in error as the reference DOV2 (or the more recent reference SHLAA348) applies to a different site on the opposite side of Old Marston Lane.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

The Development Plan consists of the Derbyshire Dales Local Plan (Adopted November 2005). Relevant policies include:

- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- SF6: Protection of the Best Agricultural Land
- SF7: Waste Management and Recycling
- SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
- H4: Housing Development Outside of Settlement Framework Boundaries
- H9: Design and Appearance of New Housing
- H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
- NBE5: Development Affecting Species Protected by Law or are Nationally Rare
- NBE6: Trees and Woodlands
- NBE7: Features Important in the Landscape
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE16: Development Affecting a Listed Building
- NBE24: Archaeological Sites and Heritage Features
- NBE26: Landscape Design In Association With New Development
- NBE27: Crime Prevention
- TR1: Access Requirements And The Impact Of New Development
- TR2: Travel Plans
- TR3: Provision For Public Transport
- TR8: Parking Requirements For New Development
- L6: Outdoor Playing and Play Space in New Housing Developments

3.2 Other

National Planning Practice Guidance
Draft Derbyshire Dales Local Plan
  - Policy S3: Settlement Hierarchy
  - Policy HC4: Affordable Housing
  - Policy HC10: Housing Mix and Type
Wildlife and Countryside Act 1981
EC Birds and Habitats Directive (92/43/EEC)
The Conservation (Natural Habitats etc) Regulations 1994
Derbyshire Dales District Council Supplementary Planning Documents
  - Landscape Character and Design
  - Affordable Housing

4.0 RELEVANT PLANNING HISTORY

4.1 10/00184/FUL Modification and repositioning of two agricultural sheds – Granted

01/09/0658 Two storey rear, single storey side/rear extensions, front porch and change of use of agricultural land to form enlarged garden – Granted

5.0 CONSULTATION RESPONSES

5.1 Doveridge Parish Council:

The Parish Council objects to this proposal for the following reasons:
The proposal would constitute inappropriate development outside a defined settlement boundary in the countryside contrary to saved Policy SF4 of the Derbyshire Dales Local Plan 2005 and the policies of the National Planning Policy Framework.

Evidence has not been provided to demonstrate that the site and any future occupiers would not be adversely affected by noise pollution from the A50 to the north. In the absence of such evidence it is considered that the development would be contrary to the National Planning Policy Framework and National Planning Practice Guidance.

The Parish Council feels that the proposal is contrary to the advice given at Paragraph 66 of NPPF as no pre application consultation has been undertaken to ascertain the views of the local residents.

The Parish Council feels that whilst there may be benefits from the proposed development in terms of providing extra housing, they must be considered against identified adverse impacts and it requests that the above criteria are given appropriate consideration and the planning application should be refused.

The Parish Council point out that given the limited services and facilities, it is inevitable that future residents of Doveridge would need to travel beyond the village to access the range of services and facilities which are required to support their day to day needs. Reference is made to the number 1 bus service operated by Arriva, which provides an hourly service between Burton on Trent and Uttoxeter Town Centre during the week. A similar service runs in both directions on a Saturday, however the Sunday service is limited to a 2 hourly service in both directions. It is considered that the level of services and facilities within Doveridge is limited, with retail provision given by a single Village Store & Post Office. They advise that the vast majority of shopping, other than for basic items, is likely to be obtained from the larger settlements beyond the village boundary. It is considered that the lack of amenities in the village in terms of retail provision weighs against the development proposal.

In relation to secondary education the Parish Council advise that Doveridge is within the catchment area of Queen Elizabeth Grammar School in Ashbourne some 14km from the site. Whilst a school bus service is provided (Service 009) it is felt that the more attractive option would be to travel by private car.

In terms of noise the Parish Council make reference to the Noise Policy Statement for England which states 'Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment'. In the case of the proposed development it is considered that residential development would be particularly sensitive to the prevailing acoustic environment. They recognise that whilst the National Planning Policy Guidance advises that noise issues can be overcome, neither the Noise Policy Statement for England nor the National Planning Policy Framework expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. Reference is made to a noise survey, which was undertaken in summer 2007 which showed the noise levels on the nearby Derby Road were between 63-72 dB (A) in the daytime.

The Parish Council advise that the site is not favoured by villagers for development in a 2012 consultation, is not DOV2 or a SHLAA site.

In summary the Parish Council consider that the development is contrary to saved local plan policies H4, SF4 and NBE8 and the National Planning Policy Framework and the National Planning Practice Guidance. It is opined that development of this site would have
a detrimental impact on the character and appearance of this part of the countryside and local landscape and that this detrimental effect would significantly and demonstrably outweigh any benefits of the proposal insofar as helping to meet the District Council's housing needs.

The Parish Council feels that although there may be benefits to the Local Planning Authority in allowing more housing, these benefits must be considered against the identified adverse impacts detailed above.

5.2 Derbyshire County Council (Highways):

The application site is located off Old Marston Lane, a narrow, no through road subject to a 30mph speed limit. Passing vehicle volumes are low, due to the limited number of dwellings on the lane, and passing vehicle speeds are suppressed to approximately 20mph due to the lane’s limited width and general layout. Therefore, in accordance with current design guidance, the proposed access to serve the site should achieve emerging visibility splays of 2.4m x 25m in both directions.

Due to the lane’s restricted width, its recommended formal passing places are constructed to facilitate two-way traffic and to avoid continuous damage to the roadside verges. However, the precise location of the passing places can be agreed at the reserved matters or full application stage.

As this application is outline with all matters reserved, the Highway Authority is not providing any detailed comments regarding the proposed layout of the residential site. However, judging from the indicative layout the applicant has submitted, it seems 17 dwellings can be accommodated within the site.

With regards to the access road, due to the limited amount of frontage development, it’s unlikely the Highway Authority would adopt the road. In this case, the Highway Authority would wish to ensure future residents exposure to streetworks charges are minimised and a management company should be set up, through content in any Section 106 agreement, to take on board the future maintenance of the estate streets.

As the majority of the dwellings will be in excess of the maximum man carry distance from Old Marston Lane (25m), turning provisions should be provided within the site to ensure all service and delivery vehicles can enter the site, turn and exit in a forward gear. The access road should also have a minimum width of 5m over its entire length. Whilst the indicative layout provides a turning head within the site, this is unlikely to be adequate for refuse vehicles. As part of any future reserved matters or full application, vehicle tracking drawings should be submitted to illustrate how a refuse vehicle can turn within the site.

Subject to conditions which deal with the above matters and advisory footnotes, the Local Highway Authority raise no objections.

5.3 Derbyshire County Council (Land Drainage)

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

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

- Appropriate evidence to support how the site will drain.
- Basic calculations of the greenfield/brownfield runoff and discharge rates for the site.
• A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location.

5.4 Derbyshire County Council (Strategic Planning)

Request that the development be afforded access to high speed broadband services and that new homes be designed to Lifetime Homes standard. Also encourage the installation of 32mm water main risers and sprinkler systems.

Derbyshire County Council has been consulted so far on three applications for residential development relating to sites in Doveridge. In summary these are: 15/00389/OUT for 70 dwellings on land to the east of Bakers Lane; 15/00570/OUT for 46 dwellings at Cavendish Cottages and land off Derby Road and 15/00739/OUT (for 85 dwellings) at land at Derby Road, Doveridge.

Advise that Doveridge Primary School has a net capacity of 105 pupils and currently has 78 on roll. Projections indicate that this number will decrease to 47 over the next 5 years. This would effectively create sufficient capacity to accommodate 58 pupils. Advise that all of primary pupils generated by this development (3 primary school places) and the developments outlined above could be accommodated within the normal area primary school.

Looking at secondary education the County Council advise that the proposed development falls within the normal area of Queen Elizabeth’s Grammar School at secondary level and that the proposed development of 17 dwellings would generate 3 secondary and 1 post-16 pupils.

They go on to advise that Queen Elizabeth’s Grammar School has capacity for 1,384 pupils with 1,282 currently on roll. This number is projected to decrease to 1,220 within the next 5 years indicating a projected surplus of 164 places. Based on an analysis of recently granted planning permissions within the normal area of Queen Elizabeth’s Grammar School (totalling 648 dwellings) which would generate an additional 97 secondary and 39 post-16 pupils it is advised that the school would still have a projected surplus of 28 places. Therefore the school would have sufficient capacity to accommodate the additional pupils generated by the proposed development.

5.5 Landscape Design Officer (Derbyshire Dales)

The development would represent an intrusion into the landscape in an area identified as being important for maintaining the countryside setting of the village. It would put at risk important features of the landscape (hedgerows, hedgerow trees and other trees) which contribute to existing landscape character. In addition, roadside hedgerow will be lost in order to accommodate the new access and highway visibility splays while any additional highway works required in order to meet current standards are likely to put at risk the character of the lane. In these respects the development is likely to result in significant adverse impact on landscape character with little possibility of mitigation.

5.6 Strategic Housing (Derbyshire Dales)

Advised verbally that the identified affordable housing need within Doveridge had been met through the granting of planning permission for new housing development on sites at Cavendish Cottage and Bakers Lane and that they would be willing to accept an off-site financial contribution in this case, to help meet the wider district need for affordable housing.
5.7 **Dove River Doctor’s Surgery, Sudbury (in response to consultation to East Staffordshire CCG)**

Note that 3 developments have been allocated in Doveridge so far of 227 homes, (80 + 147) 157 homes expected to be developed in the next 5 years and another 70 homes between 5 and 10 years’ time and that in Marchington 30 homes are likely to be built in a similar time scale.

The practice advises that this will potentially be a further 642 patients (based on 2.5 patients per new home) who may wish to register at their Practice and that as a result of new housing being constructed in nearby Uttoxeter both Balance Street and Northgate have indicated that they may withdraw their boundaries which would leave just the Sudbury surgery covering Doveridge. This would create an additional demand of 733 patients (494 Balance Street and 239 Northgate on current registered population).

Therefore with the likelihood of Sudbury surgery’s registered population increasing from 3,400 to 4,775 (642 + 733) the Practice advise that they would need to extend to meet this demand. The practice has costed a capital project on the basis of the level of new housing development coming forward and has requested that the developer contribute to this.

6.0 **REPRESENTATIONS RECEIVED**

6.1 A total of 26 representations have been received. The points raised by the 26 contributors, all objecting to the proposed development can be summarised as follows:

**Principle**

The application is ill conceived with little regard for the potential impact on the village with regard to increased stretching of the resources available within the village. Whilst I have no objection to smaller developments such as this, clear and agreed policy needs to be approved to alleviate and minimise the impact on the village with regard to infrastructure, community needs, transport and traffic impact, utility supplies etc.

The site is predominantly greenfield.

The cumulative impact of potential development in Doveridge must be combined and viewed in their entirety.

The proposed site is outside the Settlement Framework Boundary.

It is not the preferred site DOV2 named in the District Councils SHLAA document.

The site was marked as undevelopable as part of the SHLAA process (SHLAA 347).

The application site makes the most of the lack of a development plan for Doveridge whilst having no consideration to the impact the unplanned and piecemeal development is having on the layout of the village.

The development would lead to a loss of open land.

The development would be contrary to Adopted Derbyshire Dales Local Plan Policies SF4 and H4.

With other applications in the pipeline this application would add to the number and bring the total close to 400, an increase of 2/3rds in the size of the village.

The developer suggests that 84% of the village were in favour of this site in the 2012 development plan, however the developer fails to mention that the application does not relate to this site.

Once again the developers are proving their complete incompetence and lack of research. It is their stupidity that will inevitably lead to another bungling housing development in an area that cannot support it.

All of the sites currently subject of planning applications are on green fields. There are numerous brownfield sites that could be used.
The level of development coming forward will be out of proportion with the size and facilities of the village.
The Local Plan (neighbourhood plan) concluded that 20 – 25 new houses would be the ideal number for the village.
17 new dwellings are not essential in this rural location.

**Sustainability of location**

Employment would be mostly beyond Uttoxeter.
The development is unsustainable due to lack of facilities and amenities and very limited public transport system.
Public transport is served by the number 1 bus service, which starts and ends in Staffordshire. There are no direct links to any towns within Derbyshire. The bus route through the village has been recently simplified, effectively closing the nearest bus stop to the site. The service has also been recently cut from ½ hourly to one per hour and 6 weeks’ notice has been given for further changes.
It is unlikely that new occupants would work in Uttoxeter as the council there are building 700 houses on one site.
There is only one shop which means that people will have to travel to other towns.

**Impact on Service and Facilities**

There are no medical facilities in Doveridge.
The burden upon our infrastructure and services – health, education and highways raise legitimate and substantial planning concerns and provide sufficient grounds to refuse this application.
This application puts more strain on the problem of school places and the lack of available infrastructure in the village.
The village school currently has places for children up to 9 however the middle schools in Uttoxeter where most children go will have to cope with their own additional numbers as the town grows.
QEGS is 12 miles away and a 45 minute bus journey. It is the only option for secondary school children.
Our population will grow by a massive 25% with the level of development coming forward.
Our facilities will exceed capacity – sewerage, drainage, emergency service, education to name but a few.
Doveridge does not have the amenities to support a site of this magnitude especially when seen with the context of other sites amassing over 120 houses that the council has granted recent planning permission for.
Our school and playground cannot cope.
The village does not have a doctor’s surgery and what provision exists will not have the scope to increase patient numbers to cater for significant increases in the population.
Other proposed developments have already used up any spare capacity at the village school.
I fail to understand how all the current application expect to use any existing limited resources that the village has.

**Impact on the landscape / character and appearance of the surrounding area**

The development, combined with other developments will have a negative impact on the village.
Old Marston Lane is lined with hedges and trees, a key characteristic of Doveridge. As well as ecological value it provides a valuable local amenity and forms part of a walking route around the village.
Since the new road went in, Old Marston Lane has been quietly left to mingle into the surroundings. This gives this area character whilst maintaining the look of the period houses to which it serves. The site is narrow and small and will only make for a tight development for 17 houses for which there will be minimal garden and no outlook. The development does not fit into any development structure in the village. Our stunning rural community village will be turned into a town. Development would cause significant harm to the character of the village. An increase of 400 houses on greenfield sites will destroy the character of the village. The narrow lanes are part of the character of the village and should not be widened or modified. Part of the beauty of Doveridge is the network of narrow lanes which connect the different parts of the village. This will be destroyed if the lane is modified to create a safe access to the site.

**Housing Mix**

The luxury 3 and 4 bedroom houses proposed here are not meeting local need which is for starter homes, affordable homes and provision for the elderly. There is no mention of affordable housing. There is no provision for affordable housing or bungalows which are the types of properties required in Doveridge.

**Impact on ecology and trees**

Wildlife will be affected by this development. Marston Lane would be totally unsuited to the increase in traffic volume associated with such a housing development without widening. This would lead to the loss of trees and hedges which are not only essential habitats for wildlife, but also for part of the character of Doveridge.

**Flood risk and drainage**

The sewerage system is inadequate. During heavy rain the drains under Hall Lane cannot cope and the road is more like a river than a road with all the water running down it. The manhole cover in the road (opposite Church Lane) is known to rise with the pressure of water in the drain below. The stream at the bottom of Pickleys Lane is a flood risk area. Building roads and houses on the site will dramatically increase the collection of water directed into the drainage system which at present is naturally absorbed by the soil. With all the other developments having been granted it is essential that there is no further building in the village. The current sewage system overflows at the lower end of the village.

**Highway Matters**

Old Marston Lane is only suitable for single file traffic. Should the development be allowed a footpath would be required as Old Marston Lane leads to the only bus stop on the north side of the village. Visibility from Old Marston Lane is poor. It is directly opposite Cook Lane and a bad bend. The site leads on to a single track lane ending at a junction on a bad bend and both opposite to and adjacent a Grade II listed building. The new housing will add to road congestion. Increased traffic would make walking and cycling around our village very dangerous.
Employment beyond Uttoxeter would add extra commuter traffic to the rush hour congestion on the A50.
The access to the site is to say the least restricted and blind onto Derby Road.
The development will cause traffic problems on an unsuitably narrow lane.
Old Marston Lane curves which would restrict the forward view of any traffic using it.
Currently there is little vehicular traffic, but traffic from 17 additional houses would make
the road dangerous, particularly to any additional pedestrian usage.
The egress onto Derby Road is also restricted with housing butting directly onto the road
on the west side and hedging on the other side.
Removing the two Uttoxeter roundabouts and closing the nearest access point on the A50
will double the road journey from Doveridge to Uttoxeter.
With such an increase in households, cars and other vehicles servicing them, I am very
concerned about the safety of my children.
The development would cause excessive traffic at the junction.
The Hall Drive development and garage site (Cavendish Cottage) would all need to access
this stretch of the road which would be a recipe for disaster.
Our roads cannot cope.
So many cars dropping off pupils will cause chaos.
Congestion from people driving to the school and local facilities will make the village very
unsafe.
The lane has no outlet onto the feeder road into the village.
The volume of traffic would lead to congestion, pollution and dangerous conditions for the
many pedestrians and cyclists who regularly use it.

Other Matters

The application provides none of the required detail to allow a full evaluation. There are no
flood assessments, noise surveys and no account has been taken of the restricted access
on to a minor road. There is no traffic management survey or environmental impact
assessment. It is not clear what hedges or trees will be affected.
The new occupants would suffer excessive noise from the A50 (the cutting gives little
protection).
The new housing will add to heating oil and traffic pollution.
Noise from the concreted surface of the adjoining A50 would be very intrusive.
Water pressure is poor.
There is no mention of sustainability or how utility requirements are to be met especially in
terms of central heating requirements without an available gas supply.
How does a development of 17 new dwellings, with the associated parking and traffic
generated help the move towards a low carbon economy?
The location plan makes reference to some of the land being owned by a party other than
the application but the ownership certificate does not indicate this.
Noise and air quality pollution will only increase as there is no sign of the concrete road
surface being replaced in the near future and the impending improvement of removing the
two Uttoxeter roundabouts on the A50 is intended to speed the traffic.
There are very few resources for teenagers in the village which will need to be considered
to prevent anti-social behaviour.
The village will not benefit from this uncontrolled expansion and new residents will not be
in a position to enjoy this village as it will no longer be a village, it will be a commuter route
sat on the boundary of the noisy A50.
The site is closer to the A50 than the site at Cavendish Cottage, which proposed a very
high unsightly fence around the site.
Continuous noise from within the properties and outside will exceed the limits set by the
World Health Organisation.
7.0 OFFICER APPRAISAL

Planning Policy Context

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

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

7.3 It had been the case that the District could not demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). However, based on new analysis of development that will come forward in the next 5 years it is considered that the Council can now identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The emerging local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it cannot be afforded any significant weight at this time. Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and is based on outdated housing needs information. Policies which deal with new housing development are therefore considered to still be out of date. Recent appeal decisions have confirmed this position, in that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries have been considered to be out of date and have been afforded no weight in the decision making process.

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

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

7.6 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and the consultee and public comments received the key themes that emerge are:
- Sustainability of location and the cumulative impact of new housing development on existing services and facilities;
- Impact on local landscape character / the character and appearance of the locality; Impact on the local environment;
- Whether there would be any highway safety implications
- Residential amenity impacts for existing and proposed residents and impact of noise from the A50;
- Affordable housing and housing mix;
- Other contributions towards infrastructure, and;
- Surface water drainage.

**Sustainability of location and the cumulative impact of new housing development on existing services and facilities;**

7.7 The site lies to the north of Doveridge, approximately 0.5km from the village centre by road. Reference is made to the lack of pedestrian footways along Old Marston Lane. Being sited at the northern end of the Old Marston Lane, close to where the road terminates it is possible to walk to the village centre (some 400m away following the route of Marston Lane), walking only a short distance on the single carriageway road. The site is therefore within reach of the village centre and facilities it has to offer, including a shop, village hall / working men’s club, recreation ground, pub and primary school. The location of the site is therefore considered to be reasonably sustainable, insofar as access to services and facilities within Doveridge Village is concerned.

7.8 Concern has been expressed by local residents with regard to the level of new housing development coming forward and the cumulative impact of such development on existing services and facilities. Across the plan area it is envisaged that most new housing development will be brought forward in the market towns, local service centres and accessible settlements with limited facilities, such as Doveridge (a third tier settlement in the emerging local plan). It is recognised that ‘accessible settlements’ possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is acknowledged that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes. Doveridge is a substantial village of some 600 houses. It has good access to the A50 and benefits from its proximity to Uttoxeter. Although most people would need to travel to access employment and services such as doctors and dentists, other existing village amenities would benefit from a modest increase in population.

7.9 Consultation responses received, particularly in relation to strategic infrastructure, indicate that the village can accommodate this level of growth without significant improvements to its existing infrastructure. It would appear, however, that the doctor’s surgery at Doveridge is at capacity and would need to extend to accommodate the anticipated growth in population.

7.10 Whilst the erection of up to 17 dwellings on the site would be in addition to the sites allocated within the emerging local plan and level of growth anticipated to come forward within the village, it is not considered that the development would result in an unacceptable level of additional growth in the case of Doveridge and would not be at odds with the objective of promoting sustainable development, insofar as access to and the ability of services and facilities to accommodate such development.

**Impact on local landscape character / the character and appearance of the locality**
7.11 Of significant concern is the impact of any new residential development on the character and appearance of this part of the countryside / the local landscape. Although the applicant suggests that the site has been identified as a preferred site for development, this suggestion is made in error as the reference DOV2 (or the more recent reference SHLAA348) applies to the larger site on the opposite side of Old Marston Lane.

7.12 Landscape sensitivity to housing development within Derbyshire Dales has been independently assessed (Derbyshire Dales District Council Landscape Sensitivity Study – Wardell Armstrong August 2015). Within this assessment it is recognised that Doveridge is quite rural in character, despite its proximity to the A50 and landscape features within the fields enclosed by Upwoods Road, Old Marston Lane and the A50 contribute to the rural character of the settlement. The site is assessed as being of medium sensitivity to housing development.

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

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

7.15 The area sits within the ‘Settled Farmlands landscape type’ of the Needwood and South Derbyshire Claylands landscape character area (Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document) and is typical of the type in the following respects:

- Gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes
- Dairy farming on permanent pasture with localised arable cropping
- Scattered oak and ash trees along hedgerows
- Dense lines of trees along streams
- Small to medium size semi-regular and strip fields enclosed by hedgerows
- Extensive ridge and furrow
- Network of winding lanes often sunken on steeper slopes

7.16 The character of the landscape has been altered by the construction of the A50 dual carriageway to the north. However, its impact is mitigated by high embankments to either side and associated tree and shrub planting. As a result the site and its surroundings continue to contribute to the rural setting of Doveridge. Development on the northern side of Old Marston Lane is sporadic / loose with the odd dwelling constructed off the lane. Development comprising 17 dwellings would represent a significant and harmful intrusion into the landscape in this area, identified as being important for maintaining the countryside setting of the village.

7.17 As stated by a number of local residents and the District Councils Landscape Officer the development would also put at risk important features of the landscape (hedgerows, hedgerow trees and other trees) which contribute to existing landscape character. The
roadside hedgerow would need to be removed to accommodate the new access and highway visibility splays and the additional highway works required to create passing places would cause significant harm to the rural character of the lane. In these respects the development is likely to result in significant adverse impact on landscape character with little possibility of mitigation.

7.18 The level of development proposed would also be at odds with the scale and nature of development which exists / has occurred on the northern side of the lane. The construction of up to 17 dwellings on the site would be too dense a development and would result in a form of development that would be overtly urban in appearance and result in significant harm to the rural setting and character of the village.

Impact on the local environment / ecology

7.19 An important consideration is the impact of any new housing development on existing landscape features such as trees and hedgerows and ecology. Aerial photographs of the site show a pond next to the stable building at the rear of Kamloops. This along with landscape features such as the boundary trees and hedgerows may provide suitable foraging / roosting habitat for bats, newts and other wildlife. No information accompanies this application, which looks at the implication of any new housing development on wildlife and in particular protected species. Without any assessment the Local Planning Authority cannot be satisfied that the development would not have any adverse impacts on protected species and is therefore unable to discharge its duty in respect of the requirements of the Habitats Regulations.

Whether there would be any highway safety implications

7.20 The Local Highway Authority do not raise any issue with regard to the capacity of the highway network to accommodate the development. They advise in accordance with current design guidance, the proposed access to serve the site should achieve emerging visibility splays of 2.4m x 25m in both directions. They have also advise that due to the lane’s restricted width, its formal passing places should be constructed to facilitate two-way traffic and to avoid continuous damage to the roadside verges. They advise that the precise location of the passing places can be agreed at the reserved matters or full application stage. Whilst the formation of such passing places, and any removal of established boundary hedgerows has the potential to harm the rural character of the lane, the Local Highway Authority are satisfied that a development of the scale proposed could be served via Old Marston Lane and that an appropriate level of visibility onto the lane can be achieved.

Residential amenity impacts for existing and proposed residents and impact of noise from the A50

7.21 Concerns over noise levels have been raised by a number of local residents. The site sits to the north of an approved scheme at Cavendish Cottage, which proposed an acoustic fence to mitigate noise from the A50. The site, subject of this application, sits closer to the A50 and although the section of road closest to the site sits within a cutting background noise emanating from the A50 is audible. Without any assessment of the likely implications of traffic noise and consideration of any mitigation measures the Local Planning Authority cannot be satisfied that the development would not adversely impact on the living conditions of the future occupants of the dwellings, by way of noise nuisance.

7.22 Although dwellings are shown on the indicative layout plan at the rear of the site, behind Kamloops and The Woodyard, the existing dwellings sit within large plots and would be unlikely to be adversely affected by a development of up to 17 dwellings subject to careful consideration of the layout and orientation of the dwellings and house types.
Affordable housing and housing mix

7.22 Policy HC4 of the emerging local plan requires all residential developments of 10 dwellings or more or with a combined floorspace of more than 1000 square metres to provide at least 30% of the net dwellings proposed as affordable housing. The Head of Housing has advised that the local affordable housing need in Doveridge has been met through the delivery of other sites in the local area. In this respect the Local Planning Authority would require an off-site contribution towards affordable housing in this case. Given that the emerging affordable housing policy envisages at least 30% provision on the back of the delivery of other infrastructure, it is considered reasonable to request a 45% contribution in this case (a figure applied to other housing schemes) on the basis that the Council does not yet have a CIL charging regime in place and the nature of the site (i.e. entirely greenfield). Based on a 45% contribution (and the delivery of a broad mix of housing to meet the Districts affordable housing needs) a financial contribution of £194,692.50 (17 x 0.45 x £25,450) would be required based on 17 units. The applicant has agreed to a contribution towards affordable housing being made at this level.

7.23 In terms of housing mix Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand ……”

7.24 As part of the evidence base for the emerging Local Plan, a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which has been used to inform the preparation of new local plan policies. This seeks to ensure new housing meets the communities needs and states (Paragraph 8.43) that:

“……. the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

7.25 The application is for outline consent only with all matters relating to the layout and type of properties reserved for future consideration, therefore the detail of the mix of housing has not as yet been determined. The delivery of a scheme of 8 no. 3 bedroomed and 8 no. 4 bedroomed dwellings would clearly not achieve the above mix. As this application is for outline consent only, however, it would be possible to agree an alternative mix with the applicant.

Other contributions towards infrastructure

7.26 Concern has been expressed as to how this development will impact on existing infrastructure. From the consultation responses received, it is clear that there is capacity within the existing primary school and secondary school at Ashbourne, to accommodate the anticipated number of pupils that would be generated.

7.27 Dove River Doctor’s Surgery have advised that it is at capacity and changes to catchment areas, due to the level of growth coming forward in the area (including in Uttoxeter) is such
that there will be a need to expand the existing practice. They have identified a capital project which will be required to accommodate the level of development coming forward. The applicant has agreed to make a contribution towards this project at a rate of £250 per dwelling.

7.28 Concern in relation to sewerage and water supply has also been raised. The capacity and connection to existing network water and sewage network is a matter which will need to be agreed with sewage authority through negotiation and as part of the building regulations process and would not constitute a reason for refusing the application.

7.29 Under Adopted Local Plan Policy L6 development on sites over 0.6ha should include playing space / an equipped play area to meet the needs of future resident’s children. Although the indicative layout plan makes no provision for playing space this would be a requirement of any reserved matters submission.

Surface water drainage

7.30 Paragraph 79 of the National Planning Practice Guide (2014) states that when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate. No sustainable drainage systems is presented or consideration given as to how surface water be drained as part of this application. The Local Planning Authority cannot therefore be satisfied that the level of development proposed could be accommodated on the site and be appropriately drained to prevent surface water flooding on the site and in the local area.

The Planning Balance

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

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

7.33 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The benefits of providing new housing to meet the districts housing needs outside of settlements and on land not benefiting from draft housing allocation can therefore only be attributed limited weight. It is, however, important to weigh this alongside the other social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

7.34 In this case the social dimension would be limited to the delivery of a relatively small number of new homes to help underpin existing services and facilities within the village and the payment of monies towards the delivery of affordable housing within the Derbyshire Dales District and a capital project identified by a local doctor’s surgery.
7.35 The economic dimension would be served by employment generated during construction and the benefit to businesses within the village from additional resident spend.

7.36 In environmental terms the provision of up 17 dwellings on the site would be out of scale and context with the rural character of this part of Old Marston Lane and would represent a marked intrusion into the landscape, harmful to the character and appearance of the surrounding area. This harm to the landscape weighs heavily against the development. Furthermore, the site lies close to the A50 and without any assessment of the likely implications of traffic noise and consideration of any mitigation measures the Local Planning Authority cannot be satisfied that the development would not adversely impact on the living conditions of the future occupants of the dwellings, by way of noise nuisance. No information accompanies the application which also looks at the implication of any new housing development on wildlife and in particular protected species. Without any assessment the Local Planning Authority cannot be satisfied that the development would not have any adverse impacts on protect species and is therefore unable to discharge its duty in respect of the requirements of the Habitats Regulations.

7.37 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF and the ability of the District Council to demonstrate a five year housing land supply, it is considered that the level of environmental harm identified above and lack of information in relation to noise and protected species outweigh the benefits and therefore the proposal should be refused on this basis.

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

1. Residential development of up to 17 dwellings on the site would be out of scale and context with the rural character of the northern side of Old Marston Lane and would represent a prominent encroachment into the countryside, harmful to local landscape and the rural setting of the village contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

2. Without any assessment of the likely implications of traffic noise from the A50 and consideration of any mitigation measures the Local Planning Authority cannot be satisfied that the development would not adversely impact on the living conditions of the future occupants of the proposed dwellings by way of noise nuisance contrary to the aims of guidance contained within the National Planning Policy Framework (2012) and Practice Guide (2014).

3. The application as submitted is not accompanied by sufficient information to demonstrate that the level of development can be accommodated on site and appropriate drainage put in place to prevent surface water flooding on the site and in the local area contrary to guidance contained within the National Planning Policy Framework (2012) and Practice Guide (2014).

4. The application as submitted is not accompanied by appropriate survey information to demonstrate that protected species or their habitat will not be adversely affected by the proposed development. In the absence of sufficient information to demonstrate that protected species and their habitat can be appropriately safeguarded the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations 2010. As such, the application is contrary to the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
Footnotes:

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

This Decision Notice relates to the following documents:
1 :1250 Scale Existing Site Location Plan numbered C22-01A ;
1 :1250 Scale Proposed Site Location Plan numbered C22-02A ;
1 :500 Scale Proposed Block Plan numbered C22-03, and ;

BACK TO AGENDA
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00100/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>FORMER SHOP OFF MILLERS GREEN, WIRKSWORTH</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>CONVERSION OF BUSINESS PREMISES TO DWELLING WITH ASSOCIATED EXTENSION/ALTERATIONS</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>G. A. Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr. D. Leahy</td>
</tr>
<tr>
<td><strong>TOWN</strong></td>
<td>Wirksworth</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Planning Design</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Councillor Mrs I. Ratcliffe, Councillor M. Ratcliffe, Councillor P. Slack</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>15 May 2016</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Request of Ward Member</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>At request of Ward Member to consider location for a house, amenity space, impact upon neighbours and impact on pedestrian route</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**
- Principle of the development
- Design and visual impact
- Impact on residential amenity
- Highway safety

**RECOMMENDATION**
Approval
16/00100/FUL

Former Shop Off, Millers Green, Wirksworth

Derbyshire Dales DC

Date: 29/07/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The application site is a small building which was granted planning permission in 2005 with the purpose of being used for office accommodation. The building replaced a smaller building on the site which was used as a shop.

1.2 A tall leylandii hedge to the neighbouring property bounds the site to the north and east. The highway abuts the property to the south and west. The immediate surroundings of the site are residential in nature and the fringe of open countryside. There is a former commercial yard on the opposite side of the road to the north which has permission for residential redevelopment.

1.3 To the front of the building there is a modest hardstanding, the remainder of the plot being occupied by the building. The application site is within the Settlement Framework Boundary for Wirksworth.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to convert this unused building from the approved office accommodation to a dwellinghouse. The premises has never been used for the approved purpose since it was constructed and remains unfinished inside.

2.2 The proposed dwellinghouse would have a lounge, kitchen diner, wc, hall/staircase, and storeroom on the ground floor. The first floor is proposed to provide two bedrooms and a bathroom. An open fronted, canopy porch is proposed to be erected to the front door. This is proposed to have a pitched roof and be in matching materials and to measure 2.1m wide by 1m deep and 3.5m high.

2.4 The door is proposed to be white Upvc and the windows painted timber. An additional window is proposed to be inserted in the south gable elevation at ground floor level. Two rooflights are shown to be provided on the front roofslope and one on the rear roofslope to be set some 1.7m above the internal first floor level and the applicant has advised that they will be above eye level. A door is proposed in the south gable elevation to provide access to a bin store set into the building.

2.5 The applicant advises that there has been no commercial demand for the property. In addition, the requirements of Policy EDT4 to seek to retain commercial properties now needs to be considered in the light of the National Planning Policy Framework (2012) which creates a different policy climate to when similar planning applications were submitted and refused planning permission.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan
SF1: Development Within Settlement Frameworks Boundaries
SF5: Design And Appearance Of Development
H1: New Housing Development Within Settlement Framework Boundaries
H9: Design and Appearance of New Housing
EDT4: Other Existing Employment Land and Buildings
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

3.2 Other:

National Planning Policy Framework
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

10/00426/FUL Change of use and conversion of premises to residential dwelling – Refused – Appeal Dismissed
08/00250/FUL Change of use and conversion of office premises to residential dwelling – Refused
05/00699/FUL Change of use and reconstruction of former shop premises to office accommodation – Granted
05/00143/FUL Change of use and reconstruction of former shop premises to office accommodation (Modifications to planning permission 03/02/0129) – Refused
03/02/0129 Change of use and reconstruction of former shop premises to office accommodation - Approved

5. CONSULTATION RESPONSES

Town Council
5.1 - no comment.

Derbyshire County Council (Highways)
5.2 - no objection in principle subject to no part of the development taking place in the public highway
- extent of public highway considered to be the front face of the building and anything in front of this is unacceptable and would represent encroachment under the Highways Act 1980
- amended canopy porch will be likely to require licencing under the Highways Act 1980.

Derbyshire Dales District Council (Environmental Health)
5.3- no objection.

6. REPRESENTATIONS RECEIVED

6.1 A total of three representations have been received. A summary of the representations is outlined below:

- property effectively built without planning permission
- to avoid the appeal decision conditions that it be an office would be inappropriate
- wouldn't make a good home given size and location – contrary to Local Plan Policies
• Planning Inspector previously advised the lack of privacy at ground level, internally and externally, would be most undesirable
• site has little amenity space
• loss of amenity - rooflights below eye level and have direct view into master bathroom and private garden of Ohio Farmhouse
• rooflight to staircase would overlook Cinder Cottage – should be omitted or be non-opening with obscure glass
• bedroom window on the north wall obscured by a hedge
• concerns with highway safety given the position of the building
• proposed wall will reduce visibility of vehicles emerging from Cinder Lane onto Millers Green and could be a highway safety hazard
• Manual for Streets advises a minimum width of 2m for a footpath in lightly used streets
• dispute between applicant and Local Highway Authority with respect to footpath width
• property would make a good social resource with growing residences in the area
• neighbours feel the owner has not been forthcoming in allowing the building to fulfil its potential
• planning application is misleading with respect to the proposed alterations
• frontage area cannot be described as a patio
• bins located under kitchen window cannot be hygienic
• owners should not leave buildings empty in the hope that permission will be forthcoming for another use
• part of Cinder Lane is a Zone 2 area of flood risk – the cottages opposite are known to flood and climate change can only make the flood risk worse
• the District Council has an adequate 5 year housing land supply
• cannot rely on GPDO Class O which permits offices to be changed into dwellinghouses as building has never been finished in the 13 years since planning permission was initially granted
• the only reason the property exists is because of an enforcement appeal and to ignore the conditions would be contrary to the whole planning process
• no right of access from Cinder lodge to maintain the property.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of Development
2. Design and visual impact
3. Impact on residential amenity
4. Highway safety

Principle of Development
7.1 Policy EDT4 advises that planning permission will only be granted for the change of existing business premises for non-employment uses where the continuation is no longer required or it is incompatible with the surrounding properties and land uses.

7.2 The applicant has previously submitted a letter from their estate agents who marketed the property. The details submitted did not explain what the premises were marketed as or the value attributed to the property. In addition, with this current application there has been no apparent recent marketing of the premises for commercial use. Therefore, the applicant has failed to demonstrate that there is no demand for commercial use of the property through a clear and reasonable marketing exercise. What marketing exercises there may have been were also based on the building being incomplete and not immediately available for occupancy, as it has been throughout the marketing period up to the current day. Again, this would not help with the marketability of the premises.
7.3 However, since the previous applications were submitted and refused permission to convert the premises to residential use, the National Planning Policy Framework (NPPF) has become a significant material consideration as this is the statement of government policy which should be reflected in local plans and where these are not up to date be reflected in Development Management decision making.

7.4 Paragraph 22 of the NPPF advises that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for such a purpose and that applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Whilst marketing has historically been limited, the likely market for its use is restricted and, on balance, in line with paragraph 22 it is not considered that long term further protection of its use is appropriate. Given the size of this building, the room for employment potential is rather limited. The converted building can contribute to meeting the housing requirements of the District. In this respect, it is considered that the proposed residential use of the building is acceptable in principle.

Design and Visual Impact

7.5 The building was not constructed as a replacement building fully in accordance with the approved plans. These modifications were granted retrospective planning permission (ref: 05/00143/FUL) which created a building with a substantial degree of masonry above the windows to create opportunity for a first floor. Planning permission was granted as the modifications to the design were not considered so significant that they would justify refusal.

7.6 However, the introduction of the porch will serve to improve the frontage presented by the building and in this regard the proposal is considered acceptable as are the positioning of rooflights and the additional window. The rooflights could appear imposing on this modest building, particularly if they project above the roof plane and, therefore, it is considered reasonable to require details to be submitted for approval. In addition, it is considered reasonable to require details of the windows and doors to be provided if these are proposed to be changed. In addition, the dwellinghouse will need to have its permitted development rights restricted to prevent future alterations that may otherwise impact on the character and appearance of the premises.

Impact on residential amenity

7.7 The building exists and impacts on residential amenity have previously been considered. The principle matters for concern are whether the use will harm the amenity of the occupiers of Cinder Lodge. The principal issue for concern in this respect is the insertion of a rooflight on the rear roofslope which could lead to overlooking of the neighbours property given the levels differences and proximity. In this respect, it is considered that the rooflight could be non-opening and obscure glazed to prevent such potential losses of privacy and this can be subject to a condition on any grant of planning permission. In addition, the dwellinghouse will need to have its permitted development rights restricted to prevent future alterations that may otherwise impact on the amenity of neighbouring residents.

7.8 In terms of the residential amenity associated with the proposed dwelling, it is appreciated that there is no outside amenity space. However, given the size of the building, it is not considered essential to provide amenity space as, by example, apartment developments in town centres can have little, if any, outside amenity space and can still be attractive to live in.
Highway Safety

7.9 The Local Highway Authority has no objection to the proposals in principle but raised concerns with regard to a boundary wall and open side porch being provided to the front of the building. There is disagreement between the applicant and the Local Highway Authority with regards to the extent of the public highway which the Local Highway Authority considers to be the front face of the building. In this respect, the placing of the boundary wall would have meant a loss of visibility at the junction of Cinder Lane and The Green.

7.10 This meant that the porch and enclosed space to the front of the building could not be provided and thus this raised an issue in providing a bin store. The removal of the boundary wall, re-siting of the bin store within the building fabric and the provision of a canopy porch has now been proposed by the applicant to address such matters and this has now met with the approval of the Local Highway Authority albeit it is advised that the canopy will be likely to require licencing under the Highways Act 1980.

Conclusion

7.11 Given the substantial change in planning circumstances since the conversion of this building was last proposed, it is considered that the building can be reasonably converted to a dwellinghouse. The proposed alterations to the external appearance of the building are considered acceptable in their amended form and it is recommended that planning permission be granted subject to conditions on detailing and the removal of permitted development rights for further windows/rooflights.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

2. The development hereby approved shall be carried out in accordance with the original specifications and drawings except as amended by the drawings numbered 1309-00-4C and 1309-005E received on 15th June 2016 and except insofar as may otherwise be required by other conditions to which is permission is subject.

3. Notwithstanding the details on the submitted drawings, before the development commences, details of the following shall be submitted for approval in writing by the Local Planning Authority:
   - the rooflights (the rear rooflight being non-opening)
   - any replacement door
   - the bin store door
   - the additional window and any replacement windows
   - a sample of the timberwork for the porch and its colour treatment
   - details of the roofing material for the porch

   The works shall thereafter be undertaken fully in accordance with the approved details prior to the occupation of the dwelling.

4. Condition DM23 Design Details (External Fixtures)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed or inserted in any wall or roof of any dwelling the subject of this permission.
Reasons:

1. Reason ST02a

2. To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF1, SF5, H1, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

3. To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF1, SF5, H1, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

4. To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

5. To safeguard the amenity of neighbouring residents to comply with government guidance contained in the National Planning Policy Framework and Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:

1. The canopy porch will be likely to require licencing under the Highways Act 1980.

2. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that provided amendments to the frontage area to seek to address highway matters.

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

4. This decision notice relates to the following documents:

   Amended Drawing Nos. 1309-001B, 002A, 003A, 004C and 005E received on 15th June 2016
   Planning and Design Statement received on 3rd March 2016

BACK TO AGENDA
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00322/OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land Off White Tor Road, Starkholmes, Matlock</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection Of Dwelling (Outline)</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr Tim Alexander</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Matlock St Giles</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Planning Design</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Councillor S Flitter, Councillor J Stevens, Councillor D Botham</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>01.07.16</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to the number of objections raised to the proposal</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To allow members to fully appreciate the site context.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**
- Principle of the development
- Impact upon the character and appearance of the area
- Impact upon amenity
- Highway safety

**RECOMMENDATION**
Refusal
Land off White Tor Road, Starkholmes
1. THE SITE AND SURROUNDINGS

The application site is an area of open land that is steeply sloping in an easterly direction with the lower part of the site directly related to Starkholmes Road and the higher part of the site to the east related to White Tor Road. White Tor Road is narrow and steeply sloping and has a few dwellings dotted along the eastern side with fewer dwellings to the western side of the road. From the application site there is further open land to the north which then leads into woodland. The site is outside of the draft settlement boundary but in very close proximity to this close to the market town of Matlock. The site is close to but beyond the boundary of the Conservation Area to the west of the site. There is also a wildlife site to the east beyond the properties on the opposite side of White Tor Road. The World Heritage Site buffer zone surrounds the site but the site is not within the buffer zone.

2. DETAILS OF THE APPLICATION

Outline planning permission is sought with all matters reserved to erect a single dwelling on the site. An indicative scheme has been submitted which shows a split level dwelling accessed via White Tor Road.

The applicant’s agent has submitted a statement in support of the application which raises the following key points:
- The site is within a sustainable location close to services and facilities provided in the town.
- Starkholmes Road is characterised by ribbon development which extends relatively unbroken along the east of the road.
- It is possible the site has been subject to quarrying in the past.
- The landscape character type is wooded slopes and valleys.
- There have been planning appeals on the site in the past in 2004 and 2005 but national planning policy has changed significantly since then.
- Development will include additional planting along the western part of the site to reinforce the boundary planting which separates the proposed dwelling from no. 233.
- The proposed development is in keeping with character of housing between White Tor Road and Starkholmes Road.
- The introduction of a further dwelling in this location will not materially change the character of the surrounding landscape.
- The site is bordered on three sides by dwellings and therefore will not adversely impact on landscape character.
- Suitable access and parking can be achieved.
- A data search for registered or reported protected species on the site has been conducted and none found within the site boundary, there are no existing established trees on the site, it is therefore concluded that a full ecological survey is not required.
- Additional planting will ensure the amenity of no. 233 is not harmed.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK
3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H4: Housing Development Outside Settlement Framework Boundaries
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE8: Landscape Character
NBE25: Derwent Valley Mills World Heritage Site
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

3.2 Other:
National Planning Practice Guidance
Draft Derbyshire Dales Local Plan
  o Policy S5: Development in the Countryside

4. RELEVANT PLANNING HISTORY
04/02/0158 Erection of detached dwelling – Refused – Appeal Dismissed.

There were two main issues within this appeal, first the site is outside the settlement boundary and second the character and appearance of the area.

Due to policies at that time the proposal was refused for being outside of a settlement and this was upheld by the Inspector based on the emerging planning policies at that time. The Inspector considered that the site when viewed from White Tor Road was open and provided a sense of space and therefore development would undermine the open character of this countryside area.
The Inspector also considered that there would be some overlooking of the Garden areas of no. 233 and the occupiers of that property would have the perception of being overlooked. However, appropriate screening was considered to overcome this issue.

WED/0494/0244 Erection of dwelling – Refused – Appeal Dismissed

There were two main issues to be considered in this case. Firstly highway safety and visibility splay distances. The Inspector considered that visibility was limited and would harm highway safety. Secondly, the Inspector concluded that the development of the site would consolidate the built environment at the expense of the largely open character of the area. The proposal would detract from the character of this pleasant area.
It was considered that with screening the issues of overlooking would be overcome.

5. CONSULTATION RESPONSES

Parish / Town Council

5.1 Concerns reading the impact on construction traffic on the road that is not suitable for motors.

Heritage Coordinator – Derwent Valley Mills World Heritage Site

5.2 The site is immediately outside the buffer zone although it is surrounded by the buffer zone to the east and west. The Derwent Valley Mills Partnership is pledged to protect its outstanding universal value, interpret and promote its assets, enhance its character, appearance and economic well-being in a sustainable manner.

The site has a rural character which extends uninterrupted up the hillside to White Tor Road and beyond. Ribbon development is an inappropriate term to describe the character of this area. The pattern of traditional buildings, in local natural materials, around the site is relatively dispersed and responds naturally to the topography. Individual cottages sit immediately against the lane either with gables, or in small rows with ridges parallel to the lane. Despite the presence of small modern development, south of the junction of White Tor Road and Starkholmes Road; this rural character prevails along White Tor Road itself.

Any development along this section of Tor View Road would be unprecedented and highly prominent, where the site falls-off steeply from the lane to reveal extensive and dramatic views of open countryside. Development on this site will only be achieved with an unnatural, engineered solution. The inevitable underbuilding and a plateau for access would be alien to this steeply sloping, undeveloped west side of the lane. The indicative plan raises concerns with a garage at road level, a dwelling of suburban character and the domestic curtilage which would be highly incongruous in this context. Given that the site is outside of the Buffer Zone, any claim to the proposed developments effect on the setting of the Derwent Valley Mills World Heritage Site and any significant harm to its Outstanding Universal Value would be difficult to justify in planning terms. Its harmful effect on the rural character of the locality is not in question and its preservation might be achieved through other designations.

Derbyshire County Council (Highways)

5.3 The proposals include creating a new vehicular access to White Tor Road; an unclassified road subject to a 30mph speed limit. In accordance with current design guidance, it’s recommended any new access created to such a road should achieve emerging visibility splays of 2.4m x 43m in both directions. During a recent site visit it was evident these recommended visibility splays could not be achieved due to third party land.

However, in accordance with current guidance, the Highway Authority can only object to proposals which are likely to result in severe highway safety concerns. Therefore, as vehicle volumes on White Tor Road are extremely low and passing vehicle speeds are suppressed due to the limited carriageway width and the horizontal and vertical alignment of White Tor Road, the Highway Authority does not consider an objection on highway safety grounds could be sustained.

In order to maximise the available emerging visibility from the proposed vehicular access, the access should be located in a central position within the controlled land where it fronts White Tor Road. Therefore the Highway Authority has no objection subject to conditions and footnotes.
5.4 The site is dominated by dense tall ruderal vegetation, therefore it is unlikely for the site to be suitable for great crested newts. However, as no ecology report has been provided, it is highly recommended that as detailed (Precautionary Method of Works - PMW) are undertaken when it comes to site clearance. A condition should be imposed to this effect.

6. REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received. A summary of the representations is outlined below:

Character and appearance
- The proposed dwelling will become a dominant feature on the hillside clearly visible from Matlock Bath.
- Harmful to the character and appearance of the area.
- A modern design would not be appropriate in this location.
- Screening will look out of place on the hillside.
- The site is not well screened within the landscape.

Highway Safety
- A lot of infilling and landscaping will be required due to the slope of the land, resulting in road closures.
- Large lorries would have difficulty accessing the site due to the nature of White Tor Road.
- Safe access cannot be provided; the road is marked as ‘unsuitable for motors’.
- The site is opposite an existing driveway.
- Vehicles have previously been stuck on White Tor Road.
- There is already an increase in parked vehicles.
- If this is a sustainable site why are two parking spaces required.
- Heavy vehicles will be needed to clear the site, there is no level access to the site, it quickly drops away after the immediate access point.

Amenity
- A dwelling on the site would overlook our windows which are only 10m away from the proposed dwelling.
- There is not sufficient space to provide planting, this is a very tight site.
- Privacy between properties should not rely on planting between properties.
- Landscaping to prevent overlooking can easily be removed.
- The plan does not seem to match the land registry plan. There would be an adverse impact upon the privacy of no. 233, the conifers which provide screening are a potential danger and may have to be removed.
- Without detailed plans the potential impact upon amenity in terms of loss of light cannot be fully assessed.
- Planting may cause loss of light.
- There will be an impact upon the amenity of the dwellings on White Tor Road.

Other
- Dispute over the site plan, the neighbours own part of the site.
- Subsidence is an issue in this area, it has stopped at present but these works could set off further subsidence given the proximity of the works to neighbouring residents.
- Our property is built upon or close to a Rake (deep wide cut in stone to reveal a vein of metal) these were often filled with loose soil and rubble causing the ground to be unstable and unsuitable for construction without excavation and underpinning. Additional testing of the ground and survey works are required.
- Dispute wording of the agent’s statement.
- Loss of view
- Premature should await the Local Plan.
Many enjoy the view over the fields.
This is not affordable housing
There is a watercourse which runs off the hillside and a stream nearby, flood risk should be assessed.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

1. Principle of the development
2. Impact upon character and appearance of the landscape
3. Impact upon amenity
4. Highway safety

Policy background

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

7.2 It had been the case that the District could not demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF in paragraph 47), however, the analysis of development that will come forward in the next 5 years across the Derbyshire Dales District is such that the Council can now, it is considered, identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. However, the emerging local plan is at an early stage in the plan making process and policies and strategic land allocations contained within it cannot be afforded any significant weight at this time. Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and is based on outdated housing needs information. Therefore the policies which deal with new housing development are considered to be out of date and recent appeal decisions have confirmed this.

7.3 In this respect paragraph 14 of the NPPF becomes relevant as it states that where the development plan is absent, silent or as in this case the relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The remainder of this report will assess the scheme against this policy guidance, weighing the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.

Principle of Development

7.4 The application site in this case is outside of the Matlock settlement framework boundary identified in the draft local plan. In such locations it is envisaged that development in principle will be more strictly controlled as is required by Policy S5 of the Draft Local Plan which it is noted has only limited weight at this time due to the early stage of the plan.
7.5 Although very close to the limits of the draft settlement boundary, this location, on a steep hillside outside of the town, where pavements are limited and it is some distance to services and facilities in the main town, is not considered to be a sustainable location for the growth of residential development. In this location it is considered that occupants of the proposed dwelling would be reliant on the private motor cars to access services and facilities and as such this location is not considered to be sustainable.

Impact upon Character and Appearance

7.6 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (ADDLP) is considered to be broadly in line with the NPPF although not wholly in line due to its negative wording and therefore can only be given some weight. This Policy requires that; planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

7.8 One of the core planning principles of the NPPF requires that planning should take account of the different roles and character of different areas … recognising the intrinsic character and beauty of the countryside.

7.9 Concern has been raised by local residents that the development of this site will harm the character and appearance of an open area of land with views across the valley. It is acknowledged that this is a green field site, in the past Inspectors dealing with two separate appeals have noted that the development of this site will lead to the loss of the open character of the area. However, those two appeals were determined under a very different policy situation to the one described above and therefore the issue of harm to the character and appearance of the area has to be fully re-assessed.

7.10 The application site is the point at which development on this part of the hillside becomes even more sporadic and semi-rural in character. The site is open to views across the hillside. In this location once you turn the corner of White Tor Road the area opens out considerably past the single storey traditional buildings abutting the road, with the traditional row of properties to the east of the site providing an end stop to development in this location. This wider area of open land provides and important green space within the hillside which contributes significantly to the local sense of place, leading to woodland further to the north of the site. Furthermore the engineering works likely to be required to construct a dwelling on this site would exacerbate the harm to the character and appearance of the locality caused by the development of the site.

7.11 It is considered that residential development on this site will lead to harm to the open character and appearance of the landscape in this area. By infilling such gaps within the hillside the sporadic and semi-rural edge of settlement character which is an important component of the local sense of place becomes diluted. Therefore the development of the site will be harmful to the prevailing character and appearance of the landscape in this locality. This view is shared by the Derwent Valley Mills World Heritage Site Coordinator.

Impact upon Amenity

7.12 Concern has been raised that the development of the site will result in a dwelling that will overlook the neighbouring properties both at no. 233 Starkholmes Road and opposite the site on White Tor Road. Given the juxtaposition between the properties it is considered that a dwelling can be accommodated on the site without causing harm to residential amenity. This was also considered to be the case by the Inspectors dealing with the two previous appeals on the site. The impact upon amenity would be fully considered through any reserved matters application, should the development in principle be considered to be acceptable, it is considered that subject to appropriate design and potentially planting any adverse impacts upon amenity can be appropriately mitigated against.
Impact upon Highway Safety

7.13 Concern has been raised regarding the safety of the access and the impact of additional traffic using the steep and narrow road. The Local Highway Authority have considered the matter and have concluded that in view of the infrequent vehicle numbers and the slow speed at which traffic is travelling, the visibility of the access within the controlled land will be acceptable provided it is centralised within the site along White Tor Road. In this respect the Local Highway Authority have no objection to the proposal subject to conditions and footnotes in accordance with guidance contained within the National Planning Policy Framework.

Other Matters

7.14 Concern has been raised that part of the site is within the ownership of a neighbouring resident. The letter advising this did not include a plan to clarify the matter. However, land ownership is not a planning matter and whilst the agent has been informed of this issue it is not a matter for which planning permission can be withheld.

7.15 Residents have raised concerns regarding the stability of land in the area and the impact that any excavation works to create the dwelling will have upon land stability in the area. Ultimately this would be a matter for consideration through building regulations should the scheme be considered to be acceptable in principle.

7.16 The issue of the determination of the application being premature in advance of the local plan has been raised. National Planning Practice Guidance states in this respect that: 'In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account'. Therefore, in this case, it is considered that the determination of the application cannot be withheld on the grounds of prematurity.

7.17 Before submitting the application the applicants agent carried out a data search for registered or reported protected species on the site. No protected species were found within the site boundary and noted there are no existing established trees on the site. The agent therefore concluded that a full ecological survey was not required. This information has been passed to Derbyshire Wildlife Trust given the nearby proximity of a wildlife site to the east of the site. In this case Derbyshire Wildlife Trust have considered the site in detail and have advised that should the development be acceptable a condition be imposed regarding working methods during construction in order to prevent any harm to protected species or other wildlife.

The Planning Balance

7.18 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The decision taker is effectively asked to weigh the economic, social and environmental benefits and dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.
7.19 The **social role** of sustainability would not be met as the site is in a location where the occupants would be heavily reliant upon the private motor vehicles to access most services and facilities.

7.20 The **economic role** of sustainability would be served by employment generated during construction and in minor way the benefit to businesses within the locality from additional resident spend.

7.21 The **environmental role** of sustainability would not be met. The site is steeply sloping and an important open green space on the hillside which helps to define the semi-rural character of the area and which has an attractive open character that contributes to the local sense of place. The development of this site will lead to the loss of the open character of the area and as such will harm its intrinsic character and beauty. The engineering works likely required to provide the dwelling on the site would further exacerbate this harm.

7.22 When all three roles of sustainability are weighed in the balance it is considered that the harm caused to the local sense of place and consequent lack of environmental sustainability is significant and outweighs the minimal economic benefit of providing an additional dwelling. The construction of a dwelling on this site will fundamentally alter its character and appearance to the detriment of the character and appearance of the area.

8. **RECOMMENDATION**

That planning permission is refused for the following reason:

8.1 The development proposes a dwelling on a steeply sloping site, which is an open green space on the hillside that is intrinsic to defining the semi-rural character of the area that contributes to the local sense of place. The proposal will lead to the loss of the open character of the area and as such will fundamentally change its inherent character and appearance thereby harming the local sense of place. The engineering works required to provide the dwelling on the site would further exacerbate this harm. As such the proposal is contrary to policies NBE8 and SF5 of the Adopted Derbyshire Dales Local Plan and the lack of environmental sustainability is considered to outweigh the benefits of the scheme and make the development contrary to guidance contained within the National Planning Policy Framework.

**NOTES TO APPLICANT:**

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

2. This decision notice relates to the following documents:
   - Planning, Design and Access Statement received 06.05.16
   - Location Plan received 1098 001 A 06.05.16
   - Site layout proposed 1098 003 Rev A received 06.05.16
   - Indicative elevation 10098 004 received 06.05.16

**BACK TO AGENDA**
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>15/00814/OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>LAND ADJACENT TO BAKEWELL ROAD, MATLOCK</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>RESIDENTIAL DEVELOPMENT OF UP TO 57 DWELLINGS (OUTLINE)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H. Frith</td>
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<tr>
<td>APPLICANT</td>
<td>MR A STATHAM, MR G THOMAS AND MRS A THOMAS</td>
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<td>PARISH/TOWN</td>
<td>Darley Dale</td>
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<tr>
<td>AGENT</td>
<td>Planning Design Practice Ltd</td>
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<td>WARD MEMBER(S)</td>
<td>Cllr A Statham</td>
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<td>Cllr J Atkin</td>
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<td>Cllr M Salt</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>03.03.2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Site visit has previously taken place at the February 2016 committee</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Policy principles
- The sustainability of housing provision on this scale in Darley Dale.
- The impact of development on landscape character and settlement pattern.
- Provision of specialist housing.
- The impact on heritage asset.
- Residential amenity impacts for existing and proposed residents.
- Provision of affordable housing.
- Highway / pedestrian safety.
- Provision for children’s play.
- Provision of infrastructure through developer contributions / infrastructure capacity.
- Impact on ecology.
- Drainage.
- Prematurity.
- Housing Mix.

**RECOMMENDATION**

For clarification of S106 details
15/00814/OUT

Land Adjacent, Bakewell Road, Matlock

Derbyshire Dales DC

Date: 29/07/2016

100019785
INTRODUCTION:

At the planning committee meeting of the 12th April 2016 clarification from members was sought regarding the details relating to the approval of the scheme for specialised housing. At that meeting the following was agreed.

1. That planning permission is approved for the development of up to 57 dwellings subject to the applicant entering into a s.106 Agreement to secure:

   - 30% on-site affordable homes
   - Affordable homes to be built as bungalows and managed by a Registered Social Landlord with all affordable homes built to M4(3) standard
   - Occupancy restrictions to apply to a further 20% of the dwellings built to M4(3) standard limiting occupation to registered disabled persons only
   - Funding for the provision of a pedestrian crossing on the A6
   - Mixture on site to achieve 50% dwellings to M4(2) standard and 50% to M4(3) standard

2. That the Development Manager be delegated authority to impose conditions in consultation with the Applicant’s Agent to:

   - Achieve the provision of a pavement on the south side of the A6
   - Restrict development to the Eastern part of the site to retain an area of wetland and retain an open aspect in accordance with the illustrative masterplan
   - Other general conditions deemed necessary in consultation and those in response to the concerns of the statutory consultees

Since that decision was made by Members, Officers have been in negotiation with the applicant’s agent and solicitor regarding the above restriction and the wording of the S106 agreement.

There are three issues to be resolved:

1. The definition of ‘disabled’ persons and whether the occupancy includes the disabled person’s family members.

2. Whether the restriction should be widened to include occupation to those aged over 55 and their family members.

3. Do Members wish to give delegated authority to the Development Manager to finalise the s106 agreement and to determine compliance with the occupancy restriction.

1. In reference to item 1 above the definition of disability is considered to be that which is defined in the Equalities Act 2010 which states that:

   A person (P) has a disability if -

   (a) P has a physical or mental impairment, and

   (b) the impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities.

The restriction should include that the family or carer of the disabled occupant would also qualify for occupancy whilst they are living there and their spouse and dependent children would continue to qualify following the death of the qualifying disabled person.
The occupancy restriction will be registered on the land registry title which will require a certificate of compliance on each sale of the property to ensure the person complies. Therefore the buyer or solicitor for any proposed purchaser would need to provide details in writing to the Council to show how they or their client satisfies the definition and the Council would need to determine whether it is satisfied in each case. It is assumed Members would want the determination of compliance to be delegated to the Development Manager, clarification of this is required from Members.

2. The Planning committee in April did not include those aged over 55 into the qualifying occupancy criteria. The applicant’s agent and solicitor is now seeking that members widen the occupancy criteria to allow those aged over 55 and their families to occupy the units. The applicant’s agent in the original submission put forward the case that the specialist housing proposed would serve the identified Objectively Assessed Need for 59 dwellings per year to be provided to meet the needs of an ageing population. Members in granting approval agreed that meeting this specialist need was sufficient grounds to set aside other planning objections. Whilst housing with an age restriction could be viewed as contributing to meeting this specialist need, members need to decide if this age limit at 55 is sufficiently demanding to avoid general occupation by those not in specialist need. It is open to committee to reaffirm their earlier decision, modify it in the way requested or impose alternative controls.

3. Clarification is sought as to whether members wish to delegate authority to the Development Manager to finalise the S106 agreement. It is considered that there will be a need for some delegated authority in this case to enable the successful completion of the legal agreement.

Members are requested to clarify their intentions in regard to these three matters.

The remainder of the report remains as originally reported to members.

1. **THE SITE AND SURROUNDINGS**

1.1 The application relates to two fields located to the south western side of the A6 opposite the site of the Whitworth Hospital extension which is currently under construction. The land slopes down from the road towards the railway. The site is grazing pasture with wet grassland occupying lower fields below the site near the railway. A hedgerow with trees separates the two fields. There are mature trees within the fields and along the site frontage. The site is on the outskirts of Matlock where existing development is concentrated on the north eastern side of the road.

1.2 The landscape character is of settlement valley pastures landscape type of the Dark Peak landscape character area. Key features include the stone roadside wall with associated grade II listed milestone, the dividing hedgerow, mature field, roadside and embankment trees.

1.3 The site is currently being used on a temporary basis to provide parking whilst construction works are underway relating to the Whitworth extension.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of up to 57 dwellings on the site with all matters reserved for consideration.

2.2 The applicant has submitted a number of supporting documents the key points of these documents are briefly summarised below:

2.3 Design and Access Statement:
57 dwellings built to accessible and wheelchair user standards.
A site description is given.
The site fronts the A6, there is no pavement on the road frontage and the edge of the road is marked by a retaining wall. A bus stop fronts a small section of road and there is a tactile surface and dropped kerb to allow crossing. There is a 40 mph speed limit.
The site is being used temporarily as a contractor’s car park for the construction of the care centre.
The railway line includes a footpath, it is proposed to upgrade the footpath to form a cycle link.
The site provides open views of the valley and the A6.
The top part of the site is within flood zone 1.
The lower part of the site is within flood zones 2 and 3.
Following on from a landscape and visual impact assessment a substantial part of the southern field will remain open and undeveloped to ensure openness and views are protected.
This is a sustainable location for residential development
A SWOT analysis is given.
The site constraints are: the flood plain, the A6, access, local housing market, on site features, drainage; these constraints have helped form the design concept.
A report prepared by DDDC entitled assessment of housing and economic needs 2015 states: “Over the plan period the number of residents aged 65 is expected to increase significantly. This will require an additional 1,182 specialist dwellings for older persons
over the 2013-2033 plan period (59 per annum). This need is principally for market housing and forms part of the overall identified need of 342 dwellings per annum”.
Demand is for 2 and 3 bed homes and bungalows.
This is a suitable site to meet the need for specialist housing.
New standards in building regulations M4(2) and M4(3) require buildings that can be adapted for wheelchair users and those for full wheelchair standards.
These are lifetime homes giving level access.
The site is proposed for specialist housing as it is reasonably level with good transport links and access to services and facilities.
The site will be a mix of specialist market and specialist affordable housing, 25% of the dwellings will be affordable (14) with a mix of houses and bungalows.
A mix of housing is proposed, 2 bed flats, 2/3 bed bungalows and 2, 3 and 4 bedroom houses.
The form and character of the housing responds to the area and a larger flat block is fully appropriate given the scale of nearby buildings.
The development will integrate into the surroundings, footpath links, play areas and biodiversity enhancements will be provided.
The housing will be set back from the A6 and therefore will not dominate Bakewell Road and will retain some of its openness.
The view from the Meadow View Care Centre will be maintained; the openness and permeability of the site will be maintained.
Most trees on site will be retained.
The eastern side of the Derwent Valley between Matlock and through Darley Dale is heavily developed. Gaps between developed areas close to the valley bottom are far less sensitive in broad landscape terms to the development of land on the sides of the valley or ridges or on the crown of the hill.
Development of Poppy Fields and the Whitworth extension have enclosed the land and created continuous development along the A6.
A new pavement will be provided along the site frontage.
A pedestrian crossing point will be provided, which is welcomed by the local community.

2.4 Landscape and Visual Impact Assessment
Within the 4.7ha site only 2.2 Ha would be developed with the remainder as grassland with a lagoon.
The proposal will reduce the gap along the A6.
The rural vista between the Meadow View care facility and the agricultural landscape of the west will be retained.
Existing landscape features will be retained with planting to enhance.
The immediate surroundings are rural but within the broader landscape there are residential, office, commercial and health and social care influences.
The site is well screened from the west.
The development would have only minor/moderate effect, once complete the impact will be negligible with long term biodiversity enhancements.
The development would have a minor adverse impact upon local landscape character which has a mix of urban and rural influences.
The zone of visibility is very limited and contained by local topography and screening.
Little visibility of the site from north and south, long terms effects are negligible.
From the Peak Park the development would not be discernible within a broader urban landscape.
The design has responded in a sensitive manner to the landscape.
The cumulative effects are negligible to minor adverse.
The small scale of the development will have minimal impact upon the separate identities of Matlock and Darley Dale.
The development will retain existing views across the Derwent Valley to open countryside beyond.
The development will not cause unacceptable harm to the landscape and visual amenity of the site and surrounding area.

2.5 Flood Risk Assessment

- **Conclusion:**

The site is within flood zone 1 on the Environment Agency flood map however, an assessment has been undertaken due to the close proximity of the River Derwent and the scale of development.

Residual risk will be managed by setting the finished floor levels 0.6m above the modelled 1 in 100 year annual probability plus climate change flood level and residents signing up to flood warnings.

The development will manage surface water runoff though a combination of infiltration and attenuation with permeable paving and a balancing pond. Run off rates will be in accordance with best practice.

The development is appropriate for flood risk and will not increase the risk of flooding elsewhere.

- **Recommendations:**

  - Set finished floor levels no lower than 94.57m AOD
  - No ground raising in the flood zone 3
  - Maintain existing natural spring channel, located close to north-east boundary
  - Residents sign up to flood warnings
  - Undertake ground testing to establish infiltration rate and ground stability
  - Produce detailed drainage design in line with the strategy given in Section 6.0

2.6 Arboricultural Report

The report details 42 trees that are all deciduous broadleaves and native or naturalised species.

- There is one category A tree a mature pedunculated Oak of high conservation value.
- There are 5 category B trees.
- The remainder are category C trees, there are no Category U trees.

Detailed data regarding the trees and a site survey has been submitted.

2.7 Bat Survey

- **Recommendations:**

  - The development shall include a suitable distance between the buildings and the existing hedgerow to the centre of the site.
  - Lighting needs to be considered to allow commuting bats and connectivity, lighting should be directed to the east.
  - The section of hedgerow to be removed shall be transplanted to the western boundary to allow for foraging and commuting.
  - Trees should be planted adjacent to the access road to improve connectivity.
  - Native planting as listed by the Bat Conservation Trust should be used.
  - Biodiversity enhancements are required; bat boxes/bricks.

2.8 Reptile Survey

- **Recommendations:**

  - Area 2 marsh grassland should be left undisturbed and should be appropriately enhanced.
  - Site clearance should be between April and September.
  - All those on site should be briefed regarding reptiles.
  - A thorough hand search shall be carried out prior to all de-vegetation works.
  - Any reptiles or toads found on site should be protected from harm.
  - If large numbers of reptiles are found works should cease and further ecological advice shall be sought.
Biodiversity enhancements are recommended.

2.9 Great Crested Newt Survey
One Palmate Newt was found during survey but no Great Crested Newts found. The proposed development will have no impact on Great Crested Newts. The marsh grassland along the western side of the site adjacent to the railway boundary shall be left undisturbed. Biodiversity enhancements are recommended.

2.10 Extended Phase 1 Habitat Survey
• Recommendations:

Further survey works advised if works are due to have impact on hedgerow, trees, watercourse or buildings
If works are to impact on the small stone building on the eastern site boundary a bat survey is recommended.
Check bat roosts within trees.
A licence may be required in terms of bats.
All vegetation clearing should take place out of the bird breeding season, if not a survey will be required and any nests should be left until young have fledged.
Recommend a nesting bird survey if the stone building is to be affected.
Reptile survey recommended.
Reptile surveys require setting out of artificial ‘refugia’ usually carpet tiles checking between April and June to see if reptiles are beneath.
Existing hedgerows and trees should be retained and protected through-out the development.

2.11 Infiltration SuDS Geo-report
This report gives information regarding: drainage potential – is the ground suitable for infiltration SuDS, is ground instability likely to be a problem, is the ground water susceptible to deterioration in quality, details of potential ground constraints, bedrock geology. It is noted that the report is not a substitute for on-site investigation or soakaway testing.

Archaeological Desk-Based Assessment
• Recommendations:

No significant archaeological remains have been identified within the proposed development area. There is potential for buried archaeological remains to exist. Depending on the scale of the development it may be appropriate to undertake evaluation fieldwork to investigate archaeology possibly via condition.
The partial tree lines within the site qualify as historically important under the terms of the 1997 hedgerow regulations and it is recommended that any changes to these assets should be avoided or minimised.
A hedgerow survey could be part of any conditioned mitigation works.

Transport statement
• Conclusions:

The junction has been assessed and shown to function with ample spare capacity. The level of traffic flow does not represent a significant change in traffic conditions on the A6.
Access meets the 6C’s design guidance with 5.5m wide carriageway with 6m kerb radii and 2m wide footways to both sides of the carriageway.
S106 contribution provided to assist with the delivery of new pedestrian crossing point. Adequate visibility splays can be provided, the wall may need to reduce in height.
A relaxation should be applied for the gradients within the site.
Adequate parking and turning areas can be provided. There would be reasonable opportunities for residents to travel other than by car.

2.12 Planning statement

- Conclusions on the planning balance:

  The site is outside of a defined settlement but as the Council does not have a 5 year housing land supply, therefore Policies SF4 and H4 are out of date and you must therefore refer to paragraph 14 of the NPPF.
  The loss of open countryside has to be weighed against the need for housing.
  It is likely to be some time until the development plan process is complete.
  The unmet housing need therefore must carry substantial weight.
  The site is in a sustainable location.

- Harm:

  No material harm in terms of amenity, community, landscape, environmental, traffic technical or other public interests.
  Development would be the loss of 2.4 hectares of open countryside but with limited harm in landscape and visual terms.
  The core aims of NBE9 will not be significantly affected.

- Benefits:

  A deliverable site contributing to the supply of housing
  The provision of specialist housing meeting an identified need.
  Development of a public right of way between Bakewell Road and the railway track and proposed cycle track.
  Provision of public open space.
  A new pedestrian crossing.
  Biodiversity enhancement.
  Employment generation during construction and the spending power of future residents.

2.13 A further statement in support has been received which is summarised as follows:

In preparing the proposals we took into account the Housing and Economic Development Needs Assessment (September 2015). Paragraph 7.25 indicates a need for 59 specialist homes suitable for older people per year during the life of the Local Plan (2013 - 2033). Paragraph 7.33 states that developments should include a good proportion of bungalows to meet the downsizing aspirations of older people. The demand for housing to meet the needs of people with disabilities is related in the needs of an older population in the main and this is where code 2 and code 3 housing comes into its own in providing homes which can be adapted as care needs increase. This is the first concluding point on page 159 of the report. Paragraph 8.48 states:

Based on the evidence, it is expected that the focus of new market housing provision will be on two and three-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay. The housing mix proposed is:

- 45% two bedroom
- 52% three bedroom
- 3% four bedroom

This mix relates directly to the specialist housing market for code 2 and 3 homes where there is no demand for 1 bedroom units. The demand for 1 bedroom units principally comes from the affordable housing sector, in this instance the demand from the Council’s housing team is for 2 and 3 bedroom homes. Happy to provide 1 bedroom affordable units should there be a demand from the affordable sector.
2.14 The agglomeration of care facilities and the grouping of older people makes the site particularly suitable for older residents. It means that friends are near, important facilities are within a short walking distance, specialist care is close by and community care can be provided more easily as care workers can move from property to property.

- I confirm agreement to pay an off-site affordable housing contribution
- The mix of M4 (2) and M4(3) housing is proposed on a 50/50 split. All the homes will be at least to M4(2) with at least 28 being to M4(3) standard. It is likely that more of the properties will be to the higher standard but this will be dependent on the final mix at reserved matters stage.
- The site owners are prepared to fund the cost of a pedestrian crossing with traffic lights.

This site offers significant benefits in both economic and social terms in what is agreed to be a sustainable location.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan:

- SF4: Development In The Countryside
- SF5: Design and Appearance of Development
- SF6: Protection Of The Best Agricultural Land
- SF7: Waste Management And Recycling
- H4: Housing Development Outside Settlement Framework Boundaries
- H9: Design and Appearance Of New Housing
- NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
- NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
- NBE6: Trees and Woodlands
- NBE7: Features Important In The Landscape
- NBE8: Landscape Character
- NBE9: Protecting The Important Open Spaces Alongside The A6 Through Darley Dale
- NBE12: Foul Sewage
- NBE16: Development Affecting A Listed Building
- NBE24: Archaeological Sites And Heritage Features
- NBE26: Landscape Design In Association With New Development
- NBE27: Crime Prevention
- TR1: Access Requirements And The Impact Of New Development
- TR2: Travel Plans
- TR3: Provision For Public Transport
- TR8: Parking Requirements For New Development
- CS8: Provision Of Community Infrastructure
- CS9: Utility Services And Infrastructure
- L6: Outdoor Playing And Play Space In New Housing Developments

3.2 Other:
- National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None

5. CONSULTATION RESPONSES

5.1 Parish Council –
- Object
- Contravenes local planning saved policies and emerging new local plan and Darley Dale Neighbourhood Plan in particular in relation to extension of urban sprawl and loss of ‘green spaces’ separating Matlock and Darley Dale.

- Concern of increased flooding.

- Loss of outlook towards the Peak District National Park, Bonsall Moor and views from the National Park will be affected.

- Highway issues, traffic generation and highway safety.

- Deficiencies in social facilities.

5.2 Derbyshire County Council (Strategic Infrastructure) - Recommend footnotes regarding access to high speed broadband services and designing to lifetime homes standards

There is sufficient capacity at household waste recycling centres to meet the additional housing demand, therefore no need for developer contribution in this regard.

The proposed development falls within the normal area of Darley Dale Primary and Highfields School. The number of dwellings proposed would lead to an extra 11 primary and 9 secondary and 3 post 16 pupils. Current pupil numbers, projections and an analysis of recently approved planning applications indicate the relevant normal area primary and secondary school would have sufficient capacity within the next 5 years to accommodate the additional pupils arising from this development, therefore no education contribution is required.

New residential development should incorporate a 32mmm mains water riser which will enable the installation of domestic sprinkler systems.

5.3 DDDC Head of Housing -
This is an outline application for up to 57 homes which the application states will provide a mix of homes that can be adapted to full wheelchair standard (M4(2)) or which from the onset are at full wheelchair standard (M4(3)).

We welcome the provision of 14 affordable homes on site which meet these standards, although we would like the 14 affordable homes to be all bungalows rather than a mix of bungalows and 3 bed houses (the application does not specify the mix). The application also does not specify tenure and the proportion of M4(2) and M4(3), which we would be happy to discuss with the applicant. The affordable homes would need to be managed by a housing association. Furthermore, the 14 homes fall short of the 45% affordable housing contribution required and the application does not mention an off-site financial contribution in lieu of on-site provision.

5.4 Local Highway Authority –
First response:
Exit visibility from the proposed access is demonstrated at 2.4m x 62m and 2.4m x 63m these being commensurate with recorded 85 percentile approach speeds and is therefore acceptable.

There will be adequate site frontage available to Bakewell Road to accommodate a new junction meeting current layout recommendations. A detailed design for the junction will be required under reserved matters with all areas in advance of exit visibility splays constructed as footway and dedicated as highway on completion.
Traffic generation associated with the development is provided in the Transport Statement. Accident data for the roads in the vicinity of the site do not suggest a road safety problem in the area.

It is essential for the site to be well integrated towards Matlock in terms of pedestrian access. The provision of a footway along the frontage of the site will improve pedestrian permeability. However, an isolated section of footway which does not connect to the existing footway to the south is inconsistent with the principles of sustainable travel and travel choice. The pavement should be linked to the existing which would lead directly to shops, banks, supermarket and rail station along Dale Road. There is a watercourse to be crossed but an additional culvert is possible to achieve this.

The Transport Statement notes the topography is challenging and that a relaxation of the 6C’s gradient is required. The design and access statement noted that the site is for speciality housing and that the site is reasonably level. The 6C’s design guide states that the needs of mobility impaired people should be taken into account and that relaxations should not form the starting point of design. It is clear that the financial implications of cut and fill are not a material consideration in this regard.

The Transport Statement also notes that the development opposite the site sets a precedent in that only a gradient for the first 5m was required. The two sites are different and this application will likely seek some part of this site to be adopted.

A crossing facility will be required, an indicative location for this is demonstrated on the submitted plans, the route shown may not correspond with the main pedestrian desire line and therefore more works needs to be undertaken to determine the most appropriate location and type of facility to assist pedestrians crossing. This will need to be agreed with the DCCV Traffic Management Team. The details refer to as developer contribution in this regard, no sum has been mentioned and is required to assess whether this is appropriate.

The proposed public right of way to the south west of the site is noted and in principle represents a good means of alternative access. The detailed design of this facility will need to be agreed with the rights of way team.

Further consideration of these matters is required prior to determination. Happy to discuss further in terms of any condition requirements.

5.5 Environment Agency –
No objections, recommend condition – suggest the Lead Local Flood Authority is consulted.

5.6 Derbyshire County Council Flood Team –
The proposed drainage strategy and recommendations of the FRA should be followed when producing a detailed drainage design and to ensure this the County Council Flood Risk Management team recommend conditions and advisory notes.

5.7 Derbyshire Fire and Rescue –
Recommend the installation of a domestic sprinkler system, if this is not to be installed recommend a minimum of 32mm water supply capable of delivering the required volumes of water which would allow an installation to be carried out easier and at less cost should this be done in the future.

5.8 Derbyshire Wildlife Trust –
The proposed development is adjacent to and possibly encroaches upon an area of marshy ground that supports vegetation communities of nature conservation interest
including a number of rarer species. The area is considered to be of sufficient interest to be flagged as a potential Local Wildlife Site DD R6302 Bakewell Road Rush Pasture.

**Habitats**
The application is accompanied by an Extended Phase 1 habitat survey which has divided the site into two areas; area 1 within the footprint of the proposed development and area 2 (the marshy vegetation discussed above). The assessment identified area 1 as supporting neutral semi-improved grassland, tall ruderal vegetation, scattered broad-leaved trees, species rich hedgerows, running water and a building.

Area 2 has not been surveyed in any detail as part of the ecological report. The area has been briefly viewed by DWT and the species present suggest that the site is likely to be of high nature conservation value.

**Protected Species**
The assessment identified the need for further surveys which were undertaken at an appropriate time of year following relevant guidance and by experienced ecologists.

Great crested newt surveys were undertaken between May and June 2015 and no great crested newts were recorded. These surveys are considered to be acceptable.

Bat activity surveys (walked transects) were undertaken and identified common pipistrelle, whiskered and noctule bats foraging and commuting across the site. Activity was noted predominately associated with the hedgerows and trees.

The building was assessed as low potential for bats, however due its retention, no further surveys were undertaken. Trees are to be retained which is welcomed.

A grass snake was identified during the phase 1 assessment, further surveys were undertaken between June and July 2015. Terrestrial palmate newts and common toad were identified, no other reptile species were identified.

Nesting birds (Robin) was present within the building as well as hedgerows and trees providing suitable nesting opportunities.

**Potential impact of the development on nature conservation.**
The proposed development will result in a loss of c.2.2ha of neutral semi-improved grassland, c.20m of species rich hedgerow and the removal mature broad-leaved scattered trees (Category 3 negligible potential bat trees). The loss of the grassland is likely to have a local impact and will reduce the overall biodiversity of these fields, especially as the lower half of the fields is of greater nature conservation interest. Loss of the hedgerow is significant as hedgerows are considered to be a UK BAP priority habitat. However, the scale of the impact is limited to c. 20m loss only.

The development could have adverse impacts on the marshy grassland to the south through changes to hydrology, pollution and changes in how the marshy grassland is managed (it has previously been grazed). This area of habitat is likely to meet at least one Local Wildlife Site selection guideline and should be considered as being of substantive nature conservation value. It is especially important within the context of the Derwent Catchment as habitat of this type are now very rare.

Adverse impacts from loss of terrestrial habitat and construction are likely for common toad and smooth newt and possibly invertebrates. Grass snake are also present, probably at low densities. The reptile survey did not find any grass snakes suggesting that any impact is likely to be low.
The development would result in temporary disturbance to birds and there is a possibility that it could directly affect breeding birds through loss of hedgerow.

Impacts on great crested newt are considered unlikely.

The development could impact on bat roosts if any category 1 or 2 trees are felled or if the building on site were to be affected. There could be some loss of foraging habitat for bats, the loss of hedgerow is fairly small so any impacts in this respect are likely to be low.

Measures to address potential impacts
The proposed footprint of the development as shown on the submitted Masterplan has avoided all or most of the areas of marshy grassland. Proposed landscaping in the south-east could provide some enhancements and create new habitat which might be beneficial in the long term.

The proposed development includes a balancing pond, the retention of most trees and hedgerow, additional planting. These aspects of the development have the potential to provide benefits for wildlife, but further details will be needed.

Additional hedgerow planting is recommended and we would advise that this will need to be composed of native tree and shrub species

We support the proposals relating to proposed vegetation clearance and tool box talk to be undertaken by an ecologist as detailed within the Reptile Report and suggest that this is incorporated within the proposed Construction and Environmental Management Plan.

There has been little consideration of indirect impacts on the marshy grassland and of key concern here is the long term sustainable management of this habitat within the context of a development.

Outstanding issues
Whilst the footprint of the development appears to be largely confined to areas of species poor grassland habitat there are a number of direct impacts that have been identified. These direct impacts are relatively minor and can be addressed through appropriate mitigation. Of greater concern is the potential for the development to impact on the adjacent marshy grassland. This area is largely within the blue boundary shown on the location plan. This habitat is vulnerable to pollution, changes in hydrology and changes in management as well as tipping and invasive species. These issues have not been fully explored within the assessment especially in relation to the long-term viability of managing the remaining areas of marshy grassland, but also in relation to how this more sensitive area can be protected during the construction phase and afterwards.

Further information should be sought as to how the retained habitats and newly created habitats will be managed and to seek confirmation of the precise boundary of those areas to be managed and assurance that the development will not obstruct the ongoing management of retained areas of the field.

Concluding comments
The proposed development would without any mitigation result in a net loss of biodiversity due to the loss of semi-improved grassland. However, if the above outstanding issues/concerns can be resolved and conditions can be fully implemented in line with a submitted Masterplan then adverse impacts can potentially be addressed resulting in no significant loss of biodiversity.

It will be important to ensure that the marshy grassland/swamp habitat is fully protected and a long term strategy for its management can be secured. In addition the establishment
Detailed conditions are recommended covering the following matters: hedgerows to be retained and managed, completion of a construction and environmental management plan, completion of a landscape and ecological mitigation and management plan works to be outside the bird breeding season and a bat friendly lighting scheme.

5.9 Development Control Archaeologist –
The proposal is accompanied by an archaeological desk-based assessment, which meets the information requirements of NPPF para 128 with regard to below-ground archaeology.

The desk-based study identifies that there is potential within the site for archaeology of prehistoric date, due to its location within the alluvial floodplain of the River Derwent. River valleys and floodplains in particular were preferred locations in prehistory for both settlement (typically utilising gravel ‘islands’ with free-draining soils) and ceremonial/ritual monuments and deposition. The soils on the site are classified as alluvium in character, suggesting that the site has a degree of alluvial cover. This may seal archaeological remains, but may also, depending on its depth, make the site unsuitable for geophysical survey.

Recommend that the archaeological interest is best addressed through a conditioned scheme of archaeological recording in line with NPPF para 141. This should be a phased scheme comprising in the first instance evaluation trial trenching, followed by targeted area excavation in areas with significant remains.

5.10 Crime Prevention Design Advisor –
No comments to make at this time

5.11 DCC Minerals Team –
The proposed development would not adversely affect the minerals safeguarding interest.

6. REPRESENTATIONS RECEIVED

6.1 Support:
6 letters of representation have been received from 4 parties; in support of the application as follows:

Matlock and surrounding communities 50+ forum:
Support the proposal for a crossing on the A6, the funding for this should be agreed.
Welcome the potential addition locally of housing suitable for older people as their needs for support increase, including meeting the standards for wheelchair use in the property.

Comments from local residents:
• Well thought out scheme which will be of benefit to the community, limited environmental impact and aesthetically pleasing.
• Would complement Audley Court bringing in a much needed tier of housing for an aging community.
• The application offers space for parking/gardening and access to meadows and cycling facilities.
• This field has little bio-diversity the development will include gardens and a water feature both of which will increase insects and birds.
• This would be an affordable alternative to Audley whilst giving easy access to A6, good transport links and access to shopping, leisure and health facilities.
• Cycle facilities should be provided.
• Please support this project.
6.2 Objection:
2 letters of representation have been received from 1 party; the concerns raised are as follows:

Matlock Civic Association:
Prematurity – the public consultation process is due to start soon; housing sites will be considered during this process. With the number of recent planning permissions granted we doubt there is a pressing need to allocate new sites in advance of the local plan. Refuse on grounds of prematurity.

Greenfield sites – there are brownfield sites within Matlock that have been allocated for housing but which remain undeveloped. As long as green fields continue to be allocated for housing the brownfield sites will not be developed. No green field permissions should be given until all brownfield sites have been developed.

Access/safety - the proposed access is onto a fast section of the A6 close to the access points at the Whitworth and the new dementia care unit. This is not safe. There is no footpath on this side of the road. Any pedestrian crossing point in this location will be a danger.

Landscape impact - this section of the A6 has good views across the valley over green fields. The rural character of this section of road is a pleasant contrast to the built up sections either side. These views are enjoyed from the facilities on the opposite side of the road. The development will change the character of the view from a rural scene to a view into and over housing. DDDC’s policy is to protect important open spaces in the Darley Dale- Matlock corridor and this proposal is inconsistent with that policy (NBE9).

Flood risk – a likely risk of flooding the Environment Agency should be consulted.

Permission should be refused.

7. OFFICER APPRAISAL

Planning Policy Context

7.1 Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

7.2 The Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the NPPF.

7.3 The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

7.4 Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.
7.5 Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.6 Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

7.7 The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need which he concluded was in the region of 6500 and the Council had not fully demonstrated why this or a higher figure could not be met through available sites and/or cooperation with neighbouring authorities. Until the Council are able to fully justify an alternative figure any calculation of five year supply in the interim has to be based on this OAN figure of 6500. The Council, even allowing for the recent granting of permission at Asker Lane in Matlock and Leys Farm Ashbourne and on the assumption that Ashbourne Airfield, Bakers Lane and Cavendish Cottage, Doveridge will soon be issued as decisions, cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

The Adopted Local Plan

7.8 With respect to general housing policies including Policies SF4 and H4 of the Local Plan deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance.

7.9 The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July 2015. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded in the context of a major housing application that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14.

7.10 With regard to development on the protected open spaces through Darley Dale the Adopted Derbyshire Dales Local Plan notes the following: Over the years, the Matlock-Darley Dale corridor alongside the A6 has become increasingly built up. Already this blurs the separate identity of the settlements. If allowed to go unchecked, a continuous ribbon of development would be created. The remaining open areas make a significant contribution to the character and appearance of the locality. This is especially true of the open areas to the south and west of the A6 which provide splendid views across the Derwent Valley.

7.11 For this reason Policy NBE9 of the Adopted Local Plan was adopted. This policy requires that planning permission for development will only be granted for development on open spaces alongside the A6 through Darley Dale, as defined on the proposals map is;
a) it consists of an extension of an existing building or; 
b) it is required for the purposes of agriculture, forestry or outdoor recreation or; 
c) it is required for the purpose of regenerating, improving and/or extending the facilities at
the Sir Joseph Whitworth Centre, 
and; 
d) it does not have an adverse impact upon the open character of the area.

7.12 In accordance with paragraph 215 of the NPPF due weight should be given to relevant
policies in existing plans according to their consistency with the framework.

7.13 In this respect paragraph 17 notes that core principles of the NPPF, within this it states
that planning should take account of the different roles and character of different area,
promoting the vitality of our main urban areas, protecting the Green belts around them,
recognising the intrinsic character and beauty of the countryside and supporting the
thriving communities within it.

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

7.15 Paragraph 109 states in part that; the planning system should contribute to and enhance
the natural and local environment by protecting and enhancing valued landscapes.

7.16 Therefore the aims of Policy NBE9 remain to some degree consistent with the Framework.
However it is acknowledged that the negative wording of the policy seeking wholesale
protection of areas of land is not in accordance with the overall presumption in favour of
development contained within the NPPF. In this regard it is considered that Policy NBE9
has only limited weight in the planning balance.

7.17 In terms of the Council’s need to identify larger sites for housing land release and given
the limited weight of Policy NBE9 it is logical to assess the development in light of
paragraph 14 considering the impacts on the development in the round as a balanced
judgement.

The National Planning Policy Framework and Paragraph 14

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

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

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

Other Planning Considerations

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

a. The sustainability of housing provision on this scale in Darley Dale.
b. The impact of development on landscape character and settlement pattern.
c. Provision of specialist housing.
d. The impact on heritage asset.
e. Residential amenity impacts for existing and proposed residents.
f. Provision of affordable housing.
g. Highway / pedestrian safety.
h. Provision for children’s play.
i. Provision of infrastructure through developer contributions / infrastructure capacity.
j. Impact on ecology.
k. Drainage.
l. Prematurity.
m. Housing Mix.
n. The Planning Balance.

The sustainability of housing provision on this scale in Darley Dale

7.21 The development of green fields outside settlements is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the district. Even if all suitably located brownfield sites across the district came forward for development there would still be the need to develop green fields outside existing settlements to meet the indicative figure set by Inspector Holland of 6500 which forms the current basis for analysis against objectively assessed needs. Based on the most up to date evidence base the Objectively Assessed Need has been agreed by the Local Plan Advisory Committee as being a figure of 6440, however this figure has not been scrutinised or agreed as part of the Inquiry into the local plan and in the interim the figure of 6500 remains the soundest basis for assessing supply.

7.22 Although the Council chose to withdraw the emerging Local Plan in order to carry out further analysis of objectively assessed need and the capacity of the district to accommodate this, it is considered relevant to reflect on the general approach to meeting housing needs that was adopted across the range of settlements within the Planning Authority area in that emerging plan document.

7.23 It was always anticipated that the major settlements, which are intrinsically the most sustainable locations to live with their access to jobs and services, would accommodate the majority of housing growth. However, it is accepted, in relation to meeting a housing figure of 6,440 that some housing growth will be met and indeed would be desirable in underpinning the sustainability, services and infrastructure in and around the larger settlements not classed as Market Towns of which Darley Dale is the most sustainable and therefore has been identified in the recent study on settlement hierarchy as an area for growth as it benefits from close proximity to the full range of services and employment
and transport links. Therefore the development of this site, subject to other environmental constraints being satisfied, is in accordance with the principle of promoting sustainable development to meet an existing housing need.

The impact of development upon landscape character and settlement pattern

7.24 The open areas along the A6 between the core of Darley Dale and Matlock have been historically protected open spaces by virtue of Policy NBE9. This site is subject to that protection. This policy notes that:
Planning permission for development will only be granted for development on open spaces alongside the A6 through Darley Dale as defined in the proposals map, if;
   a) it consists of an extension of an existing building, or
   b) it is required for the purposes of agriculture, forestry or outdoor recreation or;
   c) it is required for the purpose of regenerating, improving and/or extending the facilities at the Sir Joseph Whitworth Centre
And;
   d) it does not have an adverse impact upon the open character of the area.

7.25 Whilst this policy has only limited weight as explained in the earlier section on plan policy the objective of the protecting sensitive and valued landscapes from development is consistent with the NPPF. The Council in seeking to identify housing sites to carry forward with the emerging local plan have commissioned an independent landscape sensitivity study. The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 which notes in relation to Darley Dale that land to the east and south east is partially located within flood zone 3, and there are potential coalescence issues with Two Dales and Upper Hackney, as a result the area has been defined as having high landscape sensitivity.

7.26 The south western side of the A6 is characterised by intermittent development with, often, extensive areas of open space overlooking the Derwent Valley in between. The site is low lying in the valley and prominent within long views from high ground in the south west and in local views from the A6. Development of this site will lead to the loss of these green fields and the openness of this break along the A6. In terms of settlement pattern the prevailing character along this southern side of the A6 is characterised by small pockets of development interspersed with large open fields where there are views to the far reaching landscape beyond. These gaps are intrinsic in defining settlement pattern in this locality. The gap provides a rural backdrop giving the clear indication of breaks between the two large settlements of Matlock and Darley Dale. This analysis is considered to be an accurate reflection of the contribution the site currently makes to the character and appearance of the area and the development of this site, even in part as proposed on the indicative plan, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern contributing to ribbon development and risk of settlement amalgamation. The proposal will therefore have an adverse impact on landscape character with the intrusion of development in the countryside and open space protected by policy NBE9.

7.27 It is noted by the applicant’s agent that policy NBE9 is no longer a policy on which the Planning Authority can rely to protect these open areas along the A6. It is acknowledge that in considering larger housing sites some of the open spaces previously protected along the A6 (the DFS site and the small site to the rear of Shand House) are being considered as potential housing sites. However, these sites relate well to surrounding development and particularly in relation to the DFS site are closely linked to the settlement of Darley Dale. It is not considered that the potential allocation of these housing sites undermines the overall aims of policy NBE9. Although of limited weight it remains a material consideration.
7.28 As noted above paragraph 17 notes that core principles of the NPPF and paragraph 109 emphasise the need for planning to take account of the different roles and character of different area, promoting the vitality of our main urban areas, protecting the Green belts around them, recognising the intrinsic character and beauty of the countryside and supporting the thriving communities within it. This consideration of landscape character should be considered in the planning balance taking full account of the environmental role of sustainability as noted by Brandon Lewis MP to the Chief Executive of the Planning Inspectorate, dated March 2015.

7.29 In this respect it is considered that the adverse impact the development will have upon the landscape in this locality given its identified sensitivity is a significant negative consequence of the development which needs to be weighed in the planning balance.

**Provision of Specialist Housing**

7.30 Much emphasis is made in the application documents that the proposed development will be specialist housing. The specialist housing proposed is a mix of the higher level building regulations standard. The applicant’s agent has confirmed that all of the homes will be to at least M4(2) standard (adaptable homes) with at least 28 being to M4(3) standard (wheelchair accessible).

7.31 It is noted in the supporting evidence that a report prepared by DDDC entitled Assessment of Housing and Economic Needs 2015 states: “Over the plan period the number of residents aged 65 is expected to increase significantly. This will require an additional 1,182 specialist dwellings for older persons over the 2013-2033 plan period (59 per annum). This need is principally for market housing and forms part of the overall identified need of 342 dwellings per annum”.

7.32 This housing need is being used to justify the proposed development of 57 dwellings in addition to the need to find sufficient housing land. Whilst there will be a need going forward for specialist dwellings for an ageing population, the needed number of dwellings specified would be met through the overall housing number, this is not an additional requirement for housing over and above the objectively assessed need. In taking the local plan forward this issue of providing specialist housing will need to be addressed in the policies of the local plan to ensure the need is met. It is also considered that whilst the supporting documents note that this is an ideal site for such specialist housing, being near to the Whitworth centre and extension, it would be preferable to locate such housing close to existing services and facilities such as shops, GP’s etc, which whilst this site is within reasonably close proximity to these services, it is likely these would be a bus or car ride away for residents with accessibility needs who would require such housing.

7.33 Whilst the applicant is proposing on site affordable housing the remainder of the proposed housing would not be tied in any way to a particular user group or to care provision.

7.34 In view of this the housing provision proposed should only be given limited weight in the planning balance.

**The Impact on Heritage Asset**

7.35 There is a designated heritage asset at the frontage of the site which is a milestone; this milestone will not be impacted by the development. As the milestone is on the site frontage any alterations to the footpath in this location would have to be carefully considered so as to ensure no damage to the listed structure.

7.36 In terms of non-designated heritage assets, in this case below ground archaeology, there is potential for pre historic settlements given the location of the site. Conditions imposed
on any permission would ensure such matters are considered appropriate and recording takes place. The proposal is considered to be acceptable in terms of the impacts upon non-designated herniate assets.

**Residential Amenity Impacts for Existing and Proposed Residents**

7.37 To the north east of the site is the ongoing construction of the extension to the Whitworth Hospital site. Development of this site can be accommodated on this site without having a detrimental impact upon the amenity of the future occupants of this facility due to the distances and land levels associated with the two sites. It is noted in the Agent’s submission that views from the Meadow View Care facility would be maintained.

7.38 To the south east of the site is the Long Meadow Care home. It is intended in the indicative layout that the part of the site closest to this facility would be left largely open for open space and biodiversity enhancements. It is therefore considered that the development will not have any adverse impacts upon the occupants of that unit.

7.39 To the north of the site is a commercial development. There is ample outdoor space around that property and potential for appropriate screening between that site and the development site to ensure that any development does not cause any adverse impacts to that business operation.

7.40 In terms of impact upon amenity the site can be developed without causing any harm to residential amenity or adverse impacts upon existing health and commercial sites.

**Provision of Affordable Housing**

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

7.42 Meeting the Objectively Assessed Housing Needs of the District as part of the new local plan process involves breaking beyond settlement frameworks to meet need and also entails making strategic decisions on where housing growth can be accommodated. As explained earlier in this report Darley Dale is considered a sustainable location for meeting some of that strategic housing demand. The emerging local plan in light of the above rather than differentiating between the major settlements and villages is likely to base the requirement for affordable housing on sites on their size rather than location, thereby securing the strategic objective for the District. The work done on the withdrawn emerging local plan underpinned with research on need and viability had a draft policy which sought 45% provision on a scheme of this scale. In the absence of any more compelling or up to date evidence to the contrary it is considered appropriate to apply this threshold.

7.43 The proposal demonstrates on-site affordable units as 14 units which is approximately 25%. The applicant’s agent has since confirmed that the remainder of the required contribution would be provided as an off-site contribution which would therefore meet the policy requirement.

7.44 Given the sustainable nature of the development it is considered that a higher percentage of affordable units should be provided on site to meet local needs. However, should the proposal be considered to be acceptable further negotiations would take place to seek a higher on site contribution in this case. This matter is not considered to warrant refusal in this case as it is possible that further negotiations would have resulted in a solution to this issue.
Highway/ Pedestrian Safety

7.45 A number of issues were raised by the Local Highway Authority including the need to continue the footpath along the site frontage to connect with the existing footpath which leads into the centre of Matlock. The applicants’ agent has agreed to providing this footpath. The proposal also seeks a crossing point for pedestrians to access the Whitworth extension opposite. The Local Highway Authority have agreed to this in principle subject to funding and further work to investigate the location of the crossing. Whilst a final figure for the contribution has not as yet been clarified in principle all parties are agreed to this provision. Visibility splays proposed are considered to be acceptable and there is no reason why the internal road layout and parking provision cannot be achieved to appropriate standards. Whilst access is a reserved matter it is considered that the site can be developed with a safe access along with other highway improvements.

Provision for Children’s Play

7.46 Under adopted local plan policy L6 a development of this scale should include open space and an equipped play area to meet the needs of future resident’s children. The indicative layout does show an area for on-site play provision/amenity space. Whilst the indicative plan may not show the final proposed development it is clear that the applicant’s agent is aware of the need to provide the on–site provision and appears to be willing to do so. Such provision would be submitted as part of any reserved matters application.

Provision of Infrastructure through Developer Contributions/ Infrastructure Capacity

7.47 The Strategic Policy Team at DCC have advised that there is more than sufficient capacity at the infant, junior and secondary schools to meet the demand for school provision as a result of this proposed development. Therefore there is no demand for a developer contribution in this regard.

7.48 There is also sufficient capacity at household waste recycling centres and therefore no need for a contribution in this regard. It is advised that new dwellings should be to lifetime homes standards to meet the needs of an ageing community, the higher level building regulations proposed for the site would ensure this. No response has been received from the Derbyshire Clinical Commissioning Groups and therefore it is assumed no contribution is required in regard to GP practices. Therefore no developer contributions are required with regards to the provision of strategic infrastructure and services.

Impact on Ecology

7.49 Detailed ecological surveys have been carried out which clearly demonstrate that the whole site is sensitive to development and that the development has the potential to impact upon protected species and habitats. Derbyshire Wildlife Trust has considered the proposal and have concluded that more work is required as there is concern that there is potential for the development to impact on the marshy grassland adjacent to the site but within the blue edge. This habitat is vulnerable to pollution, changes in hydrology and changes in management as well as tipping and invasive species. These issues have not been fully explored within the assessment especially in relation to the long-term viability of managing the remaining areas of marshy grassland, but also in relation to how this more sensitive area can be protected during the construction phase and afterwards.

7.50 Whilst there is more work to be done in this regard it is not necessarily an issue that cannot be overcome. Should the proposal be considered to be acceptable these issues would need to be fully resolved but there is not reasons to suggest this cannot be achieved. Given the concern regarding the application the Local Planning Authority has not sought to fully resolve these issues.
**Drainage**

7.51 It is noted from the supplied Flood Risk Assessment that the recommendation is for the disposal of surface water off site to a pre-existing wetland via an attenuation pond. Derbyshire County Council as Drainage Authority have recommended detailed conditions regarding the drainage of the site following consideration of the information contained within the flood risk and drainage strategy.

**Prematurity**

7.52 National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area’.

7.53 This guidance goes on to advise that ‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.

7.54 Taking full account of this guidance and given that there is no draft local plan in place at this stage and that a 5 year supply of housing cannot be demonstrated, refusal on the grounds of prematurity cannot be justified in this case.

**Housing Mix**

7.55 Paragraph 50 of the NPPF states that: “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand …….”

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

7.57 It is right that this guidance starts to inform the housing mix delivered on housing sites. The applicant’s agent has made it clear that that the mix proposed for this site, which is not unreasonable in accordance with the above, is based on the specialist market housing for code 2 and code 3 homes where there is no demand for 1 bedroom units. However, in this case the application is outline only with all matters relating to the layout and type of properties reserved for future consideration, therefore the detail of the mix of housing has not as yet been determined. However, given that this is an issue that is likely to arise at the reserved matters stage, particularly in relation to the 1 bedroom units, it is important to bring this matter to the applicants attention by way of a footnote included in any permission to clarify the expectations of the Local Planning Authority.

The Planning Balance

7.58 Part 1 of this ‘issues’ section set out the Local and National Policy Guidance that applies in assessing the merits of this application and the other material considerations that need to weigh in the planning balance.

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

7.59 In the absence of a 5 year housing land supply the guidance in paragraph 49 of the NPPF is clear that the housing policies of the local plan are out of date. Accordingly, both policies H4 and SF4 carry no weight in the consideration of this substantial housing application. Policy NBE9 is also a policy of constraint which in the climate of releasing land outside the settlement frameworks for housing has only limited compatibility with the NPPF. The balancing exercised identified in paragraph 14 of the NPPF is appropriate to reach a balanced judgement on the merits of this application.

7.60 Policy NBE9 seeks to protect the important open spaces along the A6. This proposal is in clear contravention of this policy which although of only limited weight as noted above the aims of this policy remain important in terms of seeking to ensure that development is appropriate to landscape character and settlement pattern. This principle is consistent with the core principles of the NPPF.

7.61 Paragraph 14 requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

7.62 The Inspector on the recent appeal decision at Asker Lane approached this balancing exercise by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental. It seems entirely logical to approach this scheme in the same manner.

7.63 As described above the Council has a shortfall in housing land supply. The development of this site will make a contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme.
7.64 The **social dimension** would be served by the provision of an open space available to the development and other residents. It would also be met through the provision of the higher level building regulations housing to meet the needs of an ageing population. In regard to other community infrastructure the development will help to underpin the school and other community facilities without it is considered leading to them being overburdened.

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

7.66 In **environmental terms** the development of this site, even in part as proposed on the indicative plan, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern contributing to ribbon development and risk of settlement amalgamation. The proposal will therefore have an adverse impact on landscape character with the intrusion of development in the countryside and open space as has long been protected by policy NBE9 of the Adopted Local Plan. The harm to this highly sensitive landscape and settlement pattern which has been analysed in detail as part of the emerging local plan weighs heavily against the development.

7.67 Flora and fauna around the site will be adversely affected through the development but with appropriate mitigation, replanting and biodiversity management it is considered that this may in the long term lead to biodiversity enhancements.

7.68 In highway terms it is considered that the development can be well served by access onto the A6 with benefits of a pedestrian crossing and additional footways in a location that is in reasonable proximity to the services and facilities of a market town.

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

8. **RECOMMENDATION**

8.1 That planning permission be refused for the following reason. The development of this site, even in part as proposed on the indicative plan, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern contributing to ribbon development and risk of settlement amalgamation. The proposal will therefore have an adverse impact on landscape character with the intrusion of development in the countryside. The proposal as such is contrary to Policies NBE8 and NBE9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework. The harmful impact in this case significantly and demonstrably outweighs the benefits of providing the additional housing to meet the housing need and therefore fails to satisfy Paragraph 14 of the National Planning Policy Framework.

9. **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:
Design and access statement received 03.12.15
Indicative plan received 03.12.15
Draft legal agreement received 03.12.15
Planning statement received 03.12.15
Site plan no. 1020-0018 received 02.12.15
Landscape and visual impact assessment by Geoplan dated November 2015
Flood Risk assessment dated 12/11/15
Topographical survey received 03.12.15
Darley Dale neighbourhood plan area plan received 03.12.15
Arboricultural report received 03.12.15
Infiltration SuDS GeoReport received 03.12.15
Bat Transect Survey received 03.12.15
Extended phase 1 Habitat Survey received 03.12.15
Reptile Survey received 03.12.15
Great Crested Newt Survey received 03.12.15
Archaeological desk based assessment received 03.12.15
Transport Statement dated November 2015
Email from agent dated 29.01.16

BACK TO AGENDA
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00144/S106D</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>THE MINERS COTTAGE, MINING LANE, CARSINGTON</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>DISCHARGE OF S106 PLANNING OBLIGATION DATED 6TH AUGUST 2013 TO REMOVE REQUIREMENT TO PAY AFFORDABLE HOUSING CONTRIBUTION</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Gareth Griffiths</td>
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<tr>
<td>APPLICANT</td>
<td>MR AND MRS MADDOCKS</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Carsington</td>
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<tr>
<td>AGENT</td>
<td>N/A</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor L. Rose</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>15 May 2016</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>At the request of Ward Member to assess the need for the financial contribution towards affordable housing</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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**MATERIAL PLANNING ISSUES**
- Background and Planning Policy
- Justification for the Non-Payment of the Affordable Housing Contribution

**RECOMMENDATION**
Refusal
1. INTRODUCTION

1.1 This application is being represented to the Planning Committee further to the meeting of 12th May 2016 and the decision to defer determination to allow the applicant opportunity to present further information to support his case to remove requirement to pay affordable housing contribution. The applicant has submitted the following further information:

- Scargill Mann has provided an expected valuation of the property on its completion at £250,000 which is confirmed in the lending by the applicant’s building society
- the initial loan of £166,599 will require payment overall of £283,848.51 based on 5.3% APR.

1.2 The applicants expected the build costs to be some £140,000. It is advised that the additional cost of underpinning the building has led to the applicants spending £140,000 on the building with an expected £20,000 to complete the project. To this needs to be added the costs of purchasing the site from the family (£8,000) and agents and consultants fees incurred during the planning process; the overall costs are estimated at £25,000.

1.3 It is advised that the applicants were only able to mortgage up to £165,000 due to the mortgage company retaining £25,722 to settle the Section 106 payment. The applicants advise that the amount that was allowed to be borrowed was also limited due to the expected minimal profit and this was deemed a risk by other mortgage companies.

1.4 Given the above, the applicants advise that the overall costs are roughly as follows:
   - £160,000 estimated build cost
   - £25,722 Section 106 cost
   - £25,000 for site purchase and other costs associated with securing planning permission

   This gives an approximate outgoing of £210,000.

1.5 The applicants advise that they originally paid £8000 for the land with the intention of paying a further £52000 to the grandparents once planning was granted as this was closer to the true valuation for this piece of land. However, after discussions with the grandparents, this overage agreement was removed due to the applicants’ affordability and the grandparents wishing, above all else, for the applicants to live there and not have to sell the land. It is advised that the imposition of the Section 106 agreement was one of the main drivers for this reduction in the site purchase cost and very supportive grandparents managed to allow the dwelling to be created affordable to the applicants’ family. However, the applicants advise that they are in the position currently where they will have to sell the property on completion. This is because of the affordability due to unforeseen expense and the Section 106 financial contribution and has meant the build costs have escalated considerably.

1.6 The applicants also request the following to be taken into consideration. They have found financing the project to be difficult as most lenders were unwilling to lend against a dwelling with a Section 106 agreement attached. This means the applicants are paying £1.70 for every £1 borrowed. The applicants also consider the profit on completion to be relatively low and that they are simply financing their own affordable family dwelling whilst Mr. Maddocks is in the forces.
1.7 The applicants also question the requirement of the Section 106 agreement due to there being no affordable housing plans in Carsington and no Section 106 agreements now being applied to planning applications given the recent changes in government legislation. However, they propose that a £5000 contribution could be made to leave £20,000 to complete the dwelling without having to apply for further credit.

1.8 It is the intention that the family will move from Devon once the property is complete and will be a single income family until Mrs. Maddocks finds work. In this respect, the applicants ask that a fair approach be taken to allow a local family to live in an otherwise unaffordable location where Mr. Maddocks grew up and to be around the family which was the purpose of purchasing the land initially to ensure that the Maddocks family remain in the village and contribute to the community in the years to come.

1.9 The report as follows is the same as presented to Member on 12th July with a revised assessment of the justification for the non-payment of the affordable housing contribution.

2. THE SITE AND SURROUNDINGS

1.1 Miners Cottage is located on the west side of Mining Lane, a narrow rising access which heads north off Main Street, within the Carsington and Hopton Conservation Area. There are four grade II listed buildings in close proximity to the cottage. The cottage (originally likely to have been a barn based on its remains) sits within a small curtilage with garden land to the west and south, where there is a small outbuilding.

1.2 The two-storey cottage is rectangular in plan with a two-storey section to the north and a single storey extension to the south. The overall footprint of both buildings is approximately 40sq metres. The cottage was in a semi-ruinous state, having had its roof removed. The building is currently undergoing conversion and extension to form a dwellinghouse subject to planning permission 11/00070/FUL as detailed in the photographs below.

2. DETAILS OF THE APPLICATION

2.1 Planning permission 11/00070/FUL was granted in June 2012 to convert and extend the former cottage to create a two-bedroom dwelling. An affordable housing contribution was required as part of the proposed development which, based on the local housing need for Carsington, was £25,722.00. The applicant entered into a Section 106 Agreement to make the payment within three years of the commencement of the development or on first occupation, whichever is the sooner.

2.2 With this current application, the applicants now seek to discharge the obligation to make the payment of the affordable housing contribution. The reasons for this are as follows:
the applicants are not developers – they are a small family seeking to build a small home in the village as their own ‘affordable’ dwelling as priced out by the market
- will allow them to reside in a village where other generations of the family have resided
- have been delayed in the building works due to the S106 contribution making it unaffordable and unfeasible
- informed by Officer that the making of such contributions was under review and extremely likely the requirement for S106’s would be removed
- got conflicting view from Officer and had no option but to get finance in place on a buy-to-build mortgage to enable a commencement of the development to avoid needing to reapply for planning permission
- have had to pay numerous legal fees to lenders to satisfy their concerns with regard to the S106 agreement
- £25,722 is 18.5% of the overall build cost
- understand that if apply now will not have to pay contribution
- expecting works to be completed by summer 2016 and allow the family to return to Derbyshire
- consider S106 has hindered the project and building costs have inflated over the years
- not making a huge impact on the infrastructure of the Carsington area and two bedroomed dwelling will have minimal effect
- improving a site in need of maintenance and restoring due to health and safety risk
- improving an area and tourist walking route
- will contribute greatly to the community and invest in Derbyshire overall.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan consists of the Derbyshire Dales Local Plan (Adopted November 2005)

Derbyshire Dales Local Plan (DDLP)

SF4 Development in the Countryside
H4 Housing Development Outside Settlement Framework Boundaries
H5 Conversion and Re-use of Buildings to provide Residential Accommodation
H12 Alternative provision for affordable Housing Outside Settlement Frameworks

Government Policy
3.2 National Planning Policy Framework - Paragraphs 14, 54

Other Relevant Guidance / Legislation
3.3 Affordable Housing: Derbyshire Dales District Council Supplementary Planning Guidance Adopted July 2006

4. RELEVANT PLANNING HISTORY

11/00070/FUL Change of use, conversion and extension of building to dwellinghouse and associated access – Granted and subject to S106 legal agreement.
5. CONSULTATION RESPONSES

5.1 Parish Council
- fully support the application
- applicant is from a family with strong ties to the village
- recognise the current lack of local and affordable housing within the village
- feel that applicants should not be penalised by way of a financial obligation in their efforts to create a home.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:
1. Background and Planning Policy
2. Justification for Non-Payment of Affordable Housing contribution

Background and Planning Policy
7.2 Planning permission for the change of use, conversion and extension of the building to a dwellinghouse was granted in 2011 in line with Policy H12 of the Adopted Local Plan (2005). This policy deals with the alternative provision for affordable housing outside Settlement Framework boundaries and states that:

In determining applications for planning permission for residential development outside defined Settlement Frameworks, the Council will seek to negotiate a financial or other contribution towards the provision of affordable housing on suitable sites elsewhere in the plan area.

7.3 Therefore, where a residential conversion to a dwelling is considered to be acceptable under Policy H5 of the Adopted Local Plan (2005), a financial or other contribution is normally required. Whilst it was recognised that the applicants themselves had a local connection, in accordance with policy and to provide for affordable housing needs in perpetuity through promoting development secured through RSL involvement an affordable housing contribution was negotiated and agreed. The applicant was prepared to pay the relevant sum of £25,722 based on the property that was being proposed to secure a planning permission.

Assessment of the Justification for the Non-Payment of the Affordable Housing Contribution
7.4 The applicants advise that they do not wish to now make the payment towards affordable housing provision or, if deemed necessary, they would be prepared to reduce the amount paid to £5,000.

7.5 At this moment in time, the Local Planning Authority must give full regard to its existing, saved Policies in the Adopted Local Plan (2005), unless these are deemed out of date as set out in Paragraph 14 of the National Planning Policy Framework (NPPF). This states that that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up to date Local Plan. In circumstances where the development plan is deemed absent, silent or relevant policies are out-of-date, then development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.6 The current situation is that, if a planning application of this nature were to now be presented, the Local Planning Authority can no longer require a financial contribution towards affordable housing provision. However, the applicants are currently implementing
a planning permission granted on the completion of the Section 106 agreement in August in 2013.

7.7 Planning decisions are relevant to the time at which they are made and have a period of three years in which to be commenced/implemented. If such permissions are commenced or implemented, they have to be subject to the planning policy at that time the decision was made. Without such controls, there could be retrospective applications to seek to avoid such obligations. Obviously, if planning permissions are not implemented, they are open to negotiation based on legislation and planning policy changes. In this respect, the requirement for the Section 106 must be maintained unless significant material considerations determine otherwise.

7.8 In this case, it is the financial circumstances of the applicants which are the principal issue to consider. In taking the project forward, the applicants were fully aware of the requirement to make the financial contribution of £25,722 and were willing to implement the planning permission on this basis. To advise that this can no longer be met is down to the personal finances and circumstances of the applicant and should not normally be a matter for planning consideration.

7.9 Nevertheless, it is considered reasonable, based on the request of Members for further information, to make an assessment of the current circumstances. The applicants have identified a cost for the overall development of £210,000 (inclusive of the financial contribution) to realise a property with a value £250,000 (based on the applicants’ submissions).

7.10 Had this project been taken on by a developer, with the intention to sell the property on completion, the development would appear to yield a profit of some £40,000 (16%), which is slightly below normal developer expectations of approximately 20%. However, this profit takes into account the unforeseen costs of underpinning and would, in such a case, be likely to be considered a reasonable profit to a developer having not foreseen such a problem.

7.11 However, the applicants appear to have purchased the site at a reasonably low value (£8,000) as a result of being family members. In this respect, had a developer been asked to pay the market price for the site of £52,000, the scheme could have been far more marginal and may not have been an attractive proposition. In this respect, it could be considered that it is the applicants’ desire to move to the village which has led to the project being realised at all.

7.12 Nevertheless, the applicants entered into the agreement willingly, to pay a sum to affordable housing in accordance with the Local Plan policy which applied at that time. It is only recently that the applicants have made the request to lift the requirements of the S106 agreement, at a time when the government’s attitude to affordable housing payments has been reviewed. Whilst it is accepted by Officers that the project could be financially challenging, and lending has proved problematic, this does not make it unavoidable to the applicants to a point that the financial contribution towards affordable housing should be set aside. It was the choice of the applicants to take on the project, notwithstanding their knowledge that the financial contribution was required to be paid.

7.13 It is appreciated that the applicants have had to borrow a sum of money which is a substantial part of the expected end value of the property on completion. However, this is not uncommon to many who build or purchase a house and who expect to repay a loan over a 20 to 30 year period. Although the repayment amount may exceed the actual value of the property at current market prices, this does not factor in the likely value of the property in 20 years time, which is likely to be substantially greater. Although it is noted that current rate of interest being paid by the applicants on their lending is on the high side, like most home buyers, it would be expected that the applicants could shop around for a better deal once the risk associated with developing the property has reduced, thereby cutting the repayment amount over the mortgage.

7.14 Therefore, when all of these matters are factored in, and although it is recognised that the costs of the project have increased during the implementation, Officers remain unconvinced that these are so substantial that the applicants are unable to meet the terms of the planning obligation. In planning law, for it to be agreed to vary the agreement in the
comprehensive way proposed, the Local Planning Authority has to be convinced that there is a substantial change in circumstances that means that the agreement no longer serves a useful planning purpose. As stated above, Officers are not convinced that these circumstances apply.

7.15 Nevertheless, given the concerns of the applicants, Officers have suggested to the applicant that consideration is given to a schedule of staged payments. This could, for instance, involve payment over a 2 year period in 3 or 4 instalments to meet the full amount. This would allow some concession to the applicants’ circumstances without being a significant departure from how the District Council has handled this matter with other parties historically and as such would be a justifiable variation. The applicants have advised that this would not address the matter of making such a payment but have advised that they would make a financial contribution of £5,000 if deemed necessary.

SUMMARY AND CONCLUSIONS

7.16 Planning permission 11/00070/FUL has been commenced and the approved dwellinghouse is nearing completion and expected to be occupied in the coming months. It is noted that the development may be financially marginal and come at some cost to the applicants given the high level of borrowing cost.

7.17 However, Section 106 agreements should only be discharged if they no longer serve a useful planning purpose. It is clear in this case that the Policies of the Adopted Local Plan (2005), which seek to secure affordable housing contributions, were relevant at the time of considering the planning application and at the time of issuing the decision in August 2013. Whilst it is appreciated that current government legislation can no longer secure such a provision, the planning permission has been lawfully commenced and must therefore relate to the Policies at the time of the permission.

8. RECOMMENDATION

That the S106 legal obligation relating to the financial contribution towards affordable housing provision shall not be varied.

NOTES TO APPLICANT:

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

This decision notice relates to the following document:
Site Location Plan received on 1st March 2016
Additional Information received on 13th and 29th June 2016

BACK TO AGENDA
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00355/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Rick Yard Orchard, Church Lane, Brailsford</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of 6 No. Bungalows and Associated Garages</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr J Tomkinson and Mr S Derbyshire</td>
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<td><strong>PARISH/TOWN</strong></td>
<td>Brailsford</td>
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<td><strong>AGENT</strong></td>
<td>Julia Allen Building Design</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Councillor A Jenkins</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>12.07.16</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to the number of objections raised to the proposal</td>
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<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To allow members to fully appreciate the site context.</td>
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**MATERIAL PLANNING ISSUES**
- Principle of development
- Affordable housing
- Impact upon character and appearance of Conservation Area
- Impact upon setting of nearby listed building (Old Hall Farm)
- Design and appearance
- Impact upon ecology
- Impact on tree
- Residential amenity
- Highway safety

**RECOMMENDATION**
Refusal
16/00355/FUL

Rick Yard Orchard, Church Lane, Brailsford
INTRODUCTION

At the planning committee meeting of the 12th July 2016 Members deferred the determination of this application seeking a legal view as to whether granting planning permission in this case would be open to legal challenge.

A legal opinion on the case has been received and is summarised as follows:

The level of sensitivity of the site, its location within the Conservation Area, the nearby listed building and the Oak tree are all noted. Other key information is that there are other proposals for development currently going through planning which are likely to deliver the identified need in Brailsford. This clearly shows there is a plan for sites coming forward in the near future. In considering the application a careful balancing exercise should be carried out balancing the identified harm against the benefits. The benefits in relation to affordable housing need to be significant to overcome the identified harm. Should Members approve the proposal they need to carefully consider the weight attached to the benefits. It is considered that the benefits which come with the provision of affordable housing are not strong enough to weigh against the level of harm identified.

Should Members ignore the officer recommendation, they need to be satisfied that such a decision can stand up to scrutiny. A legal challenge would state that i) the harm is identified and plain to see; ii) the benefits are limited (the need this proposal meets is being provided for elsewhere) and; iii) therefore the weight members attached to these said benefits were disproportionate and therefore irrational.

Therefore a legal challenge is highly likely to succeed.

Also of note is that the applicant’s agent has submitted further information to the Highway Authority in regard to the access issues, the additional information has not overcome the concerns raised by the Highway Authority.

The following report remains as previously reported to Members.

1. THE SITE AND SURROUNDINGS

1.1 The application site is an open green field with hedging to the borders of the site. There is a large Oak tree to the northern boundary with an existing farm access to the east. The site is relatively level. The site is on the outskirts of the village of Brailsford with a medical centre to the east of the site on The Green within the Conservation Area. The area around the site is a collection of former farm buildings associated with Grade II listed buildings at Old Hall Farm and to the north east at Green Farm.
2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to erect 6 bungalows arranged around a paved courtyard accessed via the existing access which runs between existing dwellings. To the ground floor the bungalows would have a kitchen and lounge area, bedroom en-suite and separate WC, a staircase would lead to the attic space to provide additional accommodation. The design of the units is with a small window to one side of the front elevation, an offset doorway with porch with a large 3 paned glazed element, each pair would have a central chimney. Two small windows are proposed to the ground floor and attic space above to the side gable elevation. To the rear elevation a double door and small windows are proposed. To the western and southern pairs of dwellings a small covered parking area is proposed to serve the pairs of units with two spaces provided for each pair. To the northern pair the parking is proposed to the eastern side of the dwellings.

2.2 The key points of the Design and Access Statement are that:

- All of the dwellings would be affordable units with 4 being for rent and 2 being for shared ownership.
- Discussions have been ongoing with Peak District Rural Housing.
- Historically the site was used for storage of hay and contained agricultural buildings.
- It is considered that the access and design are appropriate.
- The units are intended to be to accessible and adaptable building standards.
- The affordable units would be passed to Peak District Rural Housing Association.
- The units are to be of brick with clay tiles to the roof.
- Maintenance of the grassed areas will be provided.
- The large Oak tree is important to the landscape and will be preserved and protected from harm before, during and after works.
- It is proposed that the hedgerows will be professionally re-laid in a traditional form and new native planting, in double staggered format will be undertaken where the hedge is sparse.
• Access will be of tarmac finish with the courtyard having a porous surface.
• No flood risk in this area.

2.3 The submitted Ecology Survey makes the following key recommendations:

• The hedgerows on the site have UKBAP and LBAP status and should be managed accordingly.
• Hedgerows should be retained where possible for ecological benefit.
• Retained trees should be adequately protected.
• Further survey works should be carried out in relation to Great Crested Newts.
• Site checks should take place before works commence.
• Unlikely a Natural England licence will be needed.
• Testing of local ponds should be undertaken.
• The area may be used by badgers; good working practices should be used in relation to this.
• Lighting schemes should be designed to avoid harm to bats.
• Avoidance of the bird breeding season unless site pre-checked.

2.4 A letter of support has been received from Peak District Rural Housing Association which notes the following key points:

Support the application.
The association specialises in provide homes for local people.
6 bungalows proposed, 4 for rent and 2 for shared ownership.
They will be built to lifetime homes standards.
Shared ownership properties would be available for those who own their own home but wish to downsize.
The site is close to local services, with a shop and post office in easy walking distance and bus services nearby.
The housing needs survey shows 12 people over 55 in need of accommodation. There are no subsidised rented bungalows in the village.
There are other affordable homes under construction in the village and more to come in the future but it is understood none of these are bungalows.
On home options there are 14 households of people over 50 registered for accommodation with a connection to Brailsford from a local event 6 people submitted forms for the accommodation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H13: Affordable Housing Exceptional Sites In Rural Areas
H14: Housing To Meet The Needs Of The Elderly And People With Disabilities
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE6: Trees And Woodland
NBE10: Flood Risk And Surface Water Discharge
NBE16: Development Affected A Listed Building
NBE21: Development Affecting A Conservation Area
NBE26: Landscape Design In Association With New Development
NBE27: Crime Prevention
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development
3.2 Other:
National Planning Policy Framework
National Planning Practice Guidance
Brailsford Conservation Area Appraisal.
The ‘Setting Of Heritage Assets’ document 2015 (Historic England)

3.3 Derbyshire Dales Local Plan Draft Plan:
Policy S3: Settlement Hierarchy (Brailsford is within the third tier)
Policy HC2: Housing Land Allocations
   HC2(e) land to the north of A52, Brailsford for 32 dwellings
   HC2(f) land to the north of Main Road, Brailsford for 45 dwellings
   HC2 (g) land off Luke Lane, Brailsford for 26 dwellings
   HC2(h) land at Luke Lane/Mercaston Lane, Brailsford for 47 dwellings
Policy HC4: Affordable Housing

4. RELEVANT PLANNING HISTORY
11/00736/OUT Erection of 8 no. semi-detached dwellings and associated access and car parking (outline) – Withdrawn

The applications below pre-date the designation of the Conservation Area on the 8th July 1996:

WED/1183/723 Erection of five old person bungalows (outline) – Refused for the following reasons:
1. This proposal would result in a substantial and unnecessary encroachment into the open countryside to the detriment of the attractive nature of the area.
2. In the opinion of the Local Planning Authority any substantial residential development should be on the northern side of the trunk road on sites better related to settlement pattern and road network
3. In view of the amount of new residential building recently developed and already approved in the village, it is not considered that further development on the scale envisaged in this proposal is justified.

WED/1178/793 Conversion of farm buildings to dwellings – Permitted with conditions
ASR/274/19 Conversion of disused farm buildings to dwellings – Permitted with conditions
Adjacent site – WED/579/361 Erection of Medical Centre – Permitted with conditions

5. CONSULTATION RESPONSES
Parish Council
5.1 Agree to application in principle as it meets the demands of the village but there are concerns about the access arrangements. The PC would like details of the highways report and request that any design must be compatible and complementary to the Conservation Area.

Derbyshire County Council (Highways)
5.2 Access onto The Green has a 30mph speed limit and therefore the visibility should be 2.4m x 43m in both directions. Due to third party land the visibility splays are much less than this recommended distance. Furthermore any private access serving this number of dwellings should have a minimum width of 4.8m for the initial 5m to enable 2-way traffic. The site access does not allow for this. Although the proposal is for bungalows for the
elderly this does not necessarily mean that such dwellings will generate less traffic than a standard dwelling. Additional traffic such as service, delivery and visitor vehicles must also be considered. It is therefore likely that the proposed development would significantly increase the traffic associated with the sites existing severely substandard access. Recommend refusal.

5.3 Derbyshire County Council (Flood Team)
Refer to standing advice:
- Promotion of Sustainable Drainage Systems (SuDS)
- Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015)
- Full ground investigations should be undertaken to inform ground infiltration potential and management of surface water.
- Investigate the potential for hidden watercourses
- Ground investigations needed to ascertain water conditions.
- Responsibility for long term maintenance of systems should be clarified.

Derbyshire Wildlife Trust
5.4 The application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. great crested newt) the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations. Should the above be resolved through the submission of further information then conditions are recommended.

5.5 Conservation Advisory Forum
The forum discussed the characteristics of this part of the Conservation Area which made it distinctive and special. This comprises a number of (listed) historic farmsteads with associated farm buildings (now converted) and associated crofts or paddocks. It was noted that the applicant had made no references to the Conservation Area or the statutory protection (listing) afforded to some of the properties.

The inclusion of a group of domestic dwellings within a historic croft or paddock to the rear of one of these farmstead groups was considered to be inappropriate in that it would have no relationship or association to the historic building group and their historic layout and no relationship to the character and appearance of this part of the Conservation Area.

In conclusion, the forum considered that the principle of such a development in this location and context was inappropriate and would not preserve or enhance the special character or appearance of the Conservation Area. The forum considered the proposed design of the properties and the layout to be poor in concept and detail.

5.6 Design and Conservation Officer (Derbyshire Dales)
The submitted Design and Access Statement makes no reference to the site falling within the designated Brailsford Conservation Area. This is a significant oversight and without reference to it, or an assessment of the impact of the proposed development on the Conservation Area, it can only be assumed that the applicant/agent has given this no consideration.

The east side of The Green (knowns as Brailsford Green) forms part of the Conservation Area (designated 1996). As part of that assessment and designation the west side of The Green is described as having “some of the village’s oldest buildings (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft and croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows on The Green are believed to be of considerable historic interest and important to its setting”.

139
Furthermore, under an assessment of ‘notable features’ of the Conservation Area it is recognised that “The Green has seen the least disruption to its character and appearance. It has a semi-rural character, comprising mainly of former farm buildings”.

The historical layout of the west side of The Green comprised farmsteads - Green Farm, Old Hall Farm and Ford Farm. Both Green Farm and Old Hall Farm were relatively substantial agricultural establishments with a range of associated farm buildings formed in a courtyard configuration. These farm building ranges gave access (westwards) to crofts and orchards and then leading out to the primary farming land. The western boundary of the Conservation Area follows this historic and important edge of the crofts and tofts associated with these historic farmsteads. As a historical and architectural (listed) ensemble or grouping of such buildings on this side of The Green they form a significant and distinctive primary element of the Brailsford Conservation Area in terms of its special architectural and historic interest, as well as its special character and appearance.

It is acknowledged that the farm building ranges have been the subject of residential conversion but these have been undertaken sensitively and sympathetically and retain their inherent character and appearance. The principal intrusion is the GP Surgery (of 1979, with later additions). As a singular intrusion, close to The Green, the designation of the Conservation Area and the qualities and attributes of the historic buildings, their land layout and their character were deemed such that that significant, special, character was maintained and deserving of statutory designation in 1996.

With regard to the proposed development of six, one-storey, dwellings forming a cul-de-sac within the historic croft to the rear of Old Hall Farm it is considered that this would breach the historic and established building zone of the properties on the west side of The Green, introduce alien building types, form and layout and develop an historic croft which has been recognised as an inherent and integral part of the overall significance and character of this part of the Conservation Area. In that regard, it is considered that special attention has not been paid to the desirability of preserving or enhancing the character or appearance of the area and that the principle of development on this particular site (and its context and setting) will not preserve or enhance the character or appearance of the Brailsford Conservation Area.

With regard to the potential impact of the development on the setting of the listed building (Old Hall Farm – grade II) its ‘setting’ is considered to be the farmstead or farm grouping as an holistic ensemble comprising the farmhouse, its former farm buildings, and their associated curtilage which includes the croft or former orchard (the proposed development site) beyond the farm buildings which then led out to the open fields beyond. Whilst residential conversion/alteration of the farm buildings has occurred in the late 20th century the holistic ensemble can still be understood and read within the landscape – i.e. it retains a distinctive narrative. The axial vista or access way through the site will allow, due to the flatish topography, a primary view of part of the proposed development (and its proposed residential design and appearance). The presence of this will impede that narrative and in that regard the proposed residential development would harm the overall setting of the farmstead grouping/ensemble, which includes the grade II listed farmhouse.

Landscape Design Officer (Derbyshire Dales)

5.7 No objection in principle. Notwithstanding any significant adverse impact there may be on historic environment unlikely to harm landscape character or visual amenity. The proposed development would be cramped with the result that vegetation may be lost to the south the development is too close to the hedge to allow it to thrive. Supplementary planting is welcomed but unlikely to outweigh the difficulties expressed above. For information it is not permitted to plant ash trees at the moment due to the national problem with Ash dieback disease.
The application has been submitted without the necessary arboricultural information to be able to formulate detailed comments on the proposal. A topographical survey, tree survey, arboricultural report and arboricultural impact assessment are required.

Based on the submitted details there are concerns in relation the proposed construction of dwellings in close proximity to a large mature spreading Oak tree on the northern boundary of the site which contributes to the character and appearance of the Brailsford Conservation Area.

Without an accurate plot of the trunk of the Oak Tree and its canopy spread with its trunk diameter of 1.5m above ground level it cannot be shown that the excavations for the development and the required working space will not have a significantly detrimental effect on the health of the Oak Tree, which as a species resents root disturbance. Any problems would be exacerbated by the excavations for the propose drainage system between the bungalows and the mature Oak. The close proximity of the bungalows to the canopy of the tree would likely lead to pressure for the drastic reduction or felling of the Oak Tree to the detriment of the character and appearance of the Conservation Area.

The application area is a site of c0.17ha to the west of The Green, Brailsford. Brailsford appears to have two main early centres, the first situated in the area of Brailsford Green, where the likely site of a moated manor house is shown on 19th century Ordnance Survey east of the Old Rectory, and where the buildings of Old Hall Farm date in part from the 17th century. The second centre lies further north, on the line of the Derby to Ashbourne turnpike, and may suggest migration of the settlement onto the line of the new road during the 18th century. It appears likely that the medieval village lay south of Main Road, in the area now known as Brailsford Green. The church, lying some distance west of the village, does not apparently mark an early settlement site, but was a shared benefice between Brailsford and Ednaston parishes and was therefore situated midway between the villages.

The current proposal site is situated within the likely area of medieval occupation at Brailsford, and therefore may retain below-ground archaeological remains of this date. Historic mapping does not suggest that the site has ever been developed as part of the Old Hall Farm curtilage; it appears to have functioned in the late 18th – early 20th centuries as an area of orchard/paddock land to the rear of the farm complex. Archaeological remains on the site might therefore be well-preserved.

Recommend that this potential archaeological impact be dealt with through a condition placed on any planning consent, in line with NPPF para 141, to secure archaeological recording of the site. The scope of this work will depend upon the nature of groundworks proposed, but might involve elements of trial trenching, strip-and-record, and/or monitoring of groundworks, with targeted areas of excavation should significant remains be present.

This is an exception scheme of 6 bungalows, 4 for rent and 2 for shared ownership which will be owned and managed by Peak District Rural Housing Association. This needs clarification as the Design and Access Statement (pg.3) and the Planning Application Form both indicate that 4 properties are for outright sale, with only 2 properties being offered to Peak District Rural HA to provide affordable homes.

I carried out a Housing Need Survey in Brailsford in January 2011 which identified 28 households with a strong local connection to Brailsford in need of affordable housing. There are currently no affordable bungalows in Brailsford and the 6 proposed bungalows would meet the need identified in the survey from older people. Current Home-Options'
data (the District Council’s Housing Register) confirms this need, the details of which Alison Clamp of Peak District Rural Housing Association has included in her statement.

We also very much welcome that the proposed homes will be built to the ‘Lifetime Homes Standard’ (now M4(2) of the Building Regulations), with an upstairs room for a carer/visitor. This site is centrally located, close to and on the same side of the road as the GP surgery. Since the survey, 7 x 2 and 3 bedroomed affordable houses have recently completed on Luke Lane, Brailford, but no affordable bungalows have been provided.

Whilst there are other potential sites that may come forward as identified in the Derbyshire Dales Local Plan Draft Plan 2016, we need to take the opportunities to provide affordable housing as they arise. Developers often need to be prompted to provide bungalows as they require more land than houses or flats, so the potential provision of an affordable housing scheme of all bungalows is very much welcomed. PDRHA has an allocation of Homes and Communities Agency (HCA) grant funding for this scheme. The Community Housing Team is fully supportive of this scheme of 6 bungalows, if they are indeed all to be owned and managed by Peak District Rural Housing Association (PDRHA).

6. REPRESENTATIONS RECEIVED

6.1 A total of 11 representations have been received. A summary of the representations is outlined below:

6.2 Impact upon character and appearance:
- The site is within the ancient settlement of Brailsford close to a listed building. An archaeology survey is required.
- Adverse impact on Conservation Area.
- The buildings and land surrounding the development are all of an agricultural heritage dating back to 17th and 18th century being the farmhouse and barns of grade 2 listed Old Hall Farmhouse.
- The only previous building on the proposed site was an open sided Dutch barn.
- The density is out of character.
- Object to the size and arrangement of the scheme.
- Development should preserve or enhance the conservation area, this development would be harmful.
- The development is outside of a settlement.
- The special character and setting of the listed building will be lost.
- Inappropriate development in the countryside.
- Harmful to the character of the landscape.
- The site is part of the agricultural heritage of the area.
- The proposed planned development in Brailsford is significant and will more than meet the needs of housing in this area without needing to damage the older part of the village.

6.3 Highway Safety:
- Church Lane is too congested due to the surgery.
- The access is hazardous due to on street parking this development will worsen the situation.
- Dangerous bend near the junction to Church Lane.
- Danger to pedestrians which would be worse through this development.
- Road unsuitable for use by the elderly.
- The driveway is narrow without pavement or lighting and is prone to flooding.
- Existing residents are responsible for the maintenance of the driveway and would be unwilling to allow the works and associated traffic.
- Photographs submitted showing the parking congestion on Church Lane.
- The road is not adequate for emergency vehicles to pass a parked or moving vehicle.
- Large agricultural vehicles cannot pass along Church Lane due to the congestion with parking.
Dangerous junction onto Church Lane. Large vehicles would have to reverse from the site as inadequate space to turn.

6.4 Amenity:
Will spoil the outlook and privacy of neighbouring dwellings.
Harmful to quiet enjoyment of property.
The noise and nuisance from the development would harm amenity.
Increased traffic close to existing dwellings would harm amenity.

6.5 Other:
Will damage the trees on site, the oak is larger than shown on the plan.
The development would harm the roots of the tree, harm to the tree would introduce a danger.
Adverse impact upon flora and fauna.
Flooding of the driveway occasionally floods into Old Hall Farmhouse – worsening of this could harm the listed building.
This site is not appropriate for the elderly.
Existing essential services are already stretched (Gas, Water, Electricity, Sewerage)
Previous application has been refused.
It is an area unsuitable to live for those without a car.
Refer back to application 11/00736/OUT (Withdrawn application)
There are few amenities in the area and this is some distance from them.
Elderly residents would feel isolated and trapped in such a setting.
The units would not allow a visitor to stay due to restricted size.
This is green field site.
Managed gardens would not allow the residents to have the beneficial activity of gardening.
Where would bins be stored.
A smaller number of larger properties would be better.
Trees have been removed from the site in recent years.
Surface water drainage problems.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Affordable Housing
- Impact upon character and appearance of the Conservation Area
- Impact upon the setting of the Listed Building
- Design and appearance
- Impacts on ecology
- Impact on tree
- Residential amenity
- Highway safety

This section will address each of these issues in turn.

Principle of Development

7.1 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Paragraph 49 of the National Planning Policy Framework the lack of housing supply means that the housing policies of the adopted Local Plan must be considered out of date. Therefore the determination of applications for new housing developments must be considered in accordance with paragraph 14 of the National Planning Policy Framework.
7.2 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.
In this case this means that Footnote 9 to the latter part of paragraph is engaged where it identifies that where policies relating to heritage assets are to be considered this is a circumstance where the latter test applies and therefore the presumption in favour would not apply.

7.3 It should be noted that the existing policies within the Adopted Local Plan which relate to heritage assets are not out of date as they remain broadly consistent with guidance contained within the NPPF.

7.4 It is acknowledged that in order to meet the housing need some development is likely in the villages and on green field sites where such development can assist in the continued provision of local services and facilities. Therefore in principle development in villages such as Brailsford where there are some services and facilities is likely to be acceptable in principle as development in a sustainable location. Sustainable development is promoted through the NPPF including paragraph 14. However there are three roles to sustainability which need to be considered, not only the location of development.

Affordable Housing

7.5 The submitted scheme is to provide affordable housing and is supported by our strategic housing team within the Council and by Peak District Rural Housing Association as an exception site. It is confirmed that there is a need for such affordable units within Brailsford. However, it is likely that through the emerging local plan other sites within Brailsford will be put forward for housing development and there will be a need to provide affordable housing on site as part of those larger developments.

7.6 The preamble to the settlement hierarchy policy in the Draft Local Plan notes that twelve villages are identified as accessible settlements with limited facilities. These villages, which include Brailsford, are the most sustainable villages in the rural areas which generally have a good local infrastructure, some local employment opportunities and good accessibility to the towns and larger centres. Such villages also serve the surrounding smaller villages and rural areas. The spatial strategy of the draft plan focuses the bulk of the rural development in these settlements and seeks to ensure they are sustained and promoted as service centres. The scale of new development in any of these villages will generally be relative to their current size and infrastructure.

7.7 Policy S3 of the Draft Local Plan identifies Brailsford as a third tier settlement, such villages possess a limited level of facilities and services that, together the improved local employment, provide the best opportunities outside the first and second tier settlement for greater self-containment.

7.8 Policy HC2 of the Draft Local Plan identifies four sites in Brailsford for development totalling 150 dwellings.

7.9 Policy HC4 of the Draft Local Plan requires that on such development sites at least 30% of all dwellings will be affordable and provided on site. Given the draft allocations of 150 units this would result in 45 of those units being affordable dwellings.

7.10 Therefore the development of this site for affordable housing is not the only option for providing such affordable housing going forward. It has been mentioned by Peak District Rural Housing Association that none of the other sites will put forward bungalows.
However, as and when these sites come forward the council’s strategic housing team will be able to specify the affordable housing mix which can include bungalows or accommodation suited to disabled persons.

**Impact upon character and appearance of the Conservation Area**

7.11 In terms of Conservation Area, the primary legislation is set out in the Planning (Listed Buildings and Conservation) Act 1990. Section 72 of the Act states:

> With respect to any building or land in a Conservation Area……special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.12 This is reflected in government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

> When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irrereplaceable, 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.

7.13 The prevailing character of development in this part of the Conservation Area is of farm groupings around a principle listed building, the only exception to this being the siting of the medical centre fronting the highway between the two farm groupings. The ranges of farm buildings gave access to crofts and orchards, then leading out to the primary farming land. This landscape pattern remains and is integral to the character and appearance of this part of the Conservation Area in one of the oldest parts of the village, which likely dates back to medieval occupation. It is therefore considered that residential development in this location is in principle harmful to the character and appearance of the Conservation Area, the harm in this case is considered to be less than substantial harm given the small area of the Conservation Area that is affected by the development.

7.14 This less than substantial harm has to be weighed against any public benefits arising from the scheme. This is a site for affordable housing to meet a local need. Whilst this can attract significant weight in the planning balance as other development sites within Brailsford will come forward with the potential for substantial on site affordable housing and in a less sensitive context it is not considered that the need in this case, which can be accommodated elsewhere in the village, outweighs the harm to the Conservation Area. Therefore the development has failed to meet local and national planning policy in this respect.

**Impact upon the setting of the Listed Building**

7.15 In terms of the Listed Buildings, 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.

7.16 Therefore when considering development which may have an impact upon the setting 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.

7.17 The ‘Setting Of Heritage Assets’ document 2015 as noted above confirms on page 2 that the setting of a heritage asset is the surroundings in which a heritage asset is experienced and that this extent is not fixed, the document goes on to confirm that the setting of a designated heritage asset can contribute to its significance.

7.18 In this case the setting of the farmstead can still be read as a holistic group which includes the listed farmhouse and associated farm buildings. The relationship between the farmstead and the small orchard areas leading into the primary agricultural land can still be understood and read within the landscape. It is therefore considered that development in this area will lead to some harm to the setting of the farmstead group including the listed farmhouse resulting in less than substantial harm to the significance of the heritage asset. The harm is considered to be less than substantial harm given the separation between the listed building itself and the development site.

7.19 Whilst there is the benefit of affordable housing in this case, due to the potential for this affordable housing to be created elsewhere within the village it is not considered that this benefit outweighs the harm in this case. Such harm is considered to be less than substantial harm that is not outweighed by any public benefits of the development therefore the proposal fails to satisfy Policy NBE16 of the Adopted Local Plan and part 12 of the NPPF.

Design and appearance

7.20 The scheme has been designed as a courtyard of bungalows with parking areas between and a central turning area to the frontage. The form of development is considered to be wholly incongruous in this context having the appearance of a further courtyard beyond the existing farmstead grouping. Furthermore the dwellings are so cramped onto the site; the buildings are overlapped in their layout with WC windows facing directly onto the walling of the adjacent dwelling. The design, form and cramped nature of the development is considered to be incongruous to the prevailing character and appearance of the area contrary to policies SF5 and H9 of the Adopted Local Plan and guidance contained within the NPPF. The incongruous form of development will also exacerbate the harm already
Impacts on ecology

7.21 Concern has been raised through the application process that the impacts of the development upon protected species have not been satisfactorily concluded. Derbyshire Wildlife Trust have considered the submitted information and have concluded that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species, in particular reptiles and great crested newts, and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. great crested newt) the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

7.22 The applicant’s agent has been made aware of this matter and without further investigation it is considered that the application does not include sufficient information in relation to ecology. In the absence of such information the development has the potential to harm protected species present on the site and as such the proposal fails to meet the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained with the NPPF.

Impact on Tree

7.23 There is a substantial Oak tree to the northern boundary of the application site. The application has been submitted without the necessary arboricultural information to be able to formulate a detailed assessment of the proposal and the impact this will have on the Oak tree. Based on the submitted details there are concerns in relation to the construction of dwellings in close proximity to the large mature spreading Oak tree which it is considered contributes to the character and appearance of the Brailsford Conservation Area.

7.24 Without an accurate plot of the trunk of the Oak tree and its canopy spread, it cannot be shown that the excavations for the development and the required working space will not have a significantly detrimental effect on the health of the Oak tree, which as a species resents root disturbance. The close proximity of the bungalows to the canopy of the tree would likely lead to pressure for the drastic reduction or felling of the Oak tree to the detriment of the character and appearance of the Conservation Area. As such the proposal fails to meet the requirements of Policies NBE6 and NBE21 of the Adopted Local Plan and guidance contained within paragraph 118 of the NPPF.

Residential amenity

7.25 The proposed development would be taking place on an open field which is currently backed onto by existing dwellings. Access to the proposed dwellings would also pass in close proximity to the existing dwellings to either side of the access. Whilst the development would no doubt have some impact upon the existing residents, given that the dwellings are single storey and that there is an existing farm access to the land it is not considered that this would amount to harm to residential amenity that would be sufficient to warrant refusal of planning permission. Therefore in terms of residential amenity the proposal is considered to be acceptable on balance in accordance with policies SF5 and H9 of the Adopted Local Plan and guidance contained within the NPPF.
Highway safety

7.26 Concern has been raised that the proposal will adversely affect highway safety. The proposal has been considered by the Highway Authority who have noted that access onto The Green has a 30mph speed limit and therefore the visibility should be 2.4m x 43m in both directions. Due to third party land the visibility splays are much less than this recommended distance. Furthermore any private access serving this number of dwellings should have a minimum width of 4.8m for the initial 5m to enable 2-way traffic. The site access does not allow for this. Although the proposal is for bungalows for the elderly this does not necessarily mean that such dwellings will generate less traffic than a standard dwelling. Additional traffic such as service, delivery and visitor vehicles must also be considered. It is therefore likely that the proposed development would significantly increase the traffic associated with the sites existing severely substandard access. On this basis the proposal has failed to ensure safe access to the site and therefore the development is contrary to policy TR1 of the Adopted Local Plan and guidance contained within the NPPF.

Conclusion

7.27 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.
This is an instance where because of the Conservation Area designation and the impact on the setting of a listed building, the presumption in favour of development does not apply and any harm to the heritage assets has to be weighed against the benefits. In this case the benefit has minimal weight due to the potential for the affordable housing to be sited elsewhere; therefore there is a presumption against harm.

7.28 The location of the site in the village of Brailsford is considered to be acceptable in terms of being a sustainable location where development would be served by local services and facilities. It is acknowledged that the Council cannot demonstrate a 5 year housing land supply. However, the lack of housing supply does not mean that any development is acceptable. As noted above the NPPF seeks to approve sustainable development. There are three roles of sustainability to be met in order for development to be considered sustainable and therefore acceptable.

7.29 In this case these roles are assessed as follows:
- The economic role of sustainability will be met during construction and afterwards in the contribution to the economy created by the new occupiers.
- The social role of sustainability would be met through providing affordable housing for a defined local need, but it is likely that such affordable units can be met elsewhere in Brailsford and this needs to be weighed against this benefit.
- The environmental role of sustainability would not be met due to the inappropriate and cramped form of development which will harm the character and appearance of the Conservation Area, the setting of the farmstead including listed building, harm to highway safety, adverse impact upon the Oak tree and failure to demonstrate that there will be no harm to protected species.

7.30 Therefore when considering matters in the round, the harmful impacts of the proposed development are considered to clearly outweigh the benefits of providing 6 affordable bungalows, which in any event can be accommodated on other housing sites in less sensitive locations as they come forward, and therefore planning permission should be refused.
8. RECOMMENDATION
8.1 That planning permission be refused for the following reason(s).

1. The development of this site will lead to the loss of the original orchard plot associated with the farmstead grouping typical of the prevailing character of the area, providing the buffer between the farmstead and the primary agricultural land beyond. The loss of this historic pattern of land uses will adversely impact upon the character and appearance of the Brailsford Conservation Area and the setting of the farmstead group which includes the Grade II listed farmhouse. The cramped and incongruous form of the development further exacerbates this harm. The harm in this case is not outweighed by the identified public benefit and as such the proposal is contrary to policies SF5, H9, NBE16 and NBE21 of the Adopted Local Plan and guidance contained within paragraphs 132 and 134 of the National Planning Policy Framework.

2. The proposed development, if permitted, would be likely to lead to the significant intensification in use of an existing substandard access to The Green (CIII), where emerging visibility is severely restricted due to third party land, thereby leading to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway. As such the proposal fails to meet the requirements of Policy TR1 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

3. No adequate provision is included in the application proposals to enable 2-way traffic on the sites existing access driveway within the close visibility of the green, which would be likely to result in drivers waiting on, or reversing out onto the public highway to give way to exiting vehicles, which is against the best interests of highway safety. As such the proposal fails to meet the requirements of Policy TR1 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

4. Without an accurate plot of the trunk of the Oak Tree and its canopy spread it cannot be shown that the excavations for the development and the required working space will not have a significantly detrimental effect on the health of the Oak Tree, which as a species resents root disturbance. The close proximity of the bungalows to the canopy of the tree would likely lead to pressure for the drastic reduction or felling of the Oak Tree to the detriment of the character and appearance of the Conservation Area. As such the proposal fails to meet the requirements of Policies NBE6 and NBE21 of the Adopted Local Plan and guidance contained within the NPPF.

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

9. 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:
Design and access statement received 17.05.016
Location plan JABD/128/001 received 17.05.16
Primary ecological appraisal received 17.05.16
Existing landscape plan JABD/128/003 received 17.05.16
Proposed landscape plan JABD/128/004 Rev A received 17.05.16
Site plan JABD/128/002 received 17.05.16
Proposed plans and elevations for dwelling type 2 JABD/128/006 received 17.05.16
Proposed plans and elevations for dwelling type 1 JABD/128/005 Rev A received 17.05.16
Proposed drainage layout JABD/128/007 received 17.05.16

BACK TO AGENDA
### Ashbourne North

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Case Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne, Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
<td></td>
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<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photovoltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accommodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting.</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
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### Ashbourne South

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<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
<td></td>
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<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Pending Consideration</td>
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### Brailsford

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<tr>
<th>Item No.</th>
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<th>Location</th>
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<tr>
<td>ENF/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
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<td>Reference</td>
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<tr>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Carsington Water</strong></td>
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<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
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<td><strong>Clifton And Bradley</strong></td>
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<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
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<td><strong>Darley Dale</strong></td>
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<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
<td></td>
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<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Pending Consideration</td>
<td></td>
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<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Pending Consideration</td>
<td></td>
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<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Pending Consideration</td>
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<td><strong>Dovedale And Parwich</strong></td>
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<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
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<td>Reference</td>
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<td>ENF/15/00092</td>
<td>The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.</td>
<td>Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00061</td>
<td>Unauthorised erection of lamposts within an agricultural field, to facilitate vehicular parking.</td>
<td>Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Doveridge And Sudbury</strong></td>
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<tr>
<td>ENF/13/00019</td>
<td>Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge.</td>
<td>Land North East Of Holmea Farm Bungalow Marston Lane Doveridge Derbyshire</td>
<td>Pending Consideration</td>
<td></td>
</tr>
<tr>
<td>ENF/14/00085</td>
<td>Unauthorised building works due to failing to discharge pre commencement condition 2 of planning permission 14/00577/FUL - First floor extension to bungalow.</td>
<td>Cuthberts Bank Church Lane Doveridge Derbyshire DE6 5NN</td>
<td>Pending Consideration</td>
<td></td>
</tr>
<tr>
<td>ENF/15/00001</td>
<td>Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.</td>
<td>Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD</td>
<td>Pending Consideration</td>
<td></td>
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<tr>
<td>ENF/15/00004</td>
<td>Unauthorised change of use of agricultural outbuildings to office/business use.</td>
<td>Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL</td>
<td>Pending Consideration</td>
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<td><strong>Hulland</strong></td>
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<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>
<td></td>
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<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>
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<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
<td></td>
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<tr>
<td>ENF/16/00043</td>
<td>Unauthorised engineering works on land at Whinney Hill Farm</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
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<td><strong>Masson</strong></td>
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<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/15/00052</td>
<td>Installation of plastic windows in a listed building.</td>
<td>101 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
<td></td>
</tr>
</tbody>
</table>
ENF/15/00060  Unauthorised installation of two roof-lights and flue on the rear roof slope.  Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF  Notice Issued

ENF/15/00104  Unauthorised internal works and demolition of external boundary wall.  Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ  Pending Consideration

ENF/15/00105  Unauthorised engineering operations to create extra parking/turning area.  G P Produce The Hill Cromford Derbyshire DE4 3QL  Pending Consideration

ENF/16/00024  Unauthorised occupation of holiday let as residential dwelling.  The Farrow's Chestnut Farm Abel Lane Bonsall Derbyshire  Pending Consideration

ENF/16/00028  Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.  86 The Hill Cromford Derbyshire DE4 3QU  Pending Consideration

ENF/16/00037  Unauthorised extension to property.  1 Water Lane Cromford Derbyshire DE4 3QH  Notice Issued

ENF/16/00039  Problem beginning to cause damage and staining to the historic fabric of a Listed Building  Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE  Pending Consideration

ENF/16/00041  Unauthorised instalation of plastic windows and door.  2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS  Notice Issued

ENF/16/00058  Unauthorised facia advertisement.  F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS  Pending Consideration

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  Pending Consideration

ENF/15/00030  Unauthorised "PELI" advertisement  Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT  Notice Issued

ENF/15/00087  Breach of conditions on planning application number 14/00493/FUL  10 Imperial Road Matlock Derbyshire DE4 3NL  Pending Consideration

ENF/16/00014  Unauthorised fencing/decking to the side and rear with associated engineering operations.  38 Megdale Matlock Derbyshire DE4 3JW  Pending Consideration

ENF/16/00015  Breach of condition 2 on planning permission (office code) 13/00005/FUL.  19 Dale Road Matlock Derbyshire DE4 3LT  Pending Consideration

ENF/16/00038  Unauthorised erection of fences and alleged car sales business.  2 Bentley Close Matlock Derbyshire DE4 3GF  Pending Consideration

ENF/16/00054  Engineering operations on land the East side of 80 Jackson Road.  80 Jackson Road Matlock Derbyshire DE4 3JQ  Pending Consideration

ENF/16/00060  Condition 4 on Planning Permission office code 08/00087/FUL "Erection of Conservatory"  15 Bank Gardens Matlock Derbyshire DE4 3WA  Pending Consideration

Matlock St Giles
ENF/13/00084  Unauthorised erection of workshop  Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY  Notice Issued

ENF/15/00083  Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)  Gate Inn The Knoll Tansley Derbyshire DE4 5FN  Pending Consideration

ENF/15/00088  Unauthorised play equipment at The Gate Inn, Tansley.  Gate Inn The Knoll Tansley Derbyshire DE4 5FN  Pending Consideration

ENF/15/00098  Unauthorised engineering operations on fields to the South West of Derwent Treescapes.  Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ  Pending Consideration

ENF/16/00002  Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.  55 Church Street Matlock Derbyshire DE4 3BY  Notice Issued

ENF/16/00018  Unauthorised extensions to existing stables and field shelter.  Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire  Pending Consideration

ENF/16/00025  1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.  Land Off Alders Lane, Tansley.  Pending Consideration

ENF/16/00046  Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL  Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX  Pending Consideration

ENF/16/00053  Unauthorised access off Riber Road.  Brookdale Riber Road Lea Derbyshire DE4 5JQ  Pending Consideration

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

ENF/16/00057  Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD.  78 Starkholmes Road Matlock Derbyshire DE4 3DD  Pending Consideration

Norbury

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

ENF/13/00050  Unauthorised building works to an agricultural building. (Increasing the height).  Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire  Pending Consideration
<table>
<thead>
<tr>
<th>Reference</th>
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<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00019</td>
<td>Unauthorised erection of a timber built Mess Room, Office, Wash Room, Storage and Livestock Building.</td>
<td>Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtiage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Total Open Cases**: 75
## Enforcement Investigations Closed
### In the 6 Months Prior to 29/07/2016

### Ashbourne North

<table>
<thead>
<tr>
<th>ENF/15/00067</th>
<th>Alleged change in the use of a piece of land to the rear of plot 1 at St Osualds Crescent.</th>
<th>8 Spire Close Ashbourne Derbyshire DE6 1DB</th>
<th>Planning Application Received</th>
<th>23/03/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00027</td>
<td>Alleged unauthorised works to roof, brickwork and sound insulation measures.</td>
<td>The Old Pine Store Coxons Yard Ashbourne Derbyshire DE6 1FG</td>
<td>Complaint Unfounded</td>
<td>04/03/2016</td>
</tr>
</tbody>
</table>

### Ashbourne South

<table>
<thead>
<tr>
<th>ENF/13/00012</th>
<th>Breach of Condition 20 of planning permission 07/00842/FUL - Formation of car park and memorial sculpture garden/public open space. Land At Junction Of A52/Mayfield Road, Ashbourne, Derbyshire</th>
<th>Land At Junction Of A52/Mayfield Road Car Park Mayfield Road Ashbourne Derbyshire</th>
<th>Justification from Officer</th>
<th>29/03/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00007</td>
<td>Breach of Condition 2 relating to listed building consent - 13/00705/LBALT External alterations - re-roofing - Unit 3 Former House of Correction, Derby Road, Ashbourne, Derbyshire for Mr Michael Webster.</td>
<td>Unit 3 Former House Of Correction Derby Road Ashbourne Derbyshire DE6 1BE</td>
<td>Complied Voluntarily</td>
<td>01/03/2016</td>
</tr>
<tr>
<td>ENF/16/00016</td>
<td>Alleged building in addition to that approved</td>
<td>Land To The East Of Lodge Farm Chase Ashbourne Derbyshire</td>
<td>Complaint Unfounded</td>
<td>05/02/2016</td>
</tr>
<tr>
<td>ENF/16/00022</td>
<td>Alleged unauthorised removal of trees and hedges to the rear of 15 South St Ashbourne</td>
<td>Land To The Rear Of 15 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Complaint Unfounded</td>
<td>25/02/2016</td>
</tr>
<tr>
<td>ENF/16/00044</td>
<td>Breach of pre-commencement planning condition relating to planning permission 16/00048/FUL - Erection of building for nutrition and exersize coaching (use class D2) - Mr A Kent</td>
<td>Unit 4 Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Complied Voluntarily</td>
<td>26/04/2016</td>
</tr>
</tbody>
</table>

### Brailsford

<table>
<thead>
<tr>
<th>ENF/16/00010</th>
<th>Unauthorised change of use of an agricultural building, shown in red on the attached plan, to a commercial/storage and distribution use.</th>
<th>School Farm Back Lane Hollington Derbyshire DE6 3GA</th>
<th>Complaint Unfounded</th>
<th>06/05/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00020</td>
<td>Alleged engineering works to facilitate an access track on land belonging to Dam Farm at Brailsford</td>
<td>Former Dam Farm House Yeldersley Lane Ednaston Derbyshire DE6 3BA</td>
<td>Complaint Unfounded</td>
<td>18/02/2016</td>
</tr>
</tbody>
</table>

### Carsington Water
| ENF/16/00023 | Alleged unauthorised internal alterations to a listed building. - removal of internal wall and Inglenook Fireplace. | The Glebe House Back Lane Carsington Derbyshire DE4 4DE | Complaint Unfounded | 26/02/2016 |
| ENF/16/00026 | Unauthorised engineering works to facilitate access track on land adjacent to Brassington Lane between Brassington and Bradbourne. | Overfields Quarry Pasture Lane Brassington Derbyshire | Complied Voluntarily | 26/05/2016 |

**Clifton And Bradley**

| ENF/16/00007 | Alleged breach of condition 3 relating to planning permission - 15/00581/FUL - Change of use of land from agricultural to equestrian and erection of hay store and field shelter (Retrospective) | Woodways 6 Council Houses Yew Tree Lane Bradley Derbyshire DE6 1PG | Complied Voluntarily | 08/02/2016 |
| ENF/16/00009 | Breach of pre-commencement conditions relating to planning permission 15/00757/FUL - Extension to hatchery building and associated works (modifications of 15/00397/FUL) - Moy Park Hatchery, Cockshead Lane, Snelston, Derbyshire for Mr Wayne Shepherd. | Moy Park Hatchery Cockshead Lane Snelston Derbyshire DE6 2DP | Complied Voluntarily | 04/05/2016 |
| ENF/16/00017 | Unauthorised creation of hardstanding area and vehicular access onto a classified road. | Land Of Former Wesleyan Methodist Chapel Mill Lane Shirley Derbyshire | Complied Voluntarily | 09/03/2016 |

**Darley Dale**

| ENF/12/00092 | Unauthorised building works and siting of caravan on land at junction of Back Lane and Flash Lane, Darley Moor, Matlock. | Land At Junction Of Back Lane And Flash Lane Darley Moor Matlock Derbyshire | Complied Voluntarily | 15/06/2016 |
| ENF/15/00006 | Alterations to a Listed Building | Farley Farm Farley Lane Farley Derbyshire DE4 5LR | Not in the Public interest to pursue | 17/02/2016 |
| ENF/15/00100 | Erection of a wooden building for use as a dog grooming salon. | Woodville Northwood Avenue Darley Dale Derbyshire DE4 2GD | Planning Application Received | 27/06/2016 |
| ENF/16/00029 | Alleged discrepancy on approved plans (application 15/00550/FUL) | Holt Brook House Ladygrove Road Two Dales Derbyshire DE4 2FG | Not in the Public interest to pursue | 30/03/2016 |

**Hulland**

| ENF/15/00109 | Unauthorised caravan and steel frame poly tunnel on Land adjacent to Nether Lane, Biggin by Hulland. | Land To The East Of Innisfree Nether Lane Biggin Ashbourne Derbyshire | Complied Voluntarily | 08/02/2016 |
| ENF/16/00021 | Erection of floodlights on site, without planning permission | Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire DE6 3ES | Complied Voluntarily | 24/02/2016 |
### Masson

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00016</td>
<td>Unauthorised Advertisements.</td>
<td>Royal Bank Buildings Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complied Voluntarily</td>
<td>19/04/2016</td>
</tr>
<tr>
<td>ENF/15/00063</td>
<td>Alterations to a Listed Building</td>
<td>26 North Street Cromford Derbyshire DE4 3RG</td>
<td>Planning Application Received</td>
<td>15/06/2016</td>
</tr>
<tr>
<td>ENF/16/00003</td>
<td>Unauthorised banner advertisements.</td>
<td>Princess Victoria Public House 174 - 176 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complied Voluntarily</td>
<td>17/02/2016</td>
</tr>
<tr>
<td>ENF/16/00004</td>
<td>Unauthorised advertisements</td>
<td>Masson Mills (Buildings/Facilities Manager) Derby Road Matlock Bath Derbyshire DE4 3PY</td>
<td>Complied Voluntarily</td>
<td>16/02/2016</td>
</tr>
<tr>
<td>ENF/16/00050</td>
<td>Unlawful Banner advertisments on railings around Cromford junction.</td>
<td>Various Railings Around Cromford Junction</td>
<td>Justification from Officer</td>
<td>22/06/2016</td>
</tr>
</tbody>
</table>

### Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00019</td>
<td>Alleged unauthorised removal of trees and terracing</td>
<td>6 Rockside Mews Wellington Street Matlock Derbyshire DE4 3RW</td>
<td>Complaint Unfounded</td>
<td>17/02/2016</td>
</tr>
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### Matlock St Giles

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00077</td>
<td>Unauthorised use of land for the sitting of caravans.</td>
<td>Tansley Wood Mills Lumsdale Road Matlock Derbyshire</td>
<td>Complied Voluntarily</td>
<td>19/04/2016</td>
</tr>
<tr>
<td>ENF/16/00011</td>
<td>Unauthorised erection of fence over 1 (one) metre in height adjacent to a highway.</td>
<td>21 Wishing Stone Way Matlock Derbyshire DE4 5LU</td>
<td>Complied Voluntarily</td>
<td>14/03/2016</td>
</tr>
<tr>
<td>ENF/16/00047</td>
<td>Alleged unauthorised extension to dwelling house and boundary fence obstruction.</td>
<td>46 Mornington Rise Matlock Derbyshire DE4 3EQ</td>
<td>Complaint Unfounded</td>
<td>13/05/2016</td>
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### Norbury

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00008</td>
<td>Mud on road</td>
<td>Land South Of Somersal Mill Farm Grove Lane Doveridge Derbyshire</td>
<td>Complied Voluntarily</td>
<td>04/03/2016</td>
</tr>
<tr>
<td>ENF/16/00032</td>
<td>Alleged unauthorised alteration to an existing vehicular access</td>
<td>Mount Farm Marston Common Marston Montgomery Derbyshire DE6 2FH</td>
<td>Complaint Unfounded</td>
<td>22/03/2016</td>
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</table>

### Stanton
### Winster And South Darley

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Outcome</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00008</td>
<td>Rebuilding a roadside wall and the use of part of an agricultural building.</td>
<td>103 Northwood Lane Darley Dale Derbyshire DE4 2HS</td>
<td>Not in the Public interest to pursue</td>
<td>15/06/2016</td>
</tr>
<tr>
<td>ENF/15/00066</td>
<td>Unauthorised wooden storage structure.</td>
<td>Tipsy Cottage 14 Main Road Darley Bridge Derbyshire DE4 2JY</td>
<td>Complied Voluntarily</td>
<td>15/03/2016</td>
</tr>
</tbody>
</table>

### Wirksworth

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Outcome</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00001</td>
<td>Untidy site consisting of the storage of an old mattress, bed base, car seats, fridge, old steel bed frame old carpets and other associated household waste.</td>
<td>2 Cromford Road Wirksworth Derbyshire DE4 4FH</td>
<td>Complied Voluntarily</td>
<td>01/03/2016</td>
</tr>
<tr>
<td>ENF/16/00036</td>
<td>Alleged unauthorised extension.</td>
<td>23 Chapel Lane Middleton By Wirksworth Derbyshire DE4 4NF</td>
<td>Complaint Unfounded</td>
<td>04/04/2016</td>
</tr>
<tr>
<td>ENF/16/00049</td>
<td>Alleged unauthorised building works at the rear of 3 Crabtree Close Wirksworth</td>
<td>4 Crabtree Close Wirksworth Derbyshire DE4 4AP</td>
<td>Complaint Unfounded</td>
<td>21/06/2016</td>
</tr>
</tbody>
</table>

**Total Closed Cases**: 37

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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Southern</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15/00261/FUL</td>
<td>Sturston Hall Farm, Sturston, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy decision attached</td>
</tr>
<tr>
<td>15/00262/LBALT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00755/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00062/VCOND</td>
<td>The Barn, Somersal House, Somersal Herbert</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00873/OUT</td>
<td>Land adjacent to 2 Bell Villas, Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00877/PDA</td>
<td>Land to the east of Innisfree, Nether Lane, Biggin</td>
<td>WR</td>
<td>Appeal dismissed – copy decision attached</td>
</tr>
<tr>
<td>15/00530/LBALT</td>
<td>Churchfields Farm, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00617/FUL</td>
<td>Brailsford House, Main Road, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00886/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
<td>IH</td>
<td>Appeal dismissed – copy decision attached</td>
</tr>
<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td><strong>Central</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ref</td>
<td>Location</td>
<td>Type</td>
<td>Decision</td>
</tr>
<tr>
<td>-----</td>
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<td>--------</td>
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</tr>
<tr>
<td>15/00642/FUL</td>
<td>The Woodyard, Homesford, Whatstandwell</td>
<td>WR</td>
<td>Appeal dismissed – copy decision attached</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Rita’s Fish Bar, 182 South Parade, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00088</td>
<td>Land at The Gate Inn, The Knoll, Tansley, Matlock and Gate Inn, The Knoll, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Land off Oakerthorpe Road, Bolehill, Wirksworth</td>
<td>WR</td>
<td>Appeal allowed – copy decision attached</td>
</tr>
<tr>
<td>ENF/16/00002</td>
<td>55 Church Street, Matlock</td>
<td>WR</td>
<td>Appeal allowed – copy decision attached</td>
</tr>
<tr>
<td>16/00046/OUT</td>
<td>9 Eversleigh Rise, Darley Bridge</td>
<td>WR</td>
<td>Appeal dismissed – copy decision attached</td>
</tr>
<tr>
<td>15/00768/PDA</td>
<td>The Barn, Back Lane, Darley Moor</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00670/FUL</td>
<td>Land (East) off Main Road, near 3 Stags Heads pub, Darley Bridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00005/OUT</td>
<td>Former Neil Thompson Nurseries, Nottingham Road, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.

BACK TO AGENDA
Appeal Decisions

Site visit made on 28 June 2016

by Anthony J Wharton  BArch RIBA RIAS MRTPi

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

Decision date: 15 July 2016

Appeals A - Ref: APP/P1045/C/15/3129579 & 3129580
Sturston Hall Farm, Mill Lane, Sturston, Ashbourne, Derbyshire DE6 1LN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Michael Webster and Mrs H Webster against an enforcement notice issued by Derbyshire Dales District Council.
- The notice was issued on 17 June 2015.
- The breach of planning control as alleged in the notice is: the installation of photovoltaic panels to the southern roof slope.
- The requirements of the notice are to:
  Permanently remove the photovoltaic panels and any associated pipework/cabling from the property.
  Restore the roof of the property to its previous condition immediately prior to installing the photovoltaic panels.
- The period for compliance with the requirements is 30 days.
- The appeal is proceeding on ground (a) only as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.

Appeal B - Ref: APP/P1045/F/15/3129573
Sturston Hall Farm, Mill Lane, Sturston, Ashbourne, Derbyshire DE6 1LN

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr and Mrs Michael Webster against the decision of Derbyshire Dales District Council.
- The notice was issued on 17 June 2015.
- The contravention of listed building control alleged in the notice is the installation of 15 solar panels to the south to the south facing roof slope roof slope of Sturston Hall Farm.
- The requirements of the notice are
  i) Remove the 15 solar panels to the south to the south facing roof slope roof slope of Sturston Hall Farm including any associated pipework/cabling etc.
  ii) Restore the roof of the property to its previous condition immediately prior to installing the photovoltaic panels.
- The period for compliance with the requirements is 3 months.
- The appeal is made on the ground (e) only as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal C - Ref: APP/P1045/W/15/3129543
Sturston Hall Farm, Mill Lane, Sturston, Ashbourne, Derbyshire DE6 1LN

- 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 is made by Mr and Mrs Michael Webster against the decision of Derbyshire Dales District Council.
- The application Ref 15/00261/FUL, dated 14 April 2015, was refused by notice dated 9 June 2015.
- The development proposed is the installation of photovoltaic panels on the south slope of the dwelling (retrospective).

Appeal D - Ref: APP/P1045/Y/15/3129544
Sturston Hall Farm, Mill Lane, Sturston, Ashbourne, Derbyshire DE6 1LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal of listed building consent.
- The appeal is made by Mr and Mrs Michael Webster against the decision of Derbyshire Dales District Council.
- The application Ref 15/00262/LBALT, dated 14 April 2015 was refused by notice dated 9 June 2015.
- The works proposed is the installation of photovoltaic panels on the south slope of the dwelling (retrospective).

Decisions

1. The appeals are all dismissed. See formal decisions below.

Introduction and matters of clarification

2. The appeals all relate to the same 15 solar/photovoltaic panels which have been fixed to the south facing roof slope of this farmhouse. In relation to the merits of the cases I have dealt with all of the appeals together. The issues, whether related to the planning enforcement notice (PEN); the listed building enforcement notice (LBEN); the retrospective applications for planning permission (PP) and listed building consent (LBC) appeals, are the same. They all relate to the effects that the development/works have had on the listed building, its setting and its special features of architectural and historic interest and on the setting of Sturston Hall.

3. The appeal building, formerly a barn, forms part of a grouping of farm buildings which have now been converted into separate dwellings. It lies immediately to the north of Sturston Hall which was listed in Grade II in June 1981. The appeal building and the other conversions are deemed listed by virtue of section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) in that they formed part of the overall land and farm buildings associated with the hall since before 1 July 1948.

4. In reaching my conclusions I have had special regard to the requirements of sections 66(1) and 16(2) of the PLBCAA. These relate to duties under the Act when considering the granting of PP and LBC respectively. Policies within the National Planning Policy Framework (NPPF) are significant material considerations and the most relevant sections are 10 (Meeting the challenge of climate change) and 12 (Conserving and enhancing the historic environment). The relevant local plan policy is CS5 which relates to renewable energy installations. I have also had regard to the Historic England (HE) guidance relating to microgeneration in the historic environment and to national Planning Practice Guidance (PPG) relating to the protection of historic assets.

Appeals A on ground (a), Appeal B on ground (e), Appeal C and Appeal D

Main issue

5. The first issue in all appeals is the effect that the photovoltaic panels have had on the character and integrity of the building, on its setting and on its features of special architectural and historic interest. The second issue in appeals A and C is the effect on the setting of Sturston Hall.

The effect on the appeal building - introduction

6. I accept that both policy CS5 and policies within the NPPF are very supportive of renewable energy installations. Part 10 of the NPPF is quite specific in directing that local planning authorities (LPAs) should actively support energy efficient
improvements to existing buildings. Policy CS5 is up to date and accords with the NPPF policies. However, in considering such installations both the NPPF and policy CS5 seek to ensure that and adverse impacts or visual impacts are satisfactorily addressed. Where such installations affect historic buildings section 12 of the NPPF directs that LPAs should assess the impact of a proposal on the heritage asset, including its setting, in order to avoid or minimise conflict between the conservation of the asset and the proposal.

7. In paragraph 132 the NPPF directs that significance of an asset can be harmed or lost through alteration or demolition and paragraphs 133 and 134 refer to both substantial harm being caused and less than substantial harm being caused to a heritage asset and its setting. PPG, although acknowledging that substantial harm is a high test, indicates that even minor works have the potential to cause substantial harm, as it is the degree of harm to the assets significance, rather than the scale of development, that is to be assessed.

8. The HE guidance sets out 7 criteria which must be met if a microgeneration installation proposal is to be acceptable. Amongst other things these seek to ensure that there would be no loss of special interest; that the visual impact is minor; that no damage is caused to the asset and that that there is no harm to historic fabric.

Assessment

9. Having seen the appeal building in the context of the other converted farm buildings; the remaining farm buildings and the historic hall, I share the LPA’s concerns about the impact of this particular installation. From both near and distant viewpoints, including from within Mill Lane, I consider that the panels appear as obtrusive and alien features on the tiled roof of the farmhouse.

10. I totally disagree with the contention, made on behalf of the appellant, that the panels ‘do not have a detrimental effect on the external appearance of the building, the amenities of the area or nearby residential properties’. Nor do I consider that the panels are not visible from the lane or that they ‘seem to blend with the colour and texture of the roof’. Indeed, I find the opposite to be the case. I agree with the LPA that the building and its roof are clearly visible from the public realm, namely Mill Lane. These cannot be said to constitute minor works. There are 15 panels in two sections and even if they do only take up 25% of the roof, they dominate the south-facing roof slope.

11. A significant part of the special interest of the appeal building (as well as the other conversions) is that it is still clearly perceived as being part of the original farm grouping, dating back to the late 18thC albeit it with 19thC additions. The traditional detailing and materials of its walls, window and door openings and its tiled roof all contribute positively to its character and appearance.

12. The installation of the panels detracts markedly from this traditional character and, in my view, is visually harmful to the integrity of the building, its setting and its other special architectural and historic features, particularly the tiled roof. In terms of harm, due to the alien and obtrusive modern appearance of the panels, I consider that it is substantial. The scale and stark nature of the panels on this historic roof detract markedly from the other traditional characteristics of the building. Even if considered less than substantial, there are no public benefits which would outweigh the harm caused.

Effect on the setting of Sturston Hall

165
13. During my site visit I was able to view the hall and its former buildings from several viewpoints. Whilst acknowledging that that the front of the hall faces west and that it is not directly in front of the appeal building it nevertheless is still clearly distinguishable as being the main listed building. Furthermore, it is still seen as part of the original farm grouping.

14. The three dimensional appearance of the different conversions has not altered the perception that the farm buildings, albeit now in separate ownership, were once directly associated with the listed Sturston Hall. From even just a short distance the hall and the former buildings are seen as a holistic whole and a reminder that the buildings constituted an 18thC and later farm grouping.

15. As indicated by the LPA the south roof slope of the appeal building faces onto and over the primary space in front of the hall. Thus, when approaching the front of the hall the panels on the farmhouse roof can hardly be missed. Thus the visual impact of the panels is directly experienced when approaching the principle frontage. Even from a distance away in Mill Lane the front of the hall and the appeal panels are still distinctly noticeable at the same time.

16. The overall effect, in my view, is that the panels cause considerable visual harm to the setting of the hall. They unacceptably impact on the historic grouping of the hall and its former farm buildings. They result in what the LPA refer to as both eye-catching and light catching (reflective) elements within the setting of the listed hall. I share the concerns of the LPA and conclude that the panels cause significant harm to the setting of the listed hall.

**Overall conclusions**

17. Due to the harm identified above I do not consider that PP or LBC ought to be granted for these works as carried out. The harm caused to the listed appeal building, to its setting and to its special architectural and historic features far outweighs any favourable aspects relating to climate change. I find that the works carried out are contrary to NPPF policies which seek to conserve and preserve the historic environment. They are also contrary to policy CS5(a) since it has not been demonstrated that the benefits of the renewable energy installation outweigh the adverse effects of the proposal.

19. I conclude that the installation of the panels has neither preserved nor enhanced the character of the appeal building, the settings of the building and the hall and the special architectural and historic features of the appeal building. I consider, therefore that all appeals must fail.

**Other Matters**

20. In reaching my conclusions in these appeals I have taken into account all other matters raised on behalf of the appellant including the detailed grounds of appeal and references to other nearby solar panel installations. On this latter point I inspected the other examples quoted following my formal site visit. Despite the fact that the buildings were not listed, I found one installation to be visually harmful. Be that as it may each application needs to be considered on its merits and this is how I have dealt with these appeals and there is no other factor which outweighs my conclusion that all appeals should fail.

21. I have sympathy with the predicament in which the appellant now finds himself but the LPA refused PP and LB for what I consider to be sound reasons. There can, therefore, be no justification in my view to grant PP and LBC at this appeals stage.
Formal decisions

Appeals A
22. The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Appeal B
23. The appeal is dismissed, the listed building enforcement notice is upheld and listed building consent is withheld for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal C
24. The appeal is dismissed.

Appeal D
25. The appeal is dismissed and listed building consent is withheld for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Anthony J Wharton
Inspector
Appeal Decision

Site visit made on 24 May 2016

by A J Mageean BA (Hons) BPI PhD MRTPi

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

Decision date: 6 July 2016

Appeal Ref: APP/P1045/W/16/3142142

Agricultural Building, Land to the east of Innisfree, Nether Lane, Biggin, Ashbourne, Derbyshire DE6 3FL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr C Wilson against the decision of Derbyshire Dales District Council.
- The application Ref PLS/CW/P7597, dated 2 December 2015, was refused by notice dated 8 December 2015.
- The development proposed is change of use of agricultural building to a single dwelling. See accompanying plans.

Decision

1. The appeal is dismissed.

Procedural matters

2. As the Council did not consider that this application qualified for consideration under Schedule 2, Part 3, Class Q of the General Permitted Development (England) Order 2015 (the GPDO) a formal decision notice was not issued. However, the Council has stated that a letter to the appellant dated 8 December 2015 explaining the Council’s concerns identifies the reasons for refusal in this case. I have determined the appeal on this basis.

3. I note that due to the circumstances of this case the correct consultations have not been carried out. I will return to this matter below.

Background

4. The appeal relates to a two storey brick built structure sited in a field which lies in open countryside and is accessed off Nether Lane to the south west. The field in which the building is located falls steeply in an easterly direction and is partly planted with fruit trees.

5. The appeal building is a relatively new structure which was granted planning permission in April 2012 (12/0087/FUL). This approval was for an agricultural storage building intended for the storage of tools and equipment, compost and fertilizers as well as plants and fruit trees associated with a fruit/horticultural business.
6. Pre-commencement conditions relating to this permission were partially discharged in May 2012 and the Council agreed that building work could commence in order to prepare land for fruit and vegetable growing. The appellant states this work commenced in August 2012 and was substantially completed by January 2013. Following visits from the Council’s Enforcement Officer a number of concerns regarding deviations from the approved design of this building were identified. These concerns were the subject of a retrospective application in September 2013. This application was refused due to concerns about the presence of a metal flue in the roof area which was felt to conflict with the agricultural appearance of the building.

7. Schedule 2, Part 3, Class Q of the GPDO states that development is classed as permitted development if it consists of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the schedule to the Use Classes Order. This is subject to a number of restrictions listed under paragraph Q.1. which states that development is not permitted if (a) the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013. This the main issue of contention in this case.

Main Issue

8. Therefore the main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the GPDO in terms of whether, in accordance with Q.1.(a)(i), the building was solely used for an agricultural use as part of an established agricultural unit on 20th March 2013.

Reasons

9. The evidence presented by the Council includes a series of photographs taken on 19 March 2013 and 12 April 2013 which were taken by the Councils Enforcement Officer. These photographs demonstrate that the building was substantially completed by the time of the first of these visits on 19 March 2013. However, the photographs taken on 12 April 2013 show that further building work had been undertaken as I note the addition of security bars over doorways and the plastering of ceilings on these more recent photographs. Therefore, whilst the appellant has presented a ‘paid in full’ receipt from the builder dated 18 March 2013, it is clear that further works were undertaken after this date.

10. The appellant contends that tools were being stored under the stairs at the time the photographs were taken and that these tools had recently been used to plant the fruit trees which can be seen in the external photographs. The appellant also states that the building was being used at this time to provide shelter and a place of refreshment for the appellant whilst working. However, it is clear from these photographs that at this point in time whilst a few tools and materials were present in the building it is most likely that these were associated with the on-going building work. For the most part the building appears to have been empty and therefore cannot be considered as being solely in agricultural use at this time.

11. In terms of the agricultural operation itself, I note that the parties disagree about the time that the fruit trees were planted. However, whilst it is clear that some fruit tree planting had taken place by the time these photographs were taken, this operation was in its early stages and much of the area around
the building appears to have been uncultivated. This could not therefore be regarded as an established agricultural unit.

12. The appellant states that given the presence of fruit trees on this site in March 2013 tools would have been required to plant them. Also, a signed statement produced by the appellant confirms that witnesses have never seen the building used for anything other than the storage of tools and agricultural equipment. However, whilst I accept that tools will have been needed to plant such trees and they could have been stored in this building, this does not in itself confirm that this building was in active use as part of an established agricultural unit on 20 March 2013. Furthermore, as I noted on my site visit, very little additional fruit tree planting appears to have been undertaken in this field in the intervening period. It is therefore very questionable whether this has ever been an established agricultural unit.

13. In this case it has not been demonstrated that this building was being used solely for an agricultural use as part of an established agricultural unit on 20th March 2013. Therefore it does not comply with Schedule 2, Part 3, Class Q.1.(a)(i) of the GPDO. As such, the proposal cannot be regarded as permitted development.

Other Matters

14. I note the dispute between the parties about whether Condition 3 on the original approval relating to this building was satisfactorily discharged in relation to the submission of a scheme of fruit and vegetable planting. However, given my consideration of the substantive matter in this case, it is clear that my decision would not turn on this issue and I therefore do not need to consider this further here.

15. The appellant has submitted details of how this proposal relates to the other provisions of Schedule 2, Part 3, Class Q of the GPDO as part of the application for Prior Approval of the proposed change of use dated 2 December 2015. However, as it has been found that this proposal does not comply with the requirements of Q.1.(a)(i) and is therefore not permitted development it is not necessary to give this background any further consideration.

Conclusion

16. As noted in the introductory paragraph, the correct consultations have not been carried out. However, as it is clear in this case that this proposal is not permitted development, it is not necessary for such consultations to take place.

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

AJ Mageean
INSPECTOR

BACK TO APPEALS PAGE
Appeal Decision

Site visit made on 19 July 2016

by V Lucas-Gosnold  LLB MCD MRTPi

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

Decision date: 29 July 2016

Appeal Ref: APP/P1045/W/16/3148676

Land to the east of Derby Road, Doveridge

- 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 Roche Enterprises Limited against the decision of Derbyshire Dales District Council.
- The application Ref 15/00886/OUT, dated 8 December 2015, was refused by notice dated 16 March 2016.
- The development proposed is outline application for up to 17 No. dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was submitted in outline with all matters except access and layout reserved for determination at a later date. However, prior to the determination of the application the appellant requested that both access and layout also be considered as reserved matters. The Council agreed and determined the application on that basis. I shall therefore deal with the appeal proposal on the basis that all matters are reserved.

Policy Framework and Main Issue

3. Whilst I have had regard to the local and national policies referred to by the main parties, I have specifically referred only to those which I consider to be most relevant to my Decision. I have also had regard to the legal judgements and previous appeal decisions referred to.

4. For the purposes of the development plan, the appeal site is outside of the identified settlement boundary for the village of Doveridge and is therefore in an open countryside location. Policy SF4 sets out the Council’s approach to development in the countryside. The policy seeks to restrict new development in countryside locations except in specific circumstances such as where it is an essential requirement for agriculture or forestry. Of the types of development listed none are relevant to this appeal proposal. The general thrust of policy H4 is also to restrict new development outside of settlement framework boundaries except in limited circumstances.

5. It is common ground between the parties that the Council is currently unable to demonstrate a five year supply of housing land in line with the requirements of the National Planning Policy Framework (Framework) and as such paragraph 49
is engaged. Based on the evidence before me, including previous appeal decisions, I am of the view that policies SF4 and H4 are both policies relevant to the supply of housing as they seek to control the development of housing outside of settlement boundaries. These policies are not therefore up-to-date for the purposes of paragraph 49. This finding also accords with the views of both main parties. As such, I attach limited weight to the conflict of the appeal proposal with policies SF4 and H4 and the Framework’s presumption in favour of sustainable development applies in my determination of this appeal (paragraph 14).

6. On the other hand, policy SF5 of the LP relates to the design and appearance of development. The policy seeks to ensure that new development preserves or enhances the quality and local distinctiveness of its surroundings and is well related to surrounding properties and land uses. Policy NBE8 also states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

7. One of the core planning principles of the Framework states that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside (paragraph 17). Paragraph 58 also states, among other things, that developments should respond to local character, and reflect the identity of local surroundings. Paragraph 61 also seeks to ensure the integration of new development into the natural and built environment. In so far as policies NBE8 and SF5 of the LP are generally consistent with these policy objectives, I attach weight to them in accordance with paragraph 215 of the Framework.

8. One of the Council’s reasons for refusal also refers to the issue of surface water flooding. Whilst there is no ‘saved’ LP policy relevant to the issue of surface water flooding, the Council have referred to paragraph 79 of the Planning Practice Guidance (PPG) which states that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate.

9. I have therefore framed my main issue accordingly.

**Main Issues**

10. The main issues are:

   - The effect of the development proposed on the character and appearance of the area; and
   - The effect of the development proposed on surface water flooding on the site itself and surrounding area.

**Reasons**

*Character and appearance*

11. The appeal site is an open field, approximately 0.6 hectares in size and is laid to grass. It is situated close to the junction of Derby Road with Bell Lane. There is a small cluster of dwellings to the southern boundary of the appeal site, close to the junction. Derby Road runs along the site frontage. The site is otherwise surrounded by open fields, including the land on the opposite side of the highway.
12. The appeal proposal would see the construction of up to 17 dwellings. All matters are reserved.

13. The appellant’s Landscape and Visual Impact Assessment (LVIA) concludes that the landscape impacts of the appeal proposal would be extremely localised and limited. Whereas the Council’s study of landscape sensitivity to housing development (2015) assesses the area within which the appeal site is situated as being highly sensitive to new housing development.

14. I note that the appellant considers that the Framework promotes a more balanced approach to that taken in the Council’s study whereby a site appraisal should be undertaken to assess the likely impact as opposed to promoting the characterisation of a whole area as 'high sensitivity’. However, the extract from the Council study provided in the LVIA shows that within the Doveridge area, specific sites have been assessed on a more individual basis (figure 3). Indeed, the appellant has referred to a site which is the subject of an approved scheme for 70 dwellings on the opposite side of the road to the appeal site and I note that this site was assessed as being of low sensitivity in the study. This suggests that the area was the subject of more than just a broad brush assessment.

15. The landscape study states that areas of high sensitivity within the south of the District predominantly related to, among other things, land which contributes to the rural character of settlements. In coming to a different view on the appeal site, the appellant’s LVIA refers to the differences between the appeal site and neighbouring fields and the more typical landscape features found within the wider Landscape Character Area (LCA) which is the ‘Needwood and South Derbyshire Claylands’ LCA and at a finer grain the site is within the Landscape Character Type ‘Settled Farmlands’. Specifically, the lack of landscape features on the appeal site itself with the exception of hedgerows and the instances of other development, including the approved scheme for 70 dwellings which has yet to be constructed.

16. The appeal site and the neighbouring fields close to Derby Road are relatively flat with open boundaries. I am in agreement with the appellant’s submitted LVIA that the appeal site and the fields in close proximity do have some features that are not typical of the LCA within which they are situated, for example they are in arable use and are larger in scale with more open boundaries.

17. However, to the west and south, the land levels rise and a low ridge of land runs along the horizon. This is a prominent feature of the area. The fields on the opposite side of the main A50 leading up to this ridge of land are generally small scale, laid to pasture and bounded by mature hedgerows and hedgerow trees. This gives the landscape an enclosed feel and these features are more typical of the LCA within which the site is situated.

18. Due to the flat open nature of the appeal site and surrounding fields and the rising topography of the area, the surrounding countryside is visible in wide and expansive views across the appeal site from several public viewpoints along Derby Road and the surrounding public footpath network close to the site. It is therefore the landscape character of the wider area with features more typical of the LCA which visually dominates and defines the rural character of the area. Notwithstanding that the flatter fields close to Derby Road, including the appeal site, may not have particular landscape features of
note, they are viewed as an integral part of the wider landscape and play an important role in establishing and enhancing the open, rural character of the area.

19. The appellant’s LVIA refers to the main A50 and the effect this has on the landscape character of the area. The noise of the traffic is audible from the appeal site. However, the road is situated in a cutting as it passes through the area. It is not therefore visible and the effect it has on the character of the area is minimal as a consequence. The appellant has also referred to other developments including solar farms, and industrial estate and chicken sheds. However, these are not seen within the same visual context of the appeal site due to the separation distances involved and they are screened from view due to the extensive hedgerows and trees along field edges.

20. There are a small handful of dwellings clustered close to the appeal site and the junction of Derby Road with Bell Lane. However, the number of the dwellings is limited and the area is otherwise surrounded by open fields and views of the wider countryside beyond. Small groups of dwellings are common features in rural areas and not necessarily an indication that one is approaching a settlement.

21. The village of Doveridge is approximately 12 minutes’ walk away from the appeal site. However, there are several landscape features which serve as a form of visual and physical separation between the appeal site and the main built up area of the village. Specifically, there are open fields between the appeal site and the village and densely wooded areas either side of Derby Road to the north of the appeal site.

22. I am aware that planning permission for 70 dwellings has been granted on fields on the opposite side of the road to the appeal site and this will extend the developed part of village in the direction of the site. However, that scheme will stop some way short of where the appeal site is situated and it will not be directly opposite. The scheme is also situated on the opposite side of the dense grouping of trees and this will serve to contain the development and serve as a form of natural screening. The dense area of woodland at the same point on the opposite side of the road runs along the northern boundary of the appeal site between it and a neighbouring crane hire business. These trees, in combination with those on the opposite side of the road, act as a strong natural feature that marks the transition from the rural open countryside to the more developed parts of the village beyond. The appeal site is therefore at a key, transitional point in the streetscene where the character of the area changes.

23. As the appeal site is situated on the other side of this dense line of trees it is seen as visually and physically separate to the village and is instead viewed within the distinct context of the open countryside beyond. The dense tree screening that exists between the village and the small cluster of existing dwellings close to Bell Lane also enhances the rural character of the area close to the appeal site and contributes to the remote, rural feel which is quite different to the more developed character of Doveridge when walking further along Derby Road in the direction of the village.

24. Whilst the appeal site may not be the subject of any formal landscape designation, the contribution that an area of land makes to the character and appearance of an area is a relevant planning consideration nonetheless. In this
case, given the circumstances I have described, the appeal site in its current form does make a highly positive contribution to the character of the area.

25. The proposed development of up to 17 dwellings would seriously detract from the existing open appearance of the appeal site and would be significantly harmful to its integral role in contributing to and enhancing the rural character of the area. Whilst the proposal is in outline and therefore less than 17 dwellings could be constructed on the site, it would nonetheless result in a significant addition to the level of built development at this point along Derby Road that would not reflect the scale of the existing small cluster of rural dwellings. The proposal would also be situated at a transitional point in the streetscene and the location and level of built development proposed would be significantly harmful to the rural character of the area and it would also weaken the strong natural feature in the form of the extensive mature trees which currently marks a natural boundary to the developed extent of the village. Whilst the effects of the proposal may well be localised, they would be significantly harmful nonetheless.

26. The appellant’s LVIA concludes that the visual impacts of the appeal proposal would be extremely localised and limited. The appeal site due to its flat topography and open boundaries (other than to the north where the line of trees is situated) is highly prominent in several public viewpoints. Of those referred to in the appellant’s LVIA, I consider viewpoints 1, 2, 3, 4 and 5 to be most significant.

27. Viewpoint 5 is taken from a footpath that is situated to the south of the appeal site and runs in an approximate east to west direction in the fields closest to the site. From this perspective the fields are flat and whilst the rear elevations of the small group of dwellings next to the appeal site are visible, other views of development are generally screened by extensive groups of mature trees when looking in the general direction of the village. This viewpoint therefore has a highly rural feel as one walks through the arable fields in the direction of the appeal site.

28. Viewpoints 3 and 4 are both taken from Derby Road at either side of the appeal site. Again, views of the appeal site and the expansive countryside beyond are prominent from both directions. The small cluster of dwellings is seen as a limited amount of development, separate to the village as a consequence of the dense line of trees to the north of the site.

29. Viewpoints 1 and 2 are taken from a public footpath which crosses fields on the opposite side of Derby Road. Whilst there are mature trees in the field and hedgerows that screen some views, as the field is slightly undulating in nature the appeal site is prominent in direct views at several points along the footpath when walking towards the appeal site. I accept that the approved scheme for 70 dwellings to the north of this footpath will result in built development being in closer proximity to the footpath than is the case presently. However, the rooflines of buildings within the village are already visible from the footpath in that direction and the alignment of the path results in the view being focused to the east in the direction of the appeal site and the wider countryside beyond.

30. The LVIA acknowledges that views of the development proposed would be largely uninterrupted from viewpoints 3, 4 and 5 and that the proposal would prevent views of the farmland beyond the site. The LVIA also states that from viewpoint 2, there are less obstructions to the views of the site.
31. From all that I have read and observed during the site visit, I am in agreement with the Council that the appeal site is in a very visually prominent location when viewed in the round from the highway and public footpath network. I have previously found that the appeal site in its current form makes a highly positive contribution to the character and appearance of the area and that the development proposed would be significantly harmful in this respect. For these reasons, I consider that the appeal proposal would have a significantly harmful effect on the visual amenity of the area when seen from the viewpoints that I have described. Whilst landscaping and other matters are reserved at this stage, there is little specific evidence before me to suggest that a scheme could be provided that would suitably mitigate the visual impact of the proposal even over the longer term. Whilst I accept that the effect of the proposal on visual amenity would be localised, it would be significantly harmful nonetheless.

32. Accordingly, I conclude on this main issue that the development proposed would be harmful to the character and appearance of the area. It would therefore conflict with policies NBE8 and SF5 of the LP and paragraphs 17, 58 and 61 of the Framework (as set out in my Decision above).

Surface water flooding

33. One of the Council’s reasons for refusal was that insufficient information was submitted with the original application regarding the effect of the proposed development on surface water flooding on the site itself and the surrounding area. The local drainage authority was consulted on the application and objected to it on the grounds that further information was required.

34. The appeal site is within flood zone 1 which is defined as land with a low probability of flooding. It is approximately 0.6 hectares in size. Whilst I note that several third parties have submitted photographs of the appeal site with standing water on it that is not a unique situation regarding fields in the countryside particularly during prolonged periods of rain during the winter months. I did observe a stone structure that may have been a stone trough on the site during the site visit which a third party has referred to. This was covered in overgrown nettles and appeared to have been disused for some time. However, there is no firm evidence before me to suggest that this stone structure is located over a natural spring. Furthermore, there is no specific evidence before me to suggest that the appeal site has critical drainage problems as notified by the Environment Agency.

35. Accordingly, there is no firm evidence before me to suggest that a suitable drainage scheme could not be accommodated on the appeal site nor that such a scheme would be inappropriate. Furthermore, the appeal proposal falls to be considered with all matters, including layout, reserved. The scheme also proposes up to 17 dwellings, with the appellant having indicated that the amount of development proposed is flexible up to the maximum number of units stated. There is therefore likely to be sufficient flexibility within the proposal in order to accommodate a suitable drainage scheme on the site to ensure that the development proposed would not be harmful with regard to surface water flooding on the site and within the surrounding area.

36. Paragraph 203 of the Framework is clear that it should be considered whether otherwise unacceptable development could be made acceptable through the use of conditions. In this case, I consider that a suitably worded condition
requiring a drainage scheme to be submitted to and agreed in writing by the local planning authority would have overcome the concerns identified.

37. I therefore conclude on this main issue that the development proposed would not have a harmful effect on surface water flooding on the site itself and surrounding area. The proposal would therefore not conflict with paragraph 79 of the PPG (as set out in my Decision above).

Other Matters

38. Notwithstanding the conflict with policies SF4 and H4 of the LP, in light of the Council being unable to demonstrate a five year supply of housing land, the additional dwellings that would be constructed as a result of the appeal proposal is a matter that weighs in favour of the appeal proposal. The proposed affordable housing contribution is also a matter which weighs in favour of the scheme.

39. There would also be some moderate economic benefits associated with the construction phase of the proposal, the likely contribution of future occupants should they choose to purchase goods and services in the village or surrounding area, and the New Homes Bonus and Council Tax receipts. I also attach modest weight in favour to the social benefits should future occupants use local goods and services as this would be likely to enhance and maintain the vitality of the rural community to a limited extent. Although landscaping and layout are reserved matters, it is also possible that some modest environmental enhancements could be achieved through the enhanced planting of native hedgerows.

40. There are a range of services and facilities including a school, shop and club in the village of Doveridge that are accessible from the appeal site, being within easy walking distance. Whilst there may only be a paved footpath on one side of the road for sections of this walk, this is a common feature of pavements within rural areas and during the site visit I was able to cross Derby Road myself in order to access the pavement without undue difficulty. There are also streetlights along at least one side of the road between the site and the village. There is an hourly bus service which future occupants would be able to use to travel to the larger settlement of Uttoxeter and Burton on Trent where a wider range of services and facilities, including employment opportunities, would be accessible. Needing to walk a short distance to access a bus stop is not an unusual situation, even in urban areas, and a walk of around 10 minutes would be likely to be considered acceptable by most future occupants of the development proposed. For these reasons, I consider that the appeal site is in an accessible location.

41. Based on the information before me, the effect of the development proposed on biodiversity, the living conditions of neighbouring occupants, access and parking would not be harmful subject to details that would form part of any subsequent reserved matters application and appropriate conditions where necessary. Whilst I note the concerns of local residents regarding the effect of the appeal proposal on the existing infrastructure of the village and surrounding area, including schools, healthcare providers and traffic levels, there is no firm evidence to indicate that the development proposed would be harmful in this regard.
42. I am also required to consider the effect of the proposal on the setting of heritage assets. There is a Grade II* Listed Building (LB) on the opposite side of Derby Road to the appeal site. The site is separated from it by an expansive area of parkland associated with the LB. The appeal site is therefore well screened from the LB and there is little intervisibility between them. I am therefore satisfied that the development proposed would preserve the setting of the LB.

**Conclusion**

43. Drawing matters together, I have identified several positive factors that weigh in favour of the appeal proposal. Specifically, the appeal scheme would contribute to the supply of housing in the area (including affordable housing provision) and the appeal site is in an accessible location. There would also be some moderate economic, social and environmental benefits which I have identified that weigh in favour of the proposal. I have therefore had regard to the Framework’s presumption in favour of sustainable development in coming to a view on the appeal proposal.

44. I have also identified several neutral factors whereby a lack of harm does not weigh in favour of the appeal scheme. These include that the development proposed would not be harmful to surface water flooding, biodiversity, living conditions, access and parking and that it would preserve the setting of the nearby LB.

45. On the other hand, I have found that the appeal proposal would be significantly harmful to the character and appearance of the area for the reasons I have described. I conclude that the magnitude of this harm does significantly and demonstrably outweigh the benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.

46. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*V Lucas-Gosnold*

INSPECTOR

BACK TO APPEALS PAGE
Appeal Decision

Site visit made on 7 March 2016

by Phillip J G Ware  BSc DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2016

Appeal Ref: APP/P1045/W/15/3140298
The Woodyard, Derby Road, Homesford, Matlock DE4 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr S Gilbody against Derbyshire Dales District Council.
- The application Ref 15/00642/FUL is dated 28 August 2015.
- The development proposed is the change of use of land to an 8 pitch Traveller site (one of which is for occupation by the site manager).

Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

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

Procedural matter

3. After the site visit the parties were asked for clarification regarding the current status of a 2001 permission for the erection of a building on the site. Comments were received and have been taken into account.

Main issues

4. There are three main issues in this case:
   - The effect of the proposal on the character and appearance of the area, which is within the Derwent Valley Mills World Heritage Site (WHS)
   - Whether the proposal would be consistent with the aims of planning policies which encourage sustainable forms of development
   - Whether there are any material considerations sufficient to outweigh any harm or conflict with policy in relation to the above matters, in particular related to the need for and provision of sites for travellers in the area

Reasons

Background and planning history

5. There are a number of previous planning decisions affecting the appeal site (which is a largely cleared and level area of land adjacent to the A6).
6. In 2001 planning permission was granted for the erection of an agricultural building on the site. The Council has confirmed that the permission has been commenced, but the building has not been erected.

7. Planning permission was granted in June 2014 for the use of part of the land as a three pitch traveller site. One condition required that the permission had to be implemented within three years, whilst another provided that the permission was for a three year period from the first occupation of the site. This permission has not been commenced, and appears to be still capable of implementation.

8. In December 2014 planning permission was refused for a variation of the limited period condition on the June 2014 permission. This refusal referred to the unsuitability of the site within the WHS and the unsustainable nature of the location.

9. An application for four holiday lodges was refused in December 2014. A subsequent appeal was dismissed for reasons related to the character and appearance of the area and the WHS. Prior to appealing the December 2014 decision, an application for a similar development was refused by the Council. The refusal included a highway safety reason, as it appears that the applicant had not proposed to relocate the access. Highway safety is not an issue in the current appeal.

10. The current proposal was submitted to the Council in August 2015. The proposed development is, as set out above, an 8-pitch traveller site (one pitch would be occupied by the site manager). No specific occupiers have been named. The submitted plan shows an entrance/exit towards the eastern end of the site, leading to a turning area and a roadway giving access to the proposed pitches. Visibility splays at the junction are indicated and the site would be separated from the road by a 2 metre high close boarded fence.

11. The appeal against non-determination was lodged in December 2015. The Council subsequently resolved that it would have refused planning permission for two reasons. The first relates to the character and appearance of the area and the WHS. The second relates to the unsustainable nature of the site which was considered to be away from employment opportunities and services. *The effect on the character and appearance of the area and the WHS*

12. The site is an area of open land bounded by a woodland of mature trees to the north, east and west. The southern boundary is open to view from the A6, and is bounded by a low stone wall. The site is set in largely open countryside, although there are some dwellings nearby. Cromford lies around 3 km to the west.

13. The development plan policy context related to this issue is provided by the saved policies of the Derbyshire Dales Local Plan (LP) (2005). This seeks to protect the character of the landscape and control the design and appearance of development.

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1 APP/P1045/W/15/3087227
2 Especially policy SF5. Policy SF4 is of limited weight as it is accepted by the Council to be contrary to the approach in the National Planning Policy Framework towards development in the countryside.
14. The site is within the WHS, which extends along the Derwent Valley and was designated in respect of the contribution made by the area towards the development of the modern factory system combining, for the first time, large scale industrial production within a rural landscape. In particular it focusses on the various mill buildings, related housing, the canal, the A6 former turnpike road and the railway architecture – all set within an attractive rural landscape. The site is comparatively well screened from most directions aside from the A6 – from which it is highly visible - although when I visited the area the appeal site was visible through the bare trees from the Heritage Way along the canal towpath to the north.

15. WHSs are places of outstanding universal value, of cultural and/or natural significance that are so exceptional as to transcend national boundaries and be of importance for present and future generations of all humanity. Unsurprisingly they are defined as Designated Heritage Assets in the National Planning Policy Framework (the Framework). LP policy NBE25 provides that development will only be allowed where it does not have an adverse impact on the character and appearance of the WHS.

16. I recognise that the proposed development would be set against or glimpsed through a tree screen from some viewpoints, but it would nevertheless be highly visible from the A6. The loss of the open area and the laying out of a travellers’ site, along with the screening fence, would be entirely out of keeping with the character and landscape of the area. It would be an alien and conspicuous feature in the rural landscape, which is of significance to the WHS as a backdrop to the historic remnants. Any additional planting would not be likely to ameliorate the position to any significant extent.

17. I am conscious that there are two permissions related to the site which are legally capable of being implemented. However there is no suggestion that the 2001 agricultural building will ever be build, and the appellant has indicated that the 2014 permission for a smaller traveller site is unviable due to the cost of the new vehicular access and engineering/landscaping works. The existence of these permissions is therefore of limited weight.

18. The Framework states that great weight should be given to the conservation of designated heritage assets and, the more important the asset, the greater the weight should be given to its conservation. As heritage assets are irreplaceable, any harm should require clear and convincing justification. I recognise that the harm to the area, and in particular to the extensive WHS, would be localised. On that basis, in the language of the Framework, the harm would be less than substantial – although clear and convincing justification is still necessary.

19. I have weighed the significant harm which would be caused by the proposal against the public benefits, particularly the provision of a traveller site in a context where there is an acknowledged need for such development. However this benefit could be delivered in a location where there would be no harm to a heritage asset or its setting, and this matter does not outweigh the harm to the designated heritage asset.

20. Accordingly, giving great weight to the conservation of the heritage assets, I consider the proposal would conflict with national and local policy summarised above and would harm the character and appearance of the area and the Derwent Valley Mills World Heritage Site.
Sustainability

21. I have considered the three mutually dependant roles of sustainable development as set out in the Framework.

22. In terms of the economic role of sustainability, there would be some very limited short term employment benefit arising from the laying out of the site. However I note that, in dealing with this aspect of sustainability, the Framework refers to ensuring that land is available in the right place – a matter to which I return below. I have already addressed the harm which the proposal would cause to the environment and to the heritage asset, and there is therefore a substantial conflict with the environmental role of sustainability.

23. The appeal scheme would provide housing accommodation, and therefore accords with part of the social role of sustainability, particularly in the light of my conclusion below regarding the need for this type of accommodation. However the Framework also refers to the need for accessible local services. This important caveat in the Framework accords with the approach of Planning Policy for Traveller Sites (PPTS), which is to very strictly limit new traveller sites in the open countryside. In this case the appeal site is in generally open countryside and is some distance from the nearest settlement at Cromford. Whilst I appreciate that there is apparently a bus service to Cromford, and reasonable footpath access, I nonetheless consider that the relatively isolated location of the site, combined with the easy road access, would result in the majority of trips being made by car.

24. I have also considered Planning Policy for Traveller Sites, which sets out the approach towards sustainable travellers' sites. In particular the proposal would provide a settled base with the consequent potential advantages related to long distance travelling. Taking the three dimensions of sustainability together, notwithstanding the economic and social benefits that would derive from the development, the harm to the character and appearance of the area and the WHS (the essence of the environmental dimension in this case), and the social dimension related to accessibility, is such that I do not find the proposal to represent sustainable development. Overall, the balance of the evidence is that the proposal would not be consistent with the aims of national planning policies which encourage sustainable forms of development.

The need for and provision of sites for travellers

25. PPTS provides that local planning authorities should, in producing their Local Plan, identify a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against locally set targets.

26. In this case the Council’s Gypsy and Traveller Accommodation Assessment\textsuperscript{3} (2014) indicates a need within the District for six pitches within the period 2014-2019 and a further three pitches thereafter. The Council has granted planning permission for four pitches at Ashbourne, but this permission has apparently not been implemented (and the appellant has suggested there may be insuperable constraints). In any event, the authority accepts that it cannot deliver a five year supply.

27. One implication of the absence of a five year supply is that the Council accepts that LP policy H15, dealing with traveller sites, cannot now be attributed a

\textsuperscript{3} Derby, Derbyshire, Peak District National Park Authority and East Staffordshire GTAA
great deal of weight. Although limited period permission has already been granted, PPTS specifically states that there is no presumption that a temporary permission should be made permanent. However PPTS advises that the lack of a five year supply should be a significant material consideration in any planning decision when considering applications for the grant of temporary planning permission. Accordingly I give the lack of a five year supply significant weight.

28. The appellant has referred to an emerging local plan, and has noted the lack of progress in identifying sites. However it is too early in the process to give this any significant weight especially as there has been no public consultation.

29. Overall, there is clearly a need for traveller sites in the District, and it is clear that the Council does not have a five year supply of such sites. The provision of eight pitches would therefore be a significant benefit which would enable future occupiers to practice their way of life. This matter weighs in favour of the proposal.

Planning balance and conclusion

30. I recognise that the provision of the traveller pitches would be beneficial given the lack of a five year supply of sites. However this benefit is outweighed by the unsustainable location of the site and the harm which the development would cause to the area and the WHS. There is a conflict with all the development plan policies to which I have been referred and with the development plan as a whole.

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

P. J. G. Ware

Inspector

BACK TO APPEALS PAGE
Appeal Decision

Site visit made on 5 July 2016

by Chris Preston BA (Hons) BPI MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 July 2016

Appeal Ref: APP/P1045/C/16/3148708
Land off Oakerthorpe Road, Bolehill, Wirksworth

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Craig Banks against an enforcement notice issued by Derbyshire Dales District Council.
- The Council’s reference is ENF/15/00082.
- The notice was issued on 16 March 2016.
- The breach of planning control as alleged in the notice is: Without planning permission, engineering works have been carried out to the land incorporating a retaining structure constructed using steel support joists and railway sleepers to create a levelled parking area marked in blue on the attached plan.
- The requirements of the notice are: (a) Permanently remove the unauthorised retaining structure in its entirety from the land and (b) Reinstate the land levels to their former level equivalent to the level of the land to the right hand side of the gate and reinstate grassland.
- The period for compliance with the requirements is 112 days from the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (b) of the Town and Country Planning Act 1990 as amended.

Decision

1. The enforcement notice is corrected by the deletion of the word "parking" from the description of the breach of planning control at section 3. Subject to that correction the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely engineering operations incorporating a retaining structure constructed using steel support joists and railway sleepers to create a levelled area, subject to the following condition:

1) The engineering operations hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

   i) within 3 months of the date of this decision a scheme for narrowing the existing vehicular gateway to a pedestrian gateway shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

   ii) within 11 months of the date of this decision, if the local planning authority refuse to approve the scheme or fail to give a decision
within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

The Appeal on Ground (b)

2. An appeal on ground (b) is made on the basis that the breach of control alleged in the notice has not occurred as a matter of fact. In this case, there is no dispute that the engineering operations described in the notice have taken place and the appellant accepts that he has levelled the pathway into the field by altering the land levels behind a retaining structure consisting of steel support joists and railway sleepers. The sleepers run horizontally between the steel joists which are set vertically into the ground and the land above the sleepers has been levelled off in a ‘cut and fill’ exercise. It is clear, to my mind, that those works represent engineering operations for which planning permission would be required.

3. The dispute arises as to how the levelled area is intended to be used. The Council allege that it amounts to a levelled parking area but the appellant states that it is not his intention to park vehicles in the area and that the purpose is to make a level pathway for pedestrian usage and to create a usable access point for the rest of the field which the appellant intends to use to grow vegetables, keep livestock and to have an apiary in association with bee keeping. He points out that the area is too small to be used as a parking area and that it would be almost impossible to gain access using a car.

4. Taking note of the size of the levelled area, the contours of the site, and the position of the access gate I agree that vehicular access would be difficult, albeit not impossible. Whilst a car or other vehicle would, with difficulty, be able to enter the field and park on the levelled area there is insufficient space to turn a vehicle and the required reversing manoeuvre to exit the field would be extremely difficult due to the contours of the site which rise up to the access gate. Moreover, no photographic or anecdotal evidence of the area being used for car parking has been provided that would lead me to question the appellant’s stated intentions with regards to the use of the space. The County Highways Engineer noted that there was no evidence of recent vehicular use.

5. Notwithstanding the above, the notice relates to operational development and does not allege that there has been a material change of use in the land. As a matter of fact, the engineering operations have taken place. In that respect, the appeal on ground (b) must fail. In effect, the works have been undertaken to facilitate access to the field, albeit that the intention of the appellant is that the area will not be used for the parking of vehicles. That may be his current intention but those intentions would not preclude the use of the area for parking in future, notwithstanding the likely difficulty of using the area for that purpose.

6. However, whilst the appeal on ground (b) fails in the sense that the engineering operations have been undertaken as a matter of fact, it appears to me that no party would be prejudiced if I were to correct the notice to remove
reference to the work ‘parking’ from the alleged breach, as described at section 3. That would reflect the appellant’s intentions and would not alter the fact that the notice relates to engineering operations in association with the existing use. Whether the area could be used for parking, notwithstanding the appellant’s intentions, could still be assessed in relation to the appeal on ground (a). Accordingly, I have corrected the notice to remove the word ‘parking’ from the allegation and have considered the appeal on ground (a) on that basis.

The Appeal on Ground (a)

7. For the reasons given, I have corrected to the notice such that the description of the alleged breach is; without planning permission, engineering operations have been carried out to the land incorporating a retaining structure constructed using steel support joists and railway sleepers to create a levelled area, marked in blue on the attached plan. I am satisfied that the description accurately reflects the nature of the breach and I have determined the appeal on ground (a) on that basis.

8. The main issues in relation to the ground (a) appeal are:
   i) The effect of the development on highway safety resulting from the use of the levelled area; and
   ii) The effect on the character and appearance of the area.

Highway Safety

9. The appellant states that he has no intention of using the levelled area for the parking of vehicles and I have no reason to doubt those intentions. However, planning permission runs with the land and not with the individual and the intentions of any future owners may not be in line with those of the appellant and, equally, the appellant’s intentions may alter over time. Consequently, I cannot discount the possibility that the area could be used for parking vehicles. Access from Oakerthorpe Road would be possible but difficult. The limited width of the levelled area is such that turning within the site would be extremely difficult if not impossible and any vehicles that did enter the site would need to reverse outwards onto the carriageway.

10. Oakerthorpe Road is a country lane where the national speed limit applies. I concur with the assessment of the County Highways Engineer that speeds of passing vehicles are likely to be some way below the maximum permitted by the national speed limit due to the narrowness of the road, the gradient and the configuration of the highway. That assessment estimates that speeds of around 40mph are likely as vehicles pass the site and I have no reason to assume that figure is unreasonable. As set out by the County Highway Engineer, forward visibility on the carriageway is below the standard required for that speed and vehicles exiting the site would therefore pose a danger to oncoming traffic. That danger would be amplified if vehicles were reversing out of the site, as would be likely, due to the fact that the exiting driver would have very little visibility in either direction until the rear of the car was on the road surface, due to the hedgerows at either side of the entrance.

11. It would be difficult to increase the level of visibility without making substantial changes to the boundary of the field, including the removal of hedgerows and changes in land levels. Those changes would require alterations to third party...
land and would be likely to involve substantial engineering operations that would be prohibitively expensive in terms of the small scale nature of the use. In any event, I consider that the likely alterations would be likely to have unacceptable visual impacts due to the fact that the hedgerows are an important element in the attractive character of the road.

12. Therefore, use of the current access by vehicles would be detrimental to highway safety. If I am minded to allow the appeal, the Council have suggested that a condition be imposed to restrict the width of the access to allow pedestrian use and prevent use by vehicles. The appellant is happy to alter the width of the gate to make vehicular access impossible and I consider that it would be possible to secure those details by condition. The County Highway Engineer has indicated that such a condition would overcome his concerns on highway safety grounds and I am satisfied that the use of the levelled area would not be detrimental to highway safety if restricted to pedestrians. Therefore, the condition would overcome any highway safety concerns and enable the development to comply with the aims of Policy TR1 of the Derbyshire Dales Local Plan (2005) (the LP).

Character and Appearance

13. The appeal site is set within an attractive rural landscape to the side of Oakerthorpe Road as it rises up out of the village and into open countryside. As one climbs the road there are expansive views across the valley to the west and the land falls away steeply in that direction. However, within the vicinity of the appeal site, the road is enclosed on both sides by hedgerows and dry stone walls, features which contribute substantially to the character and appearance of the area in themselves. The existing access into the field provides a break in the hedge line and allows a brief view of the valley beyond. When travelling along the road one is aware of the break in the hedgerow but the eye is drawn to the wider view as opposed to the retaining structure which is located below road level. In addition, when viewed from the road the sleepers and metal supports are barely visible. The surface of the levelled area is now grassed over and visually blends with the vegetation in the rest of the field. Thus, the visual impact when viewed from Oakerthorpe Road is very limited.

14. A camouflaged fabric trellis has been attached to the back edge of the retaining structure and that helps to reduce the visual impact of the timber sleepers from within the field. In addition, the field is surrounded by vegetation and the structure is not visible from any short or medium range receptors to the west. Any views from across the valley would be at such long distance as to make the modest structure imperceptible.

15. I noted another similar structure further down Oakerthorpe Road, referred to by the appellant. That structure is more prominent and has a greater impact by virtue of the open character of the land, when compared to the enclosed nature of Oakerthorpe Road adjacent to the appeal site, and the fact that the retaining walls are constructed from concrete blockwork which contrasts with adjacent dry stone walls. I also observed a number of levelled car parking areas associated with dwellings on the western side of the road and such operations do not appear to be uncommon as a method of dealing with the severity of the local topography.

16. Therefore, in view of the above, whilst the levelling of the land does alter the local land form, I consider that this has not caused undue harm to the
character and appearance of the area due to the limited scale of the operation, the design of the structure and location of the site which is enclosed by mature vegetation. In that regard, the development complies with the aims of policy NBE8 of the LP in that it does not harm the character, appearance or local distinctiveness of the landscape. It also takes account of the intrinsic value of the countryside, in line with a core planning principle set out at paragraph 17 of the National Planning Policy Framework (the Framework).

**Conditions**

17. I have concluded that a condition is necessary to restrict the width of the vehicular access. The Council have suggested that this is done within 2 months of the date of the decision, in line with details that shall first have been submitted to and approved by them. In my view, 2 months does not provide sufficient time for a scheme to be prepared, submitted to the Council, agreed by them and subsequently implemented. Unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place.

18. A condition must therefore provide for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal in the event of a dispute over the details), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away. Therefore, I have attached a condition to secure the implementation of the required works, in line with details to be agreed.

19. For the reasons given above, I am satisfied that the effect of the proposal on the character and appearance of the area is acceptable in its present state. Accordingly, I find that a landscaping condition is not necessary.

**Conclusion on Ground (a)**

20. Subject to the condition described above I am satisfied that the effect of the development on highway safety and the character and appearance of the area is acceptable. For the reasons set out I conclude that the appeal on ground (a) should succeed and planning permission will be granted.

*Chris Preston*

INSPECTOR

BACK TO APPEALS PAGE
Appeal Decisions

Site visit made on 5 July 2016

by Chris Preston  BA (Hons) BPI MRTPi

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

Decision date: 15 July 2016

Appeal A Ref: APP/P1045/C/16/3148632
Appeal B Ref: APP/P1045/C/16/3148633

55 Church Street, Matlock DE4 3BY

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Marc Atkinson (Appeal A) and Mrs Hayley Atkinson (Appeal B) against an enforcement notice issued by Derbyshire Dales District Council.
- The Council's reference is ENF/16/0002.
- The notice was issued on 16 March 2016.
- The breach of planning control as alleged in the notice is: Without planning permission, the construction of a storage structure in the position marked blue on the attached plan.
- The requirements of the notice are: Permanently remove the unauthorised wooden storage structure in its entirety from the land.
- The period for compliance with the requirements is 56 days from the date the notice takes effect.
- The appeals are proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

Decisions

1. Appeals A and B are allowed on ground (f) and the enforcement notice is varied by the deletion of the words ‘permanently remove the unauthorised wooden storage structure in its entirety from the land’ at paragraph 5.1 and the substitution of the following requirements: ‘(i) remove the roof from the structure, including the external roof covering and supporting wooden frame; and (ii) reduce the height of the fence panels to a height of no greater than 2 metres as measured from the height of adjacent ground level’. Subject to these variations the enforcement notice is upheld.

The Appeals on Ground (f)

2. An appeal on ground (f) is made on the basis that the steps required by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which may have been caused by the breach. In this case, it is clear, from the requirements of the notice and the reasons for serving it, that the Council is seeking to remedy the breach of planning control and not simply to remedy any injury to amenity.

3. The structure, as erected, is a simple building with a series of fence panels forming an enclosure with a lean-to roof fixed to the panels to protect the internal space from the elements. The roof is fixed internally to the fence
panels such that it is not readily visible from the adjacent lane. At the time of my visit half of the internal space was covered by profiled metal sheeting fixed to wooden battens running between the fence posts and the other half was open to the elements, save for a sheet of tarpaulin attached to the fence at the front and rear. In that respect, it would appear that the element of the roof shown covered in what appears to be a bitumen and gravel surface on the photographs provided by the Council has now been removed.

4. The appellant contends that the removal of the roof and the reduction in height of the external fence to 2m would overcome the breach of planning control. If those works were carried out what would be left would be a means of enclosure with a height of no more than 2m. Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to a number of criteria. The ‘permitted’ height of any fence or means of enclosure is 2m, except where it would be adjacent to a highway used by vehicular traffic, in which case the height should be no greater than 1m.

5. In this case, the Council accept that a 2m fence would be permitted development¹ but contend that the building is an ‘integrated structure’ and, as such, that the whole structure should be removed. In their statement, the Council suggest that ‘lowering the walls would not remove the structure but would create a different structure for which a decision would need to be taken as to whether this revised development would require planning permission’. I note that the Council only refer to ‘lowering the walls’ and not to the removal of the roof. It is clear from the appellant’s statement that he proposes both elements.

6. In effect, the works proposed by the appellant would result in a development consisting of a means of enclosure with a height of no more than 2m. The steps proposed would modify the development to make it comply with the terms of Class A of Part 2 of the GPDO. Article 3(1) of the GPDO states that planning permission is granted for the classes of development described as permitted development in Schedule 2. Thus, if the development were modified as suggested it would benefit from planning permission granted through the GPDO.

7. The Council have made reference to the use of the storage area but the enforcement notice relates solely to operational development. It does not allege that a material change of use has occurred or that the fence has been erected to facilitate such a change of use. At the time of my visit the storage area contained items of domestic use such as garden tools, other tools and off cuts of wood and the use appeared to be in relation to the residential use of the appellants’ property. In any event, the permission granted by Class A of Part 2 is not dependent upon the use of the area.

8. In view of the above, I am satisfied that the measures proposed by the appellant would be sufficient to overcome the breach of planning control. The result would be a means of enclosure for which planning permission is granted under the terms of the GPDO. Enforcement of the planning system is intended to be remedial rather than punitive and, in my view, the demolition of the entire structure goes beyond what is necessary to remedy the breach. For the

¹ Letter to Mr Atkinson from Jon Bradbury, Development Manager, dated 19 April 2016
reasons given above I conclude that the requirements of the notice are excessive and the appeals on ground (f) should succeed. I shall vary the requirements of the notice accordingly prior to upholding it.

9. I note that the Council have suggested that a condition be attached, in the event that I allow the appeals, to ensure that the fence panels are painted or stained dark green. Whilst such a measure may improve the appearance of the fence I am considering the appeals under ground (f) only. It is not open to me to grant planning permission subject to conditions as would be the case in a ground (a) appeal. As set out, the GPDO grants planning permission for fences or means of enclosure up to 2m and that permission is not dependent upon the fence being painted or stained in any particular colour. Therefore, it is not open to me to attach the condition suggested by the Council.

Chris Preston

INSPECTOR
Appeal Decision

Site visit made on 28 June 2016

by D Boffin  BSc (Hons) DipTP MRTPi Dip Bldg Cons (RICS) IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2016

Appeal Ref: APP/P1045/W/16/3149129
9 Eversleigh Rise, Darley Bridge, Derbyshire DE4 2JW

- 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 M Page against the decision of Derbyshire Dales District Council.
- The application Ref 16/00046/OUT, dated 22 January 2016, was refused by notice dated 8 March 2016.
- The development proposed is a single dwelling in the side garden.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters other than access and layout reserved for future consideration. I have dealt with the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site currently forms part of the side garden area associated with 9 Eversleigh Rise (No 9). The site is mainly lawned, but includes a number of trees and shrubs, mainly located close to the boundaries of the plot. There is no dispute between the parties that the site is located where there is a transition between tight knit development to the north and more spacious houses in larger curtilages to the south.

5. Even though there is a transition I concur with the Inspector on the previous appeal\(^1\) that the open, predominantly undeveloped garden land clearly contributes to the spacious layout along this part of Eversleigh Rise. The majority of dwellings in the immediate vicinity of the site are set back from the road and have large gardens. These features give this area to the south an open and spacious character and appearance, which is further enhanced by the presence of established trees and hedges within gardens.

6. The proposed dwelling would be located in close proximity to the front boundary and would present a gable to Eversleigh Rise. I acknowledge that

\(^1\) APP/P1045/W/15/3130921
within the wider area there are examples of buildings that reflect that layout. However, the proposed development would be seen in the context of the adjacent dwellings which are set back from the highway.

7. I note that the site frontage would be greater than a number of those found at nearby dwellings and that the plot size is over 300 sq m. I have not been provided with a copy of any drawings associated with the previous appeal but the Inspector does refer to plot sizes ranging between 250 sq m and 300 sq m, for the three houses, which is similar to the plot size that is before me. I note that the two plots at the rear of the site would have been smaller. However, I consider that the proposed development would occupy a significantly smaller plot than the majority of dwellings in this part of Eversleigh Rise and consequently it would have considerably less space around it and a smaller garden area than is typical for the locality. As a result it would appear cramped in comparison with adjacent properties even though there would be a considerable gap between the proposed dwelling and No 9. Furthermore, the location of the dwelling in close proximity to the front boundary would accentuate the cramped nature of the proposal.

8. The proposal would substantially alter the appearance of the site eroding its open aspect and this would detract from the spacious character of the locality. As such the development would result in significant and demonstrable harm to the character and appearance of the area. It follows that the proposal would be contrary to Policies SF5 and H9 of the Derbyshire Dales Local Plan which, amongst other things, seek development that is in character with and preserves or enhances the local distinctiveness of its surroundings through its density and layout.

Other Matters

9. The appellant has stated that the proposal would not give rise to any overshadowing or overlooking issues and would not exacerbate ecology, tree protection or highway issues and I note that the Council did not object to the scheme on these points. However, a lack of harm in these respects is a neutral consideration and does not outweigh the harm that I have identified.

Conclusion

10. Both parties agree that the Council cannot demonstrate a 5 year supply of housing land and accordingly, it follows, by virtue of paragraphs 47 and 49 of the National Planning Policy Framework (Framework) that relevant policies in the development plan for the supply of housing are to be considered out-of-date. As such the proposal should be considered in the context of the presumption in favour of sustainable development as stated at paragraph 14 of the Framework.

11. I have borne in mind the view of both parties that the appeal site is ‘in a sustainable location’. One additional dwelling would be provided which would have economic and social benefits. However, I have found that the proposal would result in significant harm to the character and appearance of the area and as such it would conflict with the development plan and would not accord with the environmental dimension of sustainable development. When assessed against the Framework taken as a whole that harm would significantly and demonstrably outweigh the limited benefits associated with the proposal, including the contribution to housing supply.
12. It would reuse land that has been previously developed, as the exclusions in
the Framework’s glossary only cover residential gardens in built-up areas. However, that reuse would not be sustainable in other ways.

13. Given that the three roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.

14. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR

BACK TO APPEALS PAGE

BACK TO AGENDA