To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 12 April 2016 at 6.00pm in Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS

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 – 15 March 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.
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. 15/00814/OUT
Residential development of up to 57 dwellings (Outline) at Land adjacent to Bakewell Road, Matlock.

### 4.2 APPLICATION NO. 16/00054/FUL (Site Visit)
Erection of replacement dwelling and annex at Goodacres Farm, Furlong Lane, Hognaston.

### 4.3 APPLICATION NO. 16/00088/OUT (Site Visit)
Residential development of up to 8 dwellings and village shop (Outline) at West End, Brassington, Derbyshire.

### 4.4 APPLICATION NO. 16/00041/OUT (Site Visit)
Residential development of up to 60 dwellings (Outline) at Land off Old Road, Darley Dale.

### 4.5 APPLICATION NO. 16/00038/FUL (Site Visit)
Extension and alteration to 277 Starkholmes Road, Starkholmes, Matlock, Derbyshire, DE4 5JE.

### 4.6 APPLICATION NO. 16/00018/FUL (Site Visit)
Erection of detached dependent relative unit at 52 Cavendish Road, Matlock.

### 4.7 APPLICATION NO. 15/00717/FUL
Demolition of redundant poultry sheds and erection of two business agricultural buildings, retention of retaining wall and alterations to parking area/access at Ameycroft Farm, Bowler Lane, Farley, Matlock.

### 4.8 APPLICATION NO. 16/00005/OUT
Residential development of up to 10 dwellings (Outline) at Land off Nottingham Road, Tansley.

### 5 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,
Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack, Andrew
Statham and Jo Wild.

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Chris Furness,
Alyson Hill, Angus Jenkins, Vicky Massey, Jean Monks, Joyce Pawley, Mark Salt, Andrew Shirley,
Jacquie Stevens, John Tibenham.

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Time Limit</th>
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<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
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<tr>
<td>Ward Members</td>
<td>5 minutes</td>
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<tr>
<td>Supporters</td>
<td>3 minutes</td>
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<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
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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 2.05pm prompt for the following site visits:

2.35pm  APPLICATION NO. 16/00054/FUL  GOODACRES FARM, FURLONG LANE, BRASSINGTON.

At request of Officers to enable Members to access the impact of the development on the local landscape, amenity of the occupants of nearby dwellings and whether the replacement would be a more satisfactory alternative to renovation and/or repair of the existing dwelling in this case.

3.10pm  APPLICATION NO. 16/00088/OUT  WEST END, BRASSINGTON, DERBYSHIRE

At request of Officers to enable Members to fully appreciate the impact of the development on the local landscape and setting of Brassington Conservation Area.

3.40pm  APPLICATION NO. 16/00041/OUT  LAND AT OLD ROAD, DARLEY DALE.

At request of Officers to allow Members to fully appreciate the site and context.

4.20pm  APPLICATION NO. 16/00038/FUL  277 STARKHOLMES ROAD, STARKHOLMES, MATLOCK.

At request of Ward Member to appreciate the impact of development on neighbouring properties.

4.40pm  APPLICATION NO. 16/00018/FUL  52 CAVENDISH ROAD, MATLOCK.

At request of Ward Member to appreciate the visual impact of the scheme and the impact upon neighbouring residents.

5.00pm  RETURN TO THE TOWN HALL
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 15/00814/OUT

SITE ADDRESS: LAND ADJACENT TO BAKEWELL ROAD, MATLOCK

DESCRIPTION OF DEVELOPMENT RESIDENTIAL DEVELOPMENT OF UP TO 57 DWELLINGS (OUTLINE)

CASE OFFICER H. Frith

APPLICANT MR A STATHAM, MR G THOMAS AND MRS A THOMAS

PARISH/TOWN Darley Dale

AGENT Planning Design Practice Ltd

WARD MEMBER(S) Cllr A Statham
Cllr J Atkin
Cllr M Salt

DETERMINATION TARGET 03.03.2016

REASON FOR DETERMINATION BY COMMITTEE Major application

REASON FOR SITE VISIT (IF APPLICABLE) Site visit has previously taken place at the February 2016 committee

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 conditions.
INTRODUCTION:
At the meeting of the Planning Committee on 16th February 2016, Members resolved to grant outline planning permission contrary to the Officer recommendation, for a residential development of up to 57 dwellings.

The minute of the Committee meeting is recorded as follows:

<table>
<thead>
<tr>
<th>RESOLVED</th>
<th>That authority to approve the application be delegated to the Local Planning Authority, subject to the implementation of a legal agreement and appropriate conditions.</th>
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**Reason for Decision**

The Committee considered that the perceived benefits of the type of housing indicated, its accessibility and sustainability, combined with the low profile design of the indicative scheme, which limited the loss of openness of the landscape, outweighed, in this exceptional case, any damage to the open character of the landscape at this location.

Councillors Sue Burfoot and Mike Ratcliffe requested a recorded vote

**In Favour** – Councillors Jason Atkin, Albert Catt, Phil Chell, Tom Donnelly, Ann Elliott, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Neil Horton, Jean Monks, Tony Morley, Mike Ratcliffe, Peter Slack and Jo Wild (14)

**Against** – Councillors Sue Burfoot, Tony Millward and Garry Purdy (3)

**Abstentions (0)**

The Chairman declared the motion carried.

This development was promoted by the applicant’s agent as ‘specialised housing’ and it is understood that meeting the identified need for specialist dwellings for disabled and elderly persons weighed heavily with the Committee in resolving to grant outline planning permission. However, in resolving to grant outline planning permission, Members delegated authority to ‘the Local Planning Authority’ and did not provide any clarity on the scope of conditions to be imposed in order to secure the type of ‘specialised housing’ promoted by the Applicant’s agent and considered acceptable by Members.

In light of the above, Officers considered it appropriate to stay the decision pending clarification from the Committee as to its intentions. As such, the Committee is required to give guidance as to the parameters of the conditions and s.106 agreement to be negotiated in order to ensure that the dwellings to be constructed will remain available in the long term as part of the housing supply to meet the objectively assessed need.

The Committee are therefore asked to:

1. Frame the parameters for the conditions to be attached to the planning permission and/or to be sought for agreement by way of a section 106 obligation having regard to matters such as the number of homes to be constructed to accessible and wheelchair user standards, the type of properties to be provided including the provision of affordable housing and the nature and scope of any occupancy restrictions that Members may wish
to impose to ensure that these dwellings will remain available in the long term to meet the objectively assessed need.

2. Clarify to whom the authority to negotiate is to be delegated and whether or not the Committee wishes to finally approve the same before the formal grant of planning permission.

The Planning Committee are not able to reconsider the decision in principle, only the matter of conditions to be imposed and or s.106 agreement to be negotiated.

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.

![Site and Surroundings Images]
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 Derwett 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 94.57mAOED
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
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 splay 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 of the semi-natural greenspace including flower rich pasture, hedgerows and a balancing pond can also be secured within the area shown on the Masterplan.

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 heritage 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
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00054/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Goodacres Farm, Furlong Lane, Hognaston</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of replacement dwelling and annexe</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr J. Leonard</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Atlow</td>
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<tr>
<td>AGENT</td>
<td>Mr Jonathan Imber</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Rose</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>25th March 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>5 or more unresolved objections have been received</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At request of officers to enable members to assess the impact of the development on the local landscape, amenity of the occupants of nearby dwellings and whether the replacement would be a more satisfactory alternative to renovation and/or repair of the existing dwelling in this case</td>
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**MATERIAL PLANNING ISSUES**

- whether the replacement dwelling is a more satisfactory alternative to renovation and/or repair of the existing dwelling in this case;
- the affect the development will have on the local environment including the character and appearance of this part of the countryside and the local landscape, and;
- The effect of the development on the amenity of the occupants of nearby residential properties.

**RECOMMENDATION**

Approval
16/00054/FUL

Goodacres Farm, Furlong Lane, Hognaston

Derbyshire Dales DC

Date: 22/03/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The site lies just off Furlong Lane to the south of Hognaston and north east of Atlow in open countryside. It includes a plain, rendered farmhouse (see figure 1) and a separate office building and large modern, low slung barn faced in timber, concrete panels and corrugated metal sheeting (see figure 2). The existing dwellinghouse was erected in the late 40s early 50s with a large two storey rear extension added in 2008. In addition to the aforementioned buildings the application site includes an area of garden / curtilage extending to 0.24ha. Historically, much of the curtilage has been used as part of a small holding, as a garden, with vegetable beds, low walls and a poly-tunnel. A roadside hedge defines the southern boundary. The other boundaries are either open or marked by fencing or a low wall. The wider land holding (agricultural field) extends to the north and west. The land falls away to the north and west (see figure 3).

1.2 A Public Footpath (no.1 Atlow) is located on the opposite side of Furlong Lane and runs in a south easterly direction towards Hill Crest.

2. THE APPLICATION

2.1 It is proposed to demolish the existing buildings on the site and replace them with a new contemporary dwelling. A larger, principal building will sit on the site of the existing dwelling and a linked secondary building will occupy the area of the barns / outbuildings. The main features of the principal building are inverted mono-pitched, zinc clad roofs and a northern elevation of extensively glazed and white painted, rendered walls with attached balconies and terrace. Random coursed limestone will feature in the lower section of the east and south facing walls. The secondary building will also have inverted mono-pitched roofs. The walls of this subservient building will be clad in horizontally fixed timber boarding. The proposals will occupy a footprint that is a little larger than that of existing buildings. Proposed rooflines will be lower but longer than existing.

2.2 The roadside hedge will be retained though the access point from the lane will be re-positioned to the west (the former access will be blocked off with a new hedge). Part of the existing residential curtilage in the west will revert to agriculture and a new hawthorn hedge will be planted along the new boundary line here and wrap around the site on its northern side as far as the annexe building. All hedges will be allowed to grow up to 3 metres in height in order to help screen the buildings. All existing trees will be retained.

2.3 In commenting on the design of the replacement dwelling the applicant advises that a high proportion of glazing features in the north elevation of the replacement dwelling to maximise attractive views in this direction and despite the contemporary massing, roofline and feature windows the design makes reference to more traditional buildings found in the locality. They advise that the building has been deliberately split into two blocks. The principal block includes the main living accommodation, comprising five bedrooms all with en-suite, a home cinema, large kitchen, living room, entrance hall, dressing and laundry rooms and will be linked to a subservient secondary block, in terms of its form and function. The secondary block will include an underground / lower garage and store at basement level, garage / workshop at lower ground floor level and a gym and utility room at ground level. This element of the building also features a residential annex at lower ground and ground floor levels, which will be used by visiting family members and friends.

2.4 Within the supporting planning statement it states that the proposed building will be significantly more environmentally friendly than the existing property and that it would be much better insulated. Heating and hot water systems will be fed by a ground source heat pump.
2.5 The application is accompanied by an extended phase 1 habitat survey, which concludes that the site and buildings are of negligible to low ecological value. No evidence of bats was found within the existing buildings on site. The main ecological value is associated with the hedges along the boundaries of the site.

(Figure 1)  (Figure 2)

(Figure 3)

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF4</td>
<td>Development in the Countryside</td>
</tr>
<tr>
<td>SF5</td>
<td>Design and Appearance of Development</td>
</tr>
<tr>
<td>H4</td>
<td>Housing Development Outside Settlement Framework Boundaries</td>
</tr>
<tr>
<td>H6</td>
<td>Replacement Dwellings in the Countryside</td>
</tr>
<tr>
<td>H9</td>
<td>Design and Appearance of New Housing</td>
</tr>
<tr>
<td>NBE5</td>
<td>Development Affecting Species Protected By Law or Are Nationally Rare</td>
</tr>
<tr>
<td>NBE8</td>
<td>Landscape Character</td>
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<tr>
<td>NBE12</td>
<td>Foul Sewage</td>
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<tr>
<td>NBE26</td>
<td>Landscape Design in Association with New Development</td>
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<tr>
<td>TR1</td>
<td>Access Requirements and the Impact of New Development</td>
</tr>
<tr>
<td>TR8</td>
<td>Parking Requirements for New Development</td>
</tr>
</tbody>
</table>

3.2 Other:

The National Planning Policy Framework (2012)

4. RELEVANT PLANNING HISTORY
10/00158/FUL  Erection of 6kW micro wind turbine on a 9m mast and associated infrastructure – Granted
08/00519/FUL  Change of use and conversion of farm building to office accommodation – Granted
07/00680/FUL  Two storey rear extension – Granted
ASR/149/1  Erect a detached two storey house at Atlow comprising kitchen, living room, parlour, three bedrooms and bathroom. Walls to be either in facing bricks or colourwashed, roof in approved tiles – Granted

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

Furlong Lane (NC) is an unclassified highway of restricted width with perceived low volumes of vehicular traffic due to its isolated location.

Part of the submitted proposal involves the relocation of the vehicular access from a more centralised location to the red line application site boundary to the west of the site which would restrict exit visibility in the leading direction resulting in a lesser splay than could currently be achieved at the existing vehicular access (subject to minor vegetation clearance).

However, it is noted that the applicant controls additional land adjacent to the red line site boundary in the leading direction meaning exit visibility splays similar or superior to what could currently be achieved could be attained in the new position, visibility splays measuring 2.4m x 43m in both directions being recommended and commensurate with passing vehicle speeds of approximately 30mph.

The applicant is demonstrating that the proposed vehicular access will measure between 5 and 6m approximately, be constructed of a solid bound material and have inward opening gates set back 5m from the carriageway edge which is acceptable from a highway viewpoint.

Therefore, there are no objections to the proposal from a highway viewpoint subject to conditions and advisory footnotes.

5.2 Atlow Parish Council:

No comments received at the time of writing this report.

5.3 Hognaston Parish Council:

Hognaston Parish Council does not object to replacement of the existing building in principle, and has no objection to a ‘contemporary’ design for the new-build. However, Councillors have concerns about the proposed replacement building as outlined in this application.

This property occupies a skyline location (which is under-stated by the photographs included in the application documentation), and is therefore visible over a wide area, especially from the Hognaston Conservation Area and Carsington Water directions. Any design, and particularly one that seeks to depart from the vernacular norm, must therefore take into account not merely the desirability of the applicant for a good outlook, but its effects on the visual environment more generally. In this context Councillors feel that whilst the materials used for the ‘outbuilding’ do make it blend in better with the surroundings, the excessive dominance of particular materials (especially glass and white
render) in the main house, with their propensity for reflection and artificial light ‘pollution’ at a highly-visible location, create impact above the skyline rather than blending into the landscape in an acceptable manner. This the former property, despite (or because of) its architectural anonymity, achieved. Similarly, Councillors have concerns about the use of a natural metallic zinc, as it will take a lengthy period of time for this to patinate to an acceptable appearance.

Hognaston Parish Council ask that these concerns be taken into account in any discussion with the applicant prior to the preparation of a report for Committee, and also request that conditions regarding choice of materials are strictly implemented.

5.4 Derbyshire County Council Flood Risk Management Team:
No objections. Refer the applicant to their standing advice with regard to land drainage and flood risk.

5.5 District Councils Landscape Officer:
No objections. Considers that the design and massing of the proposed dwelling accords well with the surrounding landscape. Concerns regarding potential light pollution are, however, raised.

6. REPRESENTATIONS

6.1 Representations have been received from seven local residents, objecting to the proposed development. The reasons for objection can be summarised as follows:

\textit{Principle}

The house is not worthy of demolition. Reference is made to 50% of the property being built within the last 10 years to modern building regulation standards.

The proposed house is much larger and more alien to the landscape than the existing building.

\textit{Loss of Privacy and Amenity}

Our property directly faces Goodacres Farm on the opposite side of a sloping field. The proximity of the site and difference in levels means the impact of Goodacres Farm on us should not be considered just in terms of distance but also the local topography of the land.

The majority of the windows and external terraces in the replacement building face north over our property and towards Carsington Water. Whilst some consideration has been made in “hiding the building below the line of the lane side boundary hedging” (road side), it is not apparent what steps have been taken to help the proposed building blend or be hidden into the north facing elevation, either in terms of materials, trees, other screening or obscured glass.

The applicant should consider reducing the amount of glass facing north and could instead provide additional windows in the dwelling facing west which would also benefit from the equally lovely views.

No consideration or statement has been made with regard to light pollution caused by the expanses of glass in a rural environment that is intrinsically dark and is enjoyed as such.
There is no statement in the planning proposal to hours of working during the construction phase and we are concerned by the noise pollution at the weekend and during other unsociable hours.

Impact of the development on its surroundings

Although there is an understandable need to redevelop this old house into a modern family house, the resultant design, even with careful use of stone and wood has a roof line that has no place in the countryside. A more conventional roofline would be more in-keeping.

The replacement dwelling increases the apparent mass of the house when viewed from the village of Hognaston and on the way up Turlow Fields Lane.

The modernistic design is not in-keeping with the general character of the area.

The effect of combining the existing house, barn and annexe buildings into what would appear one property would have an unacceptable adverse impact on the properties immediately adjacent to the site and surrounding area by reason of its visually overbearing impact.

The development is not sensitive or designed to sit in the landscape. There are no barns in the area with horizontal boarding.

The proposed building both in terms of scale and style would dominate the area and is out of keeping with the village’s strong historic character.

Whilst much is made of the highest point of the new building being less than that in the existing building, it is important to note that the difference in height is only marginal and the highest point and that the part of the building that is at this height will extend for some considerable distance. The building will therefore be far more prominent on the skyline.

Concerns have been raised by a local resident regarding the amount of glazing and the potential for significant light pollution.

Impact on the Local Environment

No consideration or statement has been made with regard to the ecological impact of the expanses of glass with regard to bird life.

The light from the property with its numerous large windows is likely to produce the effect of a beacon on the horizon.

7. OFFICER APPRAISAL

7.1 As the saved policies of the existing local plan are generally consistent with guidance in the National Planning Policy Framework (2012) the Adopted plan policies remain the primary basis for assessing this scheme.

7.2 Replacement dwellings in the countryside are dealt with under Policy H6 of the Adopted Derbyshire Dales Local Plan (2005). The policy advises that outside of settlement framework boundaries (defined on the proposals maps) planning permission will be granted for replacement dwellings provided that:

(i) the number of dwelling units is not increased and;
(ii) renovation and / or repair of the original building is not a more satisfactory alternative and;
(iii) the replacement dwelling and ancillary buildings do not have a detrimental impact upon the character and appearance of its surroundings.

7.3 Taking the above into consideration and having regard to the statutory consultee comments and comments received from the general public, the key issues for consideration in respect of this application are:

a) whether the replacement dwelling is a more satisfactory alternative to renovation and / or repair of the existing dwelling in this case;

b) the affect the development will have on the local environment including the character and appearance of this part of the countryside and the local landscape, and;

c) The effect of the development on the amenity of the occupants of nearby residential properties.

7.4 Although concern has been raised with regard to the extent of glazing and the potential impact this would have on wildlife, in particular birds, this is not considered to be a significant constraint in this case. The nature of the glass can be agreed by condition and its extent is such that it would not pose a major threat to birds. The applicant has carried out an extended phased 1 habitat survey which concludes that there would be no implications on wildlife / loss of wildlife habitat, including protected species habitat as a result of the development.

7.5 The Local Highway Authority is satisfied that the new access can be provided with appropriate visibility splays for it not to pose a highway safety risk and have raised no objections, subject to conditions, on this basis.

Whether the replacement dwelling is a more satisfactory alternative to renovation and / or repair of the existing building in this case

7.6 The existing dwellinghouse has been recently extended at the rear and appears to be structurally sound. It is a simple building in its form and appearance, of limited architectural and historic merit, and in this respect has a neutral impact on its surroundings. In support of the application, the applicant advises that the existing dwelling cannot be adapted to meet their needs and is not efficient. Its replacement with a new building constructed to modern standards that makes a positive contribution to its surroundings is not therefore considered to be unacceptable in principle in accordance with Local Plan Policies and guidance contained within the National Planning Policy Framework (2012)

The affect the development will have on the local environment including the character and appearance of this part of the countryside and the local landscape

7.7 Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) deal with matters of design. Policy SF5 advises that planning permission will only be granted for development where... (a) the scale, density, massing, height, layout, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. Policy H9 requires new housing development to be in scale and character with its surroundings and have regard to distinctive landscape features amongst other considerations. The National Planning Policy Framework is a material planning consideration in development management decisions and states in respect of design that development should add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings. It is recognised that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

7.8 Concerns have been raised by Hognaston Parish Council and local residents regarding the appropriateness of the design of the replacement dwelling, its scale and its impact on...
its wider surroundings. The replacement dwelling will occupy a footprint that is slightly larger than the existing dwelling and adjacent outbuildings. Care has been taken to reduce the perceived mass of the resultant building by creating two distinct building blocks, which mimic existing development on site. Though the scale of the proposals will be a little greater than that of the existing, any adverse impact on the local landscape would not be significant in this regard.

7.9 The replacement dwelling is modern, rather than traditional in its design and form. The mono-pitch rooflines reflect the sloping / undulating topography. The annexe is set lower than the principle dwelling against the hillside and the materials and treatment used for the walls (rendered blockwork, stone and timber) generally repeats those of other structures in the locality and the existing building. The use of large expanses of glazing is a major departure from tradition but this would not result in any significant adverse impact on landscape character. Though the position of the replacement dwelling is quite prominent it is no more so than the existing buildings on site. It benefits from a back-drop of higher ground and mature vegetation in the south east and is effectively screened by roadside hedges, hedgerow trees and a copse in views from the east. Views of it from the north are filtered by intervening hedgerows and hedgerows trees. Mid to long distance views from the south are screened by the existing landform, the roadside hedge to be retained, the existing entranceway planted with a matching hedge and a new hedge established on the western and (part of) the northern boundary. These hedges will be allowed to grow up to 3 metres in height in order to better screen the building. As a result there would be no significant adverse impact on local visual amenity. The replacement dwelling would make good use of existing topography and would sit comfortably within the site, without appearing unduly prominent. The replacement dwelling would make good use of existing landform / topography and would sit comfortably within the site, without appearing unduly prominent. At the same time it would be more aesthetically pleasing and respectful of its context.

7.10 Some concern has been raised with regard to the starkness / newness of the facing materials proposed. Particular reference is made to the natural zinc sheets to the inverted mono-pitched roofs. To address these concerns the applicant would be willing to use a pre-treated / weathered zinc sheet and would be agreeable to the render being painted an off white colour to mitigate any impact on the surrounding area. Such finishes can be controlled by condition to ensure a satisfactory external appearance and minimise any impact on the local landscape / character and appearance of this part of the countryside.

The effect of the development on the amenity of the occupants of nearby residential properties

7.11 Whilst concerns have been raised with regard to the extent of glazing proposed in the north facing elevation of the replacement dwelling and the views they would afford over a property to the north (Turlow Bank), the distance between the replacement dwelling and this property is such that no significant loss of privacy or amenity would result. A number of concerns have been raised with regard to the potential for light spillage into the surrounding countryside from the large areas of glazing. To prevent this, careful consideration will need to be given to the type of glass to be installed. Such detail can be controlled by condition to prevent any adverse impact on the local environment.

The Planning Balance / Conclusion

7.12 Despite the concerns raised by Hognaston Parish Council and by the public, policies contained within the current Adopted Derbyshire Dales Local Plan do not rule out replacement dwellings, but it is essential to assess how they will sit on the site, are appreciated in context and affect the character and appearance of the countryside. In this case the existing dwelling of little architectural merit will be replaced by one of higher
quality that has been purposefully designed to sit comfortably within the landscape. The site will be tidied of other structures, which because of their poor state of repair currently have an adverse impact on both landscape character and visual amenity and the site will be more tightly enclosed rather than appearing to spill out into its surroundings. Taking the above into consideration the replacement dwelling is considered to be a more satisfactory alternative to renovating and/or repairing the existing dwellinghouse in this case. A recommendation of approval subject to conditions to control the detail is put forward on this basis.

8. RECOMMENDATION

8.1 Planning permission be granted subject to following conditions:

1. ST02a: Time Limit On Full.

2. DM1: All Materials to be Approved – General.

3. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of the exterior stonework shall be erected on site for inspection prior to the commencement of building works. The development shall thereafter be constructed in accordance with the approved details.

4. Prior to the commencement of development, details of the materials, reveal, treatment and/or colour of the window and door frames and glass finish shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

   a) indications of all existing trees, hedgerows and other vegetation on the land;
   b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
   c) measures for the protection of retained vegetation during the course of development;
   d) soil preparation, cultivation and improvement;
   e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
   f) grass seed mixes and sowing rates;
   g) finished site levels and contours, and;
   h) hard surfacing materials.

6. All soft and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
7. 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 external alterations or additions shall be made to the replacement dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

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

9. Before any other operations are commenced (excluding demolition/ site clearance and conditions 8 above), a new vehicular access shall be created to Furlong Lane (NC) in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

10. Before any other operations are commenced a new vehicular access shall be created to Furlong Lane (NC) in accordance with the application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

11. Before any other operations are commenced (excluding demolition/ site clearance and conditions 8, 9 and 10 above), the existing vehicular access to Furlong Lane (NC) shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as grassed verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents and visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage accommodation/ parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

14. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reasons:

1. ST02a.

2-3. To ensure a satisfactory external appearance of the development in accordance with the aims of Policies SF5, H6 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
4. To ensure a satisfactory external appearance of the development and in the interests of minimising any adverse impact on the local environment in accordance with the aims of Policies SF5, H6 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

5-6. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

7. To preserve the appearance of the replacement dwelling in this open countryside location in accordance with the aims of Policies SF4, NBE8 and H6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

8-14. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

NOTES TO APPLICANT:

1. The applicant prior to the submission of the application engaged in a positive and proactive dialogue with the Local Planning Authority, which resulted in the submission of a scheme that overcame initial concerns relating to the design of the replacement dwelling.

2. NFA20 Conditions Precedent... Conditions 2, 3, 4, 5,

3. NFA21 Conditions Fee Discharge.

4. The applicant is encouraged to use any reclaimable materials used in the construction of the buildings to be demolished to be re-used, where appropriate, in the construction of the replacement dwelling hereby approved.

5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 538549.

6. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. This Decision Notice relates to the following documents:
   1:1250 Scale Site Location Plan numbered H1;
   1:200 Scale Proposed Site Layout Plan numbered H2;
   Planning Statement by Planning Design dated January 2016;
   Statement by BJT architects;
   1:100 Scale Proposed Replacement Dwelling Elevations, Floor and Roof Layout, Cross Section, Perspective Images / Viewpoints and Proposed Access plans numbered H3-25, and;
   Supporting photographs received by the District Council on the 29<sup>th</sup> January 2016, and;
   Extended Phase 1 Survey by JFG Consultancy received by the District Council on the 30<sup>th</sup> March 2016.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00088/OUT</th>
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</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>West End, Brassington, Derbyshire</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Residential development of up to 8 dwellings and village shop (outline)</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr and Mrs J and D Allsop</td>
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<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Brassington</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Mr Ken Wainman</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Rose</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>5th April 2016</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>The development involves more than 3 houses outside of Matlock, Ashbourne, Wirksworth and Darley Dale</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>At request of officers to enable members to fully appreciate the impact of the development on the local landscape and setting of Brassington Conservation Area</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Housing land supply and planning policy context
- The sustainability of location, in terms of access to services and facilities and density / amount of development
- Impact on Character and Appearance / the local landscape.
- Impact on Brassington Conservation Area and other designated and undesignated heritage assets
- Impact on neighbours amenity
- Highway matters, including the impact on the public footpath
- Affordable housing provision and other community benefits
- Housing mix
- The planning balance

**RECOMMENDATION**

Refusal
16/00088/OUT

West End, Brassington

Derbyshire Dales DC

Date: 01/04/2016

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application site comprises an area of grazing land between Flakes Barn and the village cemetery, on the southern side of West End (see figures 1 and 2). The site covers a 0.26ha area and extends into the field, which falls in a southerly direction, beyond the limits / southern boundary of the cemetery and curtilage associated with Flakes Barn, which is defined by a dry stone wall. It includes a public footpath (no. 18 ‘Brassington’) which runs along the eastern boundary of the site. The boundary with West End, a main arterial route through the village, comprises a dry stone wall. Set within this wall is a gated access. Between the site and the cemetery is a hedgerow, post and wire fence and a number of mature trees. Beyond Flakes Barn the western boundary and southern boundaries of the site are open.

1.2 There are slight undulations aligned east-north east to west-south west visible at the northern end of the site. It is possible that they represent the remnants of ridge and furrow earthworks.

1.3 The site lies to the south of Brassington Conservation Area.

1.4 Immediately to the north of the site on the opposite side of West End is Kiln Croft House. To the north west are a series of bungalows (see figure 3) and to the north east is a field and Brassington Hall, a grade II listed building (see figure 4).

1.5 In terms of landscape character, the site is within the Settled Farmlands landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area (as defined in the District Councils Landscape Character and Design Supplementary Planning Document ( Adopted July 2007). The landscape of the site and areas to the south is typical in the following respects:

- Gently undulating to rolling upland landscape
- Pastoral farming on permanent pasture and grass leys
- Scattered hedgerow trees, predominantly ash, that provide filtered views
- Dense lines of trees along watercourses
- Small to medium sized semi regular and strip fields enclosed by hedgerows and occasional dry stone walls
- Widespread ridge and furrow
- Discrete villages with buildings of limestone and Staffordshire blue tiles or Welsh slate roofs and scattered outlying farmsteads all creating the sense of a well settled landscape.
2. THE APPLICATION

2.1 Outline planning permission is sought to erect 8 no. dwellings and a village shop on the site, with all matters other than access reserved for subsequent approval. An indicative site layout plan shows 8 dwellings and a village shop laid out in a horse shoe formation. A terrace of three two storey starter homes and a larger mixed use building comprising a village shop at ground floor level with residential accommodation above is shown on the site frontage. Behind these buildings a series of garages and detached and link detached dwellings are shown. Each dwelling is shown to have its own dedicated parking area and private amenity space. The applicant states in their supporting planning statement that whilst the final design and appearance of the proposed development is a matter for later consideration, it is considered that any buildings would be built of dolomitic limestone and plain clay tiles to match the majority of houses in the village. A centrally positioned service road with turning head will serve the proposed development and provide direct access off West End. The applicant advises that the proposed development would require the realignment of public footpath no. 18 ‘Brassington’. The indicative layout plan shows the footpath to branch off in a westerly direction towards the turning head and follow the alignment of the service road.

2.2 A supporting planning statement and archaeological heritage assessment accompany the application. The supporting planning statement concludes that the adverse impacts of the development, in terms of the loss of land in the open countryside which is already viewed in the context of and reads as part of the village would not significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework taken as a whole.

2.3 The archaeological heritage assessment acknowledges that the site is located within a sensitive heritage location, however, concludes that the development will have a limited impact on known and identified heritage assets. Reference is made to the site being located beyond the boundary of the conservation area and the new buildings being in-keeping with surrounding buildings. It is considered that the low density of the development will maintain the open feel of the settlement.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)
- SF4 Development In The Countryside
- SF5 Design and Appearance of Development
- SF6 Protection of the Best Agricultural Land
- H4 Housing Development Outside Settlement Frameworks
- H9 Design and Appearance of New Housing
- H11 Affordable Housing Within The Settlement Frameworks Of Other Settlements
- NBE8 Landscape Character
- NBE16 Development Affecting A Listed Building
- NBE21 Development Affecting A Conservation Area
- NBE26 Landscape Design in Association with New Development
- S11 Individual and Village Shops
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Other:
- Brassington Conservation Area Appraisal (2008)
- DDDC Landscape Character and Design Supplementary Planning Document (July 2007)
- Derbyshire Dales District Council Landscape Sensitivity Study (August 2015) by Wardell Armstrong
- The Housing and Economic Development Needs Assessment (September 2015) by G L Hearn

4. RELEVANT PLANNING HISTORY

4.1 Residential development of up to 3 no. dwellinghouses and associated accesses – Refused on the basis of harm to the local landscape, setting of Brassington Conservation Area and lack of contribution towards affordable housing

4.2 Erection of village hall and associated car parking/access (outline) – Withdrawn

4.3 Conversion of barn to dwelling - Granted

4.4 Conversion of barn to dwelling - Refused

5. CONSULTATION RESPONSES

Parish Council:

5.1 No comments received.

Local Highway Authority:

5.2 The Highway Authority has previously commented on applications to develop this land, once back in 2007 for a proposed village hall (07/00283) and, more recently 3 proposed dwellings (15/00149). Both times the highway authority raised no objections subject to recommended conditions being included in any consent in the interest of highway safety.

5.3 For this current outline application, the highway authority has no objections to the proposed access location as adequate emerging visibility is achievable in both directions. Whilst some tweaks to the internal layout of the access road will be required if it’s the applicants intention to have the road adopted, there seems to be sufficient space to
provide an adopted road layout. Guidance for acceptable road adoption layouts can be found in the 6C’s Design Guide.

5.4 Its noted the applicant is proposing to divert the existing public footpath. Its recommended the applicant discusses this proposal with DCC’s Rights of Way team; refer to the advisory note below. This involves constructing a footpath along West End which will require the applicant to enter into a Section 278 Agreement with the Highway Authority to carry out these works.

5.5 A number of conditions and advisory footnotes are recommended.

Conservation Advisory Forum:

5.6 CAF noted their comments on the development of this parcel of land from April 2015 as follows:

- Whilst the site lay outside the Conservation Area it abuts its southern boundary. This does not mean that the land beyond that boundary has any less value as it forms a fundamental part of the setting of the Conservation Area. CAF noted that the relatively open fields to this side of the road and its existing drystone wall boundary formed an important counterpoint between the open countryside and the greater density of the village core.
- CAF noted that access was included in the application and this revealed that the existing boundary wall forming that strong linear counterpoint, was to be breached in many places creating a harmful punctuation of the walls character and presenting an inappropriate sub-urban form and appearance.
- CAF acknowledged that a number of properties on the north side of the road were of relatively modern date, however, they considered that these had been built within a historically established and evolving part of the village and whilst their design may not be entirely appropriate, they form part of the whole which is West End. For this established development to spread across the road and into the open fields would be harmful to the setting of the Conservation Area.
- CAF were also concerned about the setting of the nearby listed buildings and concluded that there would be a harmful impact on both of them in terms of the extent of new development on open land abutting the southern side of the Conservation Area and the consequential change in character.
- CAF concluded that the principle of developing these sites would be irrevocably harmful to the setting of the Conservation Area and the nearby listed buildings.

5.7 CAF concluded that the above, previous, comments remained pertinent to this current proposal. They noted the land lay outside the Conservation Area but within the area identified & recognised in the Conservation Area Appraisal as being Historic Landscape Setting to the Conservation Area/village. In terms of the current proposal it was noted that this was of a greater depth presenting a bigger site and therefore, being more intrusive into this open land to the south of the street. It was opined that acceptance of such development on this side of the street would set a precedent.

5.8 CAF discussed the indicative layout plan and noted it was a sub-urban layout & character which does not relate to the established building tradition. CAF concluded with a strong objection to the principle of proposed development on this site.

Development Control Archaeologist (Derbyshire County Council):

5.9 The site is likely to have always remained beyond the confines of the medieval village, and there is consequently little potential for remains of medieval/post-medieval date. The site is however within a landscape with multi-period archaeological significance, with prehistoric
monuments, Romano-British settlement and nationally important lead mining remains all in the vicinity.

5.10 In the immediate vicinity of the site the HER has a findspot for a Bronze Age palstave (in an adjoining field though the exact findspot is unclear), Romano-British pottery and a coin (120m to the north) and a cropmark enclosure of unknown date (300m south-east). This suggests that the site has potential for previously unknown archaeological remains of prehistoric/Romano-British date. Because of the small size of the site I do not feel that it is suitable for geophysical survey, and trial trench evaluation seems an unreasonable requirement at the pre-determination stage in this case. I therefore recommend that the archaeological interest in the site is addressed (in the event that the local planning authority is minded to grant consent) through planning conditions requiring a post-consent scheme of archaeological work in line with NPPF para 141. Depending on the proposed groundworks this could comprise strip-and-record/archaeological monitoring or trial trenches followed by further excavation where significant remains are identified.

Derbyshire County Council Minerals:

5.11 Advise that the proposed application would not adversely impact the minerals safeguarding interest.

Land Drainage Authority (County Council):

5.12 Although the County Council is not defined as a formal statutory consultee for such developments, welcome the opportunity to provide the following informal comments:

British Geological Survey (BGS) data suggests the ground water level is less than 3 meters below the grounds surface, therefore the County Council would advise the Local Planning Authority to consider requesting the applicant to undertake an appropriate ground investigation to determine the ground water level. In addition, it is noted from the application form that the applicant is proposing to discharge surface waters to a soakaway. The Local Planning Authority should ensure an appropriate ground investigation is carried out on the development site, prior to the design of a drainage strategy, to confirm infiltration is a viable means of surface water disposal. A review of BGS data suggests the subsurface is potentially suitable for infiltration SuDS, although the design will be influenced by the ground conditions.

5.13 The County Council encourages that site surface water drainage is designed to manage surface water as close to the surface as possible, prioritising infiltration as a means of surface water disposal and where possible applying the SuDS management train. 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.

Derbyshire Dales Group of the Ramblers:

5.14 No objections provided Footpath 18 which runs adjacent to the site and will need re-routing as shown in drawing 1403-01 is not closed or otherwise obstructed, whilst the changes are made nor during or after the development.

Peak and Northern Footpaths Society:

5.15 Object. It seems to be the intention to divert a section of Footpath 18 on to the new estate road footway, which is not acceptable (see para 7.8 in Defra Circular 1/09), particularly as cars accessing the parking areas by the shop would need to drive across the path. Also another section of this path would be squeezed on to a narrow strip of land between the tall hedge on the cemetery boundary and a house wall and garden fence. This would result
in an unacceptable narrowing of the path, particularly in summer when the hedge grew. A diversion order for the more northerly section and a part width extinguishment order for the southerly section would be needed. It should be possible to design a development which kept the existing location and width of the path without confining it between buildings and the hedge if the development were less intense and cramped.

District Councils Landscape Officer:

5.16 There are serious concerns with the application:

• The development would harm the direct relationship the village, in this part of Brassington, currently enjoys with the countryside.
• There would be an extended intrusion of development into the countryside.
• It would result in a block of development on the southern side of West End where, currently, it is fragmented and dispersed.
• Visual connectivity between the road and the countryside would be, substantially, lost.
• The impression, in views from the south, would be of development that has turned its back on the countryside rather than a village that sits well within it. Domestic boundary treatments and paraphernalia will adversely affect the view.
• The integrity of the roadside wall will be compromised by being breached.
• The stile within the wall will lose its function. The footpath will be constricted.
• The site is in an area where the landscape sensitivity to housing development has been assessed as being high.

As a consequence, the development is likely to have a significant adverse impact on local landscape character and visual amenity.

A development of eight houses is, on the face of it, a modest one yet the nature of the proposals presented will lead to a level of adverse impact that is high in proportion to its scale.

5.17 District Council’s Design and Conservation Officer:

• West End itself has evolved to form a relatively tight-knit collection of buildings which have grown up on the northern side of West End. To this end properties have been contained predominantly as residential properties to the northern side and have not spread across West End road to the more rural and open areas of land.
• West End, as a built entity, is predominantly of residential properties and some modern infill has continued the expansion of the northern side of West End but has retained that important containment, as described above.
• The land to the south of West End road is of a very different character in that its density is considerably lower, certainly in respect of residential development and their associated character, and is predominantly defined by agricultural buildings of non-domestic character and curtilage which results in a distinctive, existing, character area.
• This counterpoint in character areas is highly definable both visually and physically in the current landscape.
• This site falls within the defined and recognised landscape setting (Conservation Area Appraisal 2008). The survival of this historical landscaped setting plays / contributes a fundamental part of the setting of the conservation area in terms of recognising, an open, green and agricultural landscape closely allied to the south of West End.
• The existing wall bounding the north of the site adjacent to West End road is deemed an important visual boundary line. The proposal is to breach this with a modern standard, curved / funnelled entrance into the site. This type of entrance, in its
character and appearance is highly sub-urban and wholly out of context to this part of the village and setting of the conservation area.

- Brassington Hall is located to the north east of the site on the northern side of the road. It is possible that the influence of the Hall (i.e. its former land holding) protected this land to the south from development during the 19th and 20th Centuries. The inclusion of such a development on this site and the potential views of it from the Hall and its gardens / grounds has the potential to diminish the historical setting and context.

6. REPRESENTATIONS

6.1 Representations from 9 local residents have been received, all objecting to the proposed development. Their comments can be summarised as follows:

Principle

- The site is located outside of the settlement framework boundary previously proposed in the local plan.
- This is a greenfield site. Much better opportunities exist within the village to allow for modest growth through consolidation with the village framework on previously developed land.
- Whilst there may be an identifiable desire or need for affordable housing within the confines of the village, as yet, the working group for the Brassington Plan has yet to identify whether there is an actual need for any further developments. This outline proposal would therefore seem premature.
- Two sites have been earmarked for affordable housing as part of the Brassington Plan, which would have very little impact on the streetscene.
- The community plan does not specifically endorse a village shop proposal.
- Brassington is designated as an unsustainable village and such type of development is inappropriate.
- The proposed development is contrary to the wishes of the residents of the village as set out in the April 2015 Brassington Community Plan.
- If the application is granted it would set a precedent for other infill ribbon development along this stretch of road and further development to the south.

Impact on Character and Appearance / Local Landscape Character

- The application would destroy the fabric of the small delightful village in which we live.
- The proposal would create a ribbon form of development which would be wholly inappropriate and uncharacteristic of the village.
- The proposal represents a suburban form of development, which shows no respect for the character of the village.
- The development would significantly detract from the relationship of the open countryside and historical setting of the adjacent conservation area.
- The layout is simply that of a sub-urban cul-de-sac.
- The application is far more damaging than the previous one. At least the previous one only introduced linear development. The latest one brings in back land development.

Impact on Brassington Conservation Area and Other Heritage Assets

- The fields provide open views in and out of the conservation area and would adversely harm the character and setting of the conservation area.
- Views across these fields both from and towards West End are an important and valued asset which should be protected.
- The accompanying archaeological assessment is incorrect in that Brassington Hall is elevated and from the windows when the trees are not in leaf, there would be an uninterrupted view of the proposed development.
- The development would impact on ridge and furrow – an important setting to this part of the conservation area.
- The development would impact dramatically and detrimentally on the on what the Conservation Area describes as the interconnectedness of the landscape and built environment.
- The heritage statement refers to the two former Methodist Chapels being recently demolished which gives rise to serious doubts regarding the rigour of the study.

**Impact on Amenity**

- The development will have an adverse impact on the peace and tranquillity of the cemetery to the east.
- The development will have an adverse impact on the residential amenity of houses on the north side of West End.

**Impact on Highway Safety**

- There is no footpath on the south side of west end, so pedestrians would be in conflict with vehicular traffic and the footpath to the north of the lane is very narrow with hardly the width to take a pushchair.
- The development would increase the traffic flow on the narrow lane approaching a blind bend from the east and west.
- The public footpath is not considered in the plans, which caused concerns last time an application was made.

**Community benefits**

- Various attempts to open a local shop have failed. We have recently secured a vending shop, sited on the 'Miners Pub' car park which supplies some 60 items of goods and serves the village very well. In addition we have a weekly mobile grocery van and fishmonger.
- Only three of the eight properties would be affordable. No evidence is given as to whether discussions have taken place regarding the nature of such housing.
- The village shop is almost certain to be unviable economically.
- Brassington has had six village shops in the last 20 years, all of which have failed because of lack of support.
- It is not appropriate to address the issue of affordable housing via ad-hoc planning applications.

7. **OFFICER APPRAISAL**

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

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 policy requirement and in making this balanced judgement. 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.

7.5 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 Paragraph 58 of the NPPF advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. 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. Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) align with this guidance.

7.7 Paragraph 131 of part 12 of the NPPF ‘conserving and enhancing the historic environment’ states that when determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

7.8 Paragraph 132 of the National Planning Policy Framework advises that when considering the impact of works 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. It recognises that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Paragraph 133 states that 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 that harm or loss and paragraph 134 states that where a development proposal 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.

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

a) The sustainability of location, in terms of access to services and facilities and density / amount of development
b) Impact on the character and appearance of the locality / landscape
c) Impact on Brassington Conservation Area and other designated and undesignated heritage assets
d) Impact on neighbours amenity
e) Highway matters, including the impact on the public footpath
f) Affordable housing provision and other community benefits
g) Housing mix
h) The planning balance

Sustainability of location and density

7.10 The site is on the edge of the existing settlement, which was proposed to have a Settlement Framework Boundary in the emerging Local Plan, prior to this being withdrawn from consideration. The site is within reach of the basic services and facilities the village has to offer, including a school, two pubs, village hall, British Legion hut, church and village shop vending machine. There are also employment opportunities associated with existing industrial and haulage development at nearby Longcliffe. A bus service also links the village to Matlock and Ashbourne. The location of the site is therefore considered to be reasonably sustainable, insofar as access to services and facilities within the existing village and employment opportunities are concerned.

7.11 On balance it is considered that the provision of up to 8 houses and a village shop can be accommodated on site, without being at odds with the objective of promoting sustainable development, insofar as access to services and facilities is concerned.

7.12 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 and the setting of Brassington Conservation Area.

Impact on the character and appearance of the locality / landscape

7.13 In seeking to address the previous reason for refusal relating to the harm the development within this location would have upon the local landscape and historical setting of the conservation area an independent archaeological assessment has been undertaken, which advises that the low density of the development will maintain the open feel of the settlement.

7.14 Although the layout of the development would be a matter for subsequent approval as part of any reserved matters application the applicant advises the following in support of the application:

"the proposed development would be down slope of the Conservation Area and would be sympathetically designed to follow the building style and traditions within the village. They go on to state that the proposed development intends to follow the established pattern of development with 4 units fronting West End and that access to the remaining units, which will be located in a horse shoe arrangement at the rear of the frontage development, will
be via a metalled road which will break up the development and retain the open space feel and connection with the surrounding landscape."

Whilst it is acknowledged that the proposed development would change the character of the site, the applicant does not considered that this would be harmful. The applicant points to modern suburban development on the northern side of West End (see figure 3). They consider that a carefully designed development on the application site would provide a distinct edge to the village and the buildings could be designed to be more in keeping with the more traditional buildings in the conservation area and village in terms of their size, scale, vernacular form, design and materials than some of the houses in the immediate vicinity.

7.15 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. 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. The Council's study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as highly sensitive to new housing development.

7.16 The character of the landscape of this part of the village is quite distinctive. The open countryside rolls right up to the frontage along a length of West End that not only includes the site but also extends to the east. The road sharply separates existing clustered development to the north from the broad sweep of agricultural fields to the south. Though there is development here it is widely dispersed and there remains a distinct impression of the village facing outwards over its surroundings. Contrary to the applicants view, it is considered that the development would harm the direct relationship this part of the village has with the countryside. The inclusion of additional land to the south represents a significant intrusion into the countryside that would be harmful to its character and appearance / the local landscape. It would result in a block of development on the southern side of West End where, currently, it is fragmented and dispersed. Although the development seeks outline permission with all matters other than access being reserved for subsequent approval, a centrally positioned service road is shown. Any new housing would be arranged around this service road and would represent a suburban form of development that would be out of context with its immediate surroundings, a concern expressed by a number of local residents.

Impact on Brassington Conservation Area and other designated and undesignated heritage assets

7.17 For reasons states above, the development is likely to have a significant adverse impact on local landscape character and visual amenity.

7.18 The northern side of West End has evolved as a relatively tight-knit collection of buildings. As a built entity, it is largely traditional residential properties, with some modern infill. The land to the south of West End road is of a very different character in that its density is considerably lower, particularly in respect of residential development and their associated character, and is predominantly defined by agricultural buildings of non-domestic character and curtilage, which results in a distinctive, existing character area. This is recognised in the Conservation Area Appraisal 2008. The Conservation Area Appraisal recognises that the structured relationship between the medieval village and its rural landscape is a fundamental contributor to the significance of the Conservation Area. It states that "There are places, such as along the south side of Well Street (which becomes West End) and
the north side of Hillside Lane, where the rural setting is so immediate that it is a part of the streetscene. The vistas, buildings and landscape are directly connected”. The proposed development will obscure the legibility of the historic village-scape/landscape to the south of West End and will result in significant harm to the significance of Brassington Conservation Area in this respect. The wall bounding the northern side of the site is deemed an important visual boundary line. The proposal seeks to breach this with a modern standard curved funnelled access road, which again is highly suburban in character, out of context with this part of the village and harmful to the setting of Brassington Conservation Area.

7.19 There are a number of nearby listed buildings, Brassington Hall being the closest (see figure 4 – viewed from the north east corner of the site), and non-designated heritage assets. The District Councils Design and Conservation Officer makes reference to the influence of the Hall (i.e. its former land holding) and the protection this may have afforded during the 19th and 20th Centuries. Whilst it is noted that the inclusion of such a development on this site and the potential views of it from the Hall and its gardens / grounds has the ‘potential’ to diminish the historical setting and context of this designated heritage asset, its historical association with the hall is unclear and it is not considered that development on the site which is some distance from the hall and not in direct view of its principal windows / grounds would compromise the setting of this heritage asset to such a degree that a recommendation of refusal could be sustained on this basis.

7.20 A number of local residents make reference to the impact of the development on ridge and furrow. The Development Control Archaeologist has not raised this as a constraint to development on site. They advise that the site is likely to have always remained beyond the confines of the medieval village, and there is consequently little potential for remains of medieval/post-medieval date. There have been a number of below ground archaeological finds in close proximity of the site, and a condition requiring a post-consent scheme of archaeological work in line with NPPF para 141. Depending on the proposed groundworks this could comprise strip-and-record/archaeological monitoring or trial trenches followed by further excavation where significant remains are identified.

Impact on Amenity

7.21 Whilst concerns have been raised with regard to a loss of amenity, it is considered that the relative distances between the site and existing dwellinghouses is sufficient for there not to be any significant loss of amenity or privacy. In addition the nature of the development is such that the tranquillity associated with the use of the adjacent cemetery is unlikely to be so adversely affected that a recommendation of refusal could be sustained on this basis.

Highway matters, including the impact on the public footpath

7.22 The Local Highway Authority has raised no objection to the proposal with regards to highway safety matters, subject to conditions and advisory footnotes. The Local Highway Authority note that the applicant is proposing to divert the existing public footpath and it is recommended the applicant discuss this with DCC’s Rights of Way Section. Although no comments have been received from the Right of Way Section at the County Council Peak and Northern Footpaths Society have raised objections to the proposal on the basis that the path would be squeezed on to a narrow strip of land between the tall hedge on the cemetery boundary and a house wall and garden fence, resulting in the unacceptable narrowing of the path, particularly in summer when the hedge grows. The Society have advised, however, that it would be possible to design a development which kept the existing location and width of the path without confining it between buildings and the hedge if the development were less intense and crammed. The route of the path and layout of the houses is a matter that could be resolved as part of any reserved matters submission.
7.23 A number of concerns have been expressed by local residents with regard to the lack of pedestrian footway fronting the site. There is a footway, however, on the opposite side of the road which although narrow, provides pedestrian access up to Ye Olde Gate Inn and the centre of the village. The volume of traffic and likely speeds of vehicles is such that this would not form a sustainable reason for refusal.

**Affordable Housing Provision and other community benefits**

7.24 The lack of a contribution towards affordable housing formed a reason for refusal in respect of application 15/00149/OUT. A local resident makes reference to other less sensitive sites being identified as part of the community plan for affordable housing. As the plan is at an early stage, limited weight can be afforded to it in the decision making process. The application needs to be assessed on its merits and the economic, social and environmental benefits and dis-benefits weighed against one another (paragraph 14 of the NPPF).

7.25 There are no policies within the Adopted Derbyshire Dales Local Plan which deal with the scenario of affordable housing and strategic housing land releases outside of defined settlement framework boundaries. Within the withdrawn draft local plan a policy was included based on housing needs information at that time, and required a 33% contribution for applications involving 3-24 dwellings or on sites of 0.1ha or more. The applicant proposes to deliver 3 affordable units on the site, which would equate to a 37.5% provision. Subject to those units being taken on and managed by a registered social landlord this would address the policy requirement, based on the most up to date housing needs information.

7.26 The application proposes a new village shop. It is noted from the representations received from that a number of shops have opened and closed in the village over the last 20 years, due to lack of support and that such a facility is unviable economically within a small village such as Brassington. Although these doubts about the future viability of such a facility are legitimate, the application has to be considered on face value and the applicants willingness to provide such a facility has the potential to be a significant benefit to the local community.

**Housing Mix**

7.27 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 ……”

7.28 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%”. 58
7.29 It is important this guidance starts to inform the housing mix delivered on housing sites. However, in this case the application is outline only with all matters relating to the layout and type of properties reserved for future consideration, therefore the detail of the mix of housing is not a matter for consideration at this stage.

Planning Balance / Conclusion

7.30 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.

7.31 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.

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

7.33 As previously discussed the District Council is unable to demonstrate a 5 year supply of housing land in addition to a buffer of 20% as required by the NPPF. The development of this site will make a contribution to meeting the housing needs of the district, which lends substantial weight to supporting the scheme.

7.34 The social dimension includes the provision of a new shop, a significant community benefit and would be limited to the delivery of a relatively small number of new homes, including 3 no. affordable units to help underpin other services and facilities within the village and help meet the District Councils housing needs.

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 to 8 dwellings and a shop arranged around a centrally positioned service road on the site would represent a marked intrusion into the landscape, harmful to the character and appearance of the local landscape and setting of Brassington Conservation. This harm to the landscape / setting of Brassington Conservation weighs heavily against the development.

7.37 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 local landscape and Brassington Conservation Area 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 Planning permission be refused for the following reason:

1. Residential development of up to 8 dwellings and a village shop on the site, accessed off a centrally positioned service road would be out of context with this part of the village and would represent prominent encroachment into the countryside, harmful to the character and appearance of the local landscape and the historical setting of Brassington Conservation Area. This harm to the local landscape and setting of Brassington Conservation Area would significantly and demonstrably outweigh the benefits of the proposal in this case, contrary to Policies SF5, H9, NBE8 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

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:

   1:1250 Scale Site Location Plan;
   1:200 Scale Proposed Site Plan numbered 1403-01;
   Planning Statement by Ken Wainman Associates Ltd, and;
   Archaeological Heritage Assessment by Archaeological Building Recording Services Ltd received by the District Council on the 8th and 9th February 2016.
## APPLICATION NUMBER
16/00041/OUT

## SITE ADDRESS:
LAND OFF OLD ROAD, DARLEY DALE

## DESCRIPTION OF DEVELOPMENT
RESIDENTIAL DEVELOPMENT OF UP TO 60 DWELLINGS (OUTLINE)

## CASE OFFICER
H. Frith

## APPLICANT
WILDGOOSE HOMES

## PARISH/TOWN
Darley Dale

## AGENT
Planning Design Practice Ltd

## WARD MEMBER(S)
Cllr A Statham  
Cllr J Atkin  
Cllr M Salt

## DETERMINATION TARGET
25th April 2016

## REASON FOR DETERMINATION BY COMMITTEE
Major application

## REASON FOR SITE VISIT (IF APPLICABLE)
At request of Officer to allow Member’s to fully appreciate the site and context.

## MATERIAL PLANNING ISSUES
- Policy Context
- Landscape Impact
- Impact on Heritage Assets
- Residential Amenity
- 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
Refusal
16/00041/OUT

Land off Old Road, Darley Dale, Matlock

Derbyshire Dales DC

Date: 22/03/2016

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is an open green field which is bordered by stone walling to the north, east and south and with planting to the west. The site is relatively level with Dale Road South to the north of the site and Old Road running to the southwest of the site with a few dwellings located on the other side of Old Road to the south with open countryside beyond this. A traditional building houses a children’s day nursery to the southeast. To the northwest are buildings associated with DFS and the Warney Brook which runs through a shallow valley running northeast/southwest at this point. Beyond Dale Road South to the northeast of the site are open fields.

2. **DETAILS OF THE APPLICATION**

2.1 Outline planning permission is sought with all matters reserved for up to 60 dwellings on the site. The indicative plan shows access from Old Road only.

2.2 To support the application a number of reports have been submitted which are briefly summarised as follows:-

2.3 Landscape and Visual Impact Assessment:
- The proposal would reduce the agricultural ‘gap’ alongside the A6 by 135m.
- Retain existing and add new planting.
- There are a mix of uses in the wider landscape.
- The development would have a moderate / major adverse effect initially – new landscaping will enhance biodiversity.
- Longer term minor adverse effect on landscape character.
- The zone of visibility is limited and contained by local topography.
- The significance of the visual effect is negligible.
- The proposed development would not be discernible from the Peak Park.
• The significance of cumulative landscape effect from the development is negligible to minor adverse ((d) of NBE9).
• Due to the scale of the development it will have limited impact upon the separate identifies of Darley Dale and Matlock.
• The development can be successfully accommodated into the surrounding landscape.

2.4 Design and Access Statement:
• Scheme will include a variety of housing including bungalows, flats and two, three, four bed houses.
• Scheme will include affordable, starter and specialist mobility housing.
• The proposal will provide high quality homes in a sustainable location.
• The LVIA concludes that the development can take place with minimal harm to the landscape.
• Benefits include: Sustainable, high quality with building for life criteria, links to A6 and Old Road, mix of homes to support balanced community, integration of village green and sustainable urban drainage infrastructure, designed by award winning architects setting a standard for development in the Derbyshire Dales.

2.5 Planning Statement:
• Darley Dale and Matlock are the largest and fourth largest settlements within the Local Plan area. The land around them is a natural focus for development.
• In terms of Policy NBE9, the geographic extent to which it applies is out-of-date. The aims of Policy NBE9 will not be significantly harmed by the proposal.
• Impact must be weighed against the need for more housing.

2.6 Historic Environment Desk Based Assessment:
• Not identified any known significant archaeological remains.
• There is some potential for buried archaeological remains.
• Recommended that consultation taken place with Development Control Archaeologist in order that any mitigation can be agreed upon.

2.7 Transport Statement:
• The development would generate 41 two-way vehicular movements during the morning peak hour and 44 two-way vehicular movements during the evening peak hours, with an overall increase of 333 daily two-way movements.
• Development would not have a significant impact on the surrounding highway network.
• Increases on Old Road should have no severe impact in terms of capacity.
• A cluster of 4 accidents at A6 / Chesterfield Road / Station Road. The traffic increases should not increase the risk of collisions.
• The proposal complies with paragraph 32 of the National Planning Policy Framework.

2.8 Extended Phase 1 Habitat Survey:
Recommendations:
• To enhance biodiversity of the site bat roosting potential could be incorporated into the development or on trees.
• New lighting should be angled down away from site boundaries to avoid disturbing commuting and foraging bats.
• Any vegetation clearing should take place outside the bird breeding season.

2.9 Flood Risk Assessment and Drainage Strategy:
The site lies in flood zone 1, at low risk of flooding. The drainage strategy requires the surface water run-off from the impermeable areas of the site to be restricted to the equivalent greenfield run-off. Appropriate sustainable drainage systems in the form of
attenuation or infiltration will be used to achieve this. This will ensure that there is no increase in flood risk elsewhere and will provide an overall reduction in flood risk due to the reduction in surface water run-off.

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
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
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 & Infrastructure
L6: Outdoor Playing And Play Space In New Housing Developments

3.2 Other:

• National Planning Policy Framework (NPPF 2012)
• National Planning Practice Guidance
• Emerging Draft Derbyshire Dales Local Plan Policy
  o POLICY PD11: Matlock to Darley Dale A6 Corridor
    In order to safeguard the intrinsic character and quality of the open spaces through the Derwent Valley between Matlock and Darley Dale, and to prevent the further coalescence of the settlements of Matlock and Darley Dale, the District Council will resist development proposals which threaten the open spaces identified on the Proposals Map unless:
    the development is required for the purposes of agriculture, forestry or outdoor recreation; or
    the development does not have an adverse impact upon the character of the area including views into and out from the Derwent Valley.

• DDDDC Landscape Character and Design Supplementary Planning Document (July 2007)
• Derbyshire Dales District Council Landscape Sensitivity Study (August 2015) by Wardell Armstrong
• The Housing and Economic Development Needs Assessment (September 2015) by G L Hearn
4. RELEVANT PLANNING HISTORY

None

5. CONSULTATION RESPONSES

5.1 Town Council –

• Contravenes local planning policy and emerging new local plan and Darley Dale neighbourhood plan, in particular the contribution of urban sprawl and loss of “green spaces” separating Matlock and Darley Dale

• The emerging Local Plan states the importance of maintaining a strategic gap between Matlock and Darley Dale which would not happen if the application were granted as the green area adjacent is due for development within the newly identified development sites

• Loss of outlook on Derwent Valley

• Highways issues, traffic generation and highway safety

5.2 Local Highway Authority –

Access is intended to be created via a simple priority junction on Old Road. It is recommended that a visibility splay of 2.4m x 98m which is achievable over the controlled frontage land is provided. It is unlikely that the capacity of Old Road will be an issue neither is it considered that the Old Road/Dale Road South junction will have capacity issues.

Given that the development would lead to increased pedestrian numbers consideration of a pedestrian crossing facility on the A6 is required for which a developer contribution would be required.

As outline application have not commented on the detailed layout. The development should comply with the 6C’s Design Guide. Potential issues with on street parking problems need to be designed out in the Reserved Matters stage. Parking should be provided on the basis of 2no. or 3no. spaces per 2/3 or 4/4+ bedroom dwelling respectively. Each off street space should be 2.4m x 5.5m minimum. On street spaces should be minimum of 2m x 6m and conditions are recommended.

5.3 Land Drainage Authority –

The applicant has not submitted a robust drainage strategy. The applicant has not undertaken appropriate ground investigation to support and inform the application.

No information has been submitted to illustrate the exceedance flood flow paths in excess of the 1 in 100 year rainfall event.

The flood risk assessment has acknowledged the need to apply an uplift to the surface water runoff rates to accommodate Climate change projections, no indicative figures that been provided, the FRA provides no evidence that the treatment stages for surface water have been considered to improve the quality of surface water prior to disposal off suite.

To ensure adherence to DEFRA’s non- statutory technical standards for sustainable drainage systems, conditions are recommended along with advisory notes.

5.4 DCC Planning Policy -

– There is capacity to accommodate the additional waste.

– The proposed development falls within the normal area of Darley Churchtown CE primary school and would generate a need for an additional 12 places. This
additional need cannot be accommodated within the existing school, therefore a contribution is required to fund Project A: creation of external learning/play area to extend reception classroom facilities. This additional space to allow external learning is necessary as class numbers increase as a result of additional pupils from the proposed development.

- The proposed development falls within the normal area for Highfields School and would generate a need for an additional 9 secondary and 4 post 16 places. Taking into account recent approved planning applications this need can be fulfilled by the existing capacity.

Advice to be provided:
- Require access to high speed broadband services
- Design to lifetime homes standards
- Recommend domestic sprinkler systems, consult Derbyshire Fire and Rescue.

5.5 DCC Minerals –
The proposal will not adversely impact the minerals safeguarding interest.

5.6 Natural England –
Does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not which to make specific comment on the details of this consultation.

- Landscape – No comment, advise consultation with the Peak District National Park Authority.
- Protected species – refer to standing advice.
- Local wildlife sites – if the site is near a local wildlife site the LPA should ensure it has sufficient information to determine the impacts.
- Biodiversity enhancements – there may be opportunities for biodiversity enhancements such as bat roosting or bird nest boxes.
- Landscape enhancements – consider green space provision and access to contact with nature.

5.7 Derbyshire Wildlife Trust –
The relevance of great crested newt records has not been discussed that are within 500m of the site. Unlikely to be any significant effect in this regard. No evidence of protected species recorded in the site survey. Foraging bats and nesting birds may use the site. It is recommended that trees and hedgerows are retained and enhanced with new native planting. The proposed development will not have a significant ecological impact. Conditions are recommended.

5.8 Peak and Northern Footpaths –
No objection provided that the full width of footpath 20 Darley Dale which abuts the north western boundary remains open and unobstructed at all times during the development and following completion. The submitted information notes the site would be permeable, trust this means that there would be links to and from the footpath into the site. The hedgerow which protects the path from the site should be protected and enhanced where necessary.

5.9 Derbyshire Dales Group of Ramblers –
No objection provided the footpath is not closed or obstructed.

5.10 Environmental Health Officer –
No objections
5.11 Development Control Archaeologist –

The proposal area is adjacent to a site on the Derbyshire Historic Environment Record (HER 9833), a water-powered corn mill site that was in existence by the early 19th century and the current mill building dating from around 1860. This building has now been converted into a furniture warehouse and the site is also thought to contain evidence for water management associated with the 19th century mill, the head race being partly visible as an earthwork.

The applicant’s heritage impact assessment suggests that the water management and other activity associated with the 19th century mill did not extend into the current proposal site, although the line of the head race is immediately adjacent to the site’s north-western boundary. The current proposals will therefore not impact on remains of the 19th century mill site.

The heritage impact assessment also identifies potential for prehistoric or Romano-British activity within the site. This is based upon the site’s location close to the River Derwent on the edge of the river terrace deposits immediately above the floodplain, and this type of location has a strong positive correlation with prehistoric and Romano-British activity in the Trent river system and further afield.

Recommend a conditioned scheme of archaeological recording secured by planning conditions in line with NPPF para 141.

5.12 Crime Prevention Design Advisor –

Having reviewed the above application I note that there was no information to demonstrate what crime prevention measures are to be included into the design. This fails to meet the requirements of the NPPF and also the authorities own saved planning policy NBE 27. I would therefore recommend that this information is supplied so further comments can be made if necessary.

In relation to the indicative layout the only matter that I wish to raise at this time are two areas of parking which are positioned on the end of a row of dwellings. It appears that this is an afterthought and it is difficult to identify who this parking would be for or how it would be controlled once residents have moved in. Parking provision is far better positioned where residents can see their vehicles in the curtilage of individual plots rather than just pushed into an area of spare land.

5.13 NHS England –

The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources.

It is unlikely that the Area Team would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. We would wish to explore further in conjunction with the CCG and other stakeholders including what options are available and ensure value for money for all parties.

The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors we must work to support them to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises or a new premise. Until all the options have been explored we are unable to give a definitive answer where the
contribution will be spent however we will ensure that the solution provides the best value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with section 106 contributions.

5.14 Landscape Officer –
There are serious concerns with the proposals:

The LVIA fails to sufficiently recognise the significance of the site as part of the Warney Brook corridor, its role in helping to prevent coalescence of development (not only along the A6 but across the lower slopes of the valley side between Darley Dale and Matlock) and its place within the wider mosaic of urban/ rural land use that characterises the landscape here. Piecemeal development of smaller sites such as this (particularly those which are physically separated from similar development) will erode the character of the wider environment resulting in significant adverse impact on the landscape. This is keenly illustrated in the view from Oddford Lane where the site, in its surroundings, is uncluttered by existing development and appearing (to all intents and purposes) as part of the open countryside.

Contrary to the conclusion of the LVIA the site is most prominent within the view particularly of those who are highly sensitive to it. The A6, here, is very much a local road as well as a major highway. It is used most frequently by local residents going about their daily business (Old Road similarly). The site is an integral part of the fabric of their local environment and its development will have a significant adverse impact on their visual amenity including the interruption of visual connectivity currently enjoyed along the Warney Brook between the high moorland and the Peak District National Park. The assessment also fails to consider the view from Oddford Lane which will be significantly adversely affected or the longer view from Holt Road where the effect of the intrusion of development within the wider environment can be appreciated.

The proposals are contrary to policy NBE9 and emerging policy PD11 and the sentiment behind them. The Council has long sought to prevent the actual coalescence of communities by protecting the open spaces that remain, recognising that it is not the retention of any one open space (many of which are under intense pressure for development) that will achieve this but the sum (or greater part) of the accumulated open space protected. The site is very important in this regard.

The Council’s Landscape Sensitivity Study, undertaken independently by consultants Wardell Armstrong, assesses the site as being highly sensitive to housing development.

6. REPRESENTATIONS RECEIVED

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

- The site is designated as important open space
- Loss of attractive open space
- It is not related to an existing settlement
- It will have a significant adverse impact upon the landscape character of the area and be unwarranted intrusion into the countryside
- Spoil visual amenity and long distance views
- The development will join up settlements on the west side of the A6
- Opportunistic attempt to subvert the local plan process
6.2 A response received from the Matlock Civic Association -

- Prematurity: No longer a pressing need to allocate new sites in advance of the new local plan.

- Greenfield sites: This is greenfield land. There are a number of brownfield sites in the area that have been allocated for housing but which remain undeveloped. Brownfield sites are more expensive to develop and greenfield development will always be chosen first over the sites that are more expensive to develop.

- Landscape impact and conflict with policy NBE9: The locality has a semi-rural character of fields with occasional larger houses and forms a contrast with the more built up sections along the A6. It is important to protect the open spaces in the Darley Dale- Matlock corridor.

7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

- Policy Context
- Landscape Impact
- Impact on Heritage Assets
- Residential Amenity
- 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

Policy Context

7.2 The Local Planning Authority is required to determine planning applications in accordance with the development plan unless there are material circumstances which 'indicate otherwise'. In this case the Adopted Derbyshire Dales Local Plan contains policies which are relevant to the determination of this application but need to be assessed for their continued applicability having regard to both the housing supply situation and their consistency with the policy guidance in the NPPF. Of particular interest in this regard are policies SF4, H4, NBE8 and NBE9. These policies are important because the site is outside of a defined settlement (policies SF4 and H4) and within an area of protected open space where the aim has been to protect the landscape character and appearance and prevent settlement coalescence (policy NBE8 in terms of landscape character and policy NBE9 in terms of the being part of a wider area of protected open space).

7.3 The Local Planning Authority cannot currently demonstrate a 5 year housing land supply. In view of this in accordance with paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development (Paragraph 14). In the absence of a 5 year housing land supply paragraph 49 is clear that the relevant housing policies should not be considered up-to-date. This has been backed
up in recent appeal decisions that have noted policies SF4 and H4 in relation to housing development and consider that they can no longer be applied as these seek to restrict housing to areas within settlement. With an objectively assessed housing need of 6500 it has been accepted that development outside of settlements is inevitable to meet the housing need, therefore policies SF4 and H4 should not be given weight in the decision making process.

7.3 Policies NBE9 and NBE8 of the Adopted Derbyshire Dales Local Plan are relevant to the proposed development. These are not housing policies and have to be assessed against the NPPF to determine the weight that can be applied.

7.4 Policy NBE9 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 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.

7.5 Policy NBE8 requires that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

7.6 It is clear that Policies NBE8 and NBE9 are policies of restraint and such negative wording is not consistent with the positive stance of the NPPF, therefore these policies have only limited weight in the decision making process. Notwithstanding this these policies should still be considered as they require assessment of the impact of development upon landscape character and appearance which is an important factor to be considered despite there being a lack of housing supply. This approach was adopted in a recent appeal decision (Park Lane) where the Inspector stated that:

“Policy NBE8 of the Local Plan is concerned with Landscape Character and provides that permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the local landscape. In two recent appeal decisions in Derbyshire Dales inspectors have concluded that the tightly restrictive approach of Policy NBE8 could no longer be regarded as consistent with the Framework. The Council accordingly accepts that the effect that the development will have on character and appearance and indeed on the setting of the settlement of Two Dales must primarily be judged against the Framework’s Core Principles and its wider objectives. While Policy NBE8 relates to the supply of housing, it addresses matters which self-evidently remain important considerations in the determination of applications, having regard to the policies in the Framework as a whole. Although the Framework requires a balanced approach to such matters, it does not suggest that they are not important. While Policy NBE8 is framed in unduly restrictive terms and does not reflect the balanced approach, the concern with protecting the character and appearance of the countryside and landscape is supported by paragraphs 17 and 109 of the Framework.”

7.7 As stated in the Adopted Derbyshire Dales Local Plan, 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 between these two settlements. 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.

7.8 The council recently resolved to progress with a draft emerging local plan with a commitment to continuing to protect this corridor to avoid coalescence of settlement and harm to landscape character. Whilst of no weight as yet Policy PD11 of the Emerging local Plan gives a clear direction of travel and seeks to continue this long held aim of protecting landscape character and the character and appearance of settlements in this locality.

7.9 Whilst it is acknowledged that policies NBE8 and NBE9 are of limited weight they have consistency with some of the aims of the framework. In this respect paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their consistency with the framework.

7.10 The policies are in part consistent with the aims of paragraph 17 of the NPPF which notes the core principles of the NPPF, within this it is stated 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.

7.11 The aim of protecting the landscape is also consistent with Paragraph 109 which states in part that; the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

7.12 Also of note in helping authorities and Inspectors to assess the weight to be given in protecting the landscape in planning decisions 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 and supporting the thriving communities within it.

7.13 In summary policies NBE8 and NBE9 remain of some relevance and have to be apportioned weight in the decision making process. However given their limited weight it is logical to feed their requirements into the assessment of development to be carried out under paragraph 14 of the NPPF.

7.14 Paragraph 14 of the NPPF in explaining how the presumption in favour of sustainable development should be approached states in relation to decisions this means:

Where the development plan is absent, silent or out of date, granting planning permission unless:

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

The site is in a generally sustainable location and therefore 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. This report will consider the individual impacts and conclude with a balance of the issues.

**Landscape impact**

7.15 A major consideration in the assessment of this application is the impact of the development upon the landscape character of the area and coalescence of settlement. As noted above over time 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 between these two settlements. 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. The LPA has therefore over many years sought to protect the landscape character and appearance of this area and to prevent coalescence of settlement.

7.16 This protection of landscape character continues to be of importance to the council and the council recently resolved to progress with a draft local plan which protects this corridor to avoid coalescence of settlement and harm to landscape character. The evidence base of the emerging local plan reiterated the high sensitivity of the landscape in this area in the Derbyshire Dales District Council Landscape Sensitivity Study (August 2015) by Wardell Armstrong which noted that:

“The Warney Brook contains the settlement to the south east with the settlement framework boundary… In more recent times the District Council has sought to restrict ribbon development and the amalgamation of communities by protecting existing undeveloped land along the A6…land to the east and south east … there are potential coalescence issues with two dales and upper hackney… the area is of high sensitivity.”

7.17 The wider landscape of the area between Matlock and Darley Dale is characterised by the broad valley of the River Derwent in the south west (with the Peak District National Park beyond) and high moorland in the north east. The River Derwent flood plain and the highest ground remain sparsely developed. On the lower valley slopes development is mixed being typified by clusters of residential development (such as at Upper Hackney, Greenaway Lane and Darley Lodge), some ribbon development along the A6 and minor roads that traverse the slope, dispersed sites of industrial, commercial and office enterprise and service developments. Amongst all this, large areas of agricultural and other rural land use such as woodland and horticultural businesses are threaded and intertwined.

7.18 A particular feature of this landscape is the Warney Brook which cuts through the valley side from the high ground before making its way to the river in the south west. Though industrial development has grown up along its side - particularly at Two Dales and at Warney Mill (now part of DFS) – the course of the brook remains largely open with lines of trees along its banks and agricultural fields to either side. The valley of the brook is most important in providing a break between the core community at Darley Dale and the more fragmented area of development between here and Matlock. The site is located within this break.

7.19 Where it is, the site retains strong visual connectivity with largely undeveloped land within the Warney Brook valley, particularly adjacent agricultural land, and the sparsely developed slopes and high moorland to the north east. Though mature trees largely contain the site on its southern boundary there remain filtered views between these and existing buildings towards the Peak District across the Derwent Valley.
7.20 Views into the site include: those that are most immediate, from the A6, Old Road and a public footpath that runs along the north western boundary; medium distance views from Oddford Lane in the north east from where enclosing vegetation excludes virtually all existing development from direct views into the site and long distance views from Holt Road in the east and other public footpaths that traverse the slope on this side. Trees close to the southern boundary on Old Road do substantially screen the site in medium and long distance views from this direction.

7.21 The Council’s Landscape Sensitivity Study (Wardell Armstrong August 2015) assesses the site, and its wider surroundings, as having a high sensitivity to housing development.

7.22 The application site as described above forms an important component of a wider field pattern which defines the rural edge of Darley Dale along with the line of the low lying Warney Brook in conjunction with the more sporadic development beyond this east and southeast towards Matlock, south towards South Darley and northeast towards Darley Hillside. The development of this site will lead to the loss of openness and will harm the prevailing character and appearance of the landscape in addition to an adverse impact on settlement pattern leading to risk of settlement amalgamation. The harm caused by the loss of this open field, part of a significant green break in the settlement pattern, in this highly sensitive landscape with a large number of public vantage points and receptors would be a significant adverse impact and would have an irrevocable harmful impact upon the character and appearance of the landscape in this area. Such harm is contrary to the aims of policies NBE8 and NBE9 of the Adopted Local Plan and guidance contained within the NPPF.

**Impact on Heritage Assets**

7.23 There are no designated heritage assets within or close to this site. In terms of non-designated heritage assets, there are two in this case, the presence of the former mill building to the west of the site and the potential for below ground archaeology. It is not considered that the development of the site would have any adverse impact upon the appreciation of the former mill building and there is limited potential for below ground archaeology associated with this. There is however potential for archaeology in association with prehistoric settlements given the location of the site. In view of the archaeological potential conditions would be imposed on any permission to ensure appropriate recording takes place. The proposal is considered to be acceptable in terms of the impacts upon non-designated heritage assets.

**Residential Amenity**

7.24 There are dwelling located to the south of the site which would be affected by the proposed development due to the associated activity and traffic movements which would come with the creation of 60 dwellings on the site. However it is considered that given the separation between the sites the proposal would not have any adverse impact upon amenity that would warrant significant concerns or refusal of the planning permission.

**Provision of Affordable Housing**

7.25 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.

7.26 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. Darley Dale is considered a generally 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 emerging local plan underpinned with research on need and viability has a draft policy which seeks at least 30% provision on a scheme of this scale, with an 80/20 split in favour of social rented units.

7.27 The applicant’s agent has provided limited information on the proposed affordable housing provision for this site. In the absence of an unambiguous commitment to meet the council’s requirements for affordable housing on site it is considered that the applicants have failed to adequately address this key corporate objective of the council.

Highway/ Pedestrian Safety

7.28 Based on the submitted information the Highway Authority have confirmed that they are satisfied with the proposal in principle as the existing road network can accommodate the increased number of vehicles and access into the site can be formed with adequate visibility. However, the Highway Authority would want to see a new crossing provided on the A6, for which a developer contribution would be required. Subject to this contribution and detailed conditions, the proposal is considered to be acceptable in terms of highway safety.

Provision for Children’s Play

7.29 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

7.30 The Strategic Policy Team at DCC have advised that none of the primary pupils generated by this development could be accommodated within the normal area primary school and therefore a contribution would be required for Darley Churchtown CE Primary School Project A: Creation of external learning/play area to extend classroom facilities. There is a surplus of places at Highfields secondary school and therefore no contributions would be required in this respect.

7.31 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. No response has been received from the Derbyshire Clinical Commissioning Groups and therefore it is assumed no scheme of development directly related to this proposal has been prepared in regard to GP practices. Although the NHS has replied and requested a sum per dwelling, which might be appropriate had the council introduced a community infrastructure levy, this cannot be required unless it is to serve a capital project as a direct result of the proposed development. As there is no capital project, this developer contribution cannot be reasonably requested.
Impact on Ecology

7.32 Based on the survey information and the comments of Derbyshire Wildlife Trust it is considered that there would be no significant impacts on ecology as a result of the development. Although this proposal would result in the loss of a green field, retention of existing planting and enhancement with new native planting with bat roosting and bird nesting opportunities would overall likely lead to biodiversity gain across the site. In this respect there are no further issues from an ecological perspective.

Drainage

7.33 Whilst limited information has been provided regarding the intentions for dealing with on-site drainage and the associated ground investigations that go with this, the County Council flood team has considered this matter and recommends that the site drainage can be adequately addressed through planning conditions.

Prematurity

7.34 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’.

7.35 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’.

7.36 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

7.37 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 …..”
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%”.

7.38 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 has been designed with the demographics of the area in mind with a high demand for bungalows and 2-3 bedroom dwellings. However, the indicative plan shows a high level of 4 bedroom properties and no 1 bedroom properties and therefore does not comply with the required mix of housing outlined above, in this respect the proposed housing mix is not considered to be acceptable. As the application is in Outline only this matter could be addressed under the reserved matters should all other matters be considered acceptable.

The Planning Balance /Conclusion

7.39 The Council remains unable to demonstrate a 5 year housing land supply. Therefore 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. Policy NBE9 is 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 exercise identified in paragraph 14 of the NPPF is appropriate to reach a balanced judgement on the overall sustainability of this application.

7.40 Policy NBE9 seeks to protect the important open spaces along the A6. This proposal is in clear contravention of this policy. Although it can only be afforded limited weight, 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. Policy NBE8 requires development that protects or enhances the character, appearance and local distinctiveness of the landscape, again this is broadly consistent with the core principles of the NPPF.

7.41 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. 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 in the overall balance.

7.42 The social dimension of sustainability would be served by the provision of an open space available to the development and other residents. 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. Residents of the development would have ready access to the facilities that exist in Darley Dale. Whilst the proposal can deliver affordable housing to meet community needs, in the absence of an unambiguous commitment to provide affordable housing in line with the council’s requirements this cannot be given any significant positive weight in the balancing exercise.

7.43 The economic dimension would be served by employment generated during construction and by a benefit to businesses within the area from additional resident spend.
7.44 In environmental terms the development of this site, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern and risk of settlement amalgamation. The proposal will therefore have significant 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.

7.45 Flora and fauna around the site will not be adversely affected through the development, however with appropriate mitigation, replanting and biodiversity management it is considered that in the long term there will be biodiversity enhancements.

7.46 In highway terms it is considered that the development can be well served by access onto Old Road with benefits of a pedestrian crossing and links to footpaths in a location that is in reasonable proximity to the services and facilities of Darley Dale and has ready access through public transport to the facilities in Matlock.

7.47 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. Although there are substantial benefits to be delivered not least to the housing supply many of these are simply associated with the quantum of development and not to location. 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 landscape character and appearance of the area is sufficiently substantial 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 reasons.

1. The application site forms part of a wider field pattern which defines the rural edge of Darley Dale along with the line of the Warney Brook, the development of this site will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern 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.

2. The application as submitted fails to provide a clear commitment to delivering an appropriate amount and mix of affordable housing on this site to contribute to meeting the housing needs of the district. As such the proposal is contrary to the core principles and paragraph 50 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 25.01.16
Planning statement dated January 2016
Flood risk assessment and drainage strategy dated January 2016
Extended phase 1 Habitat Survey dated September 2015
Transport Statement dated Revised January 2016
Location plan received 25.01.16
Landscape and visual impact assessment dated January 2016
Topographical survey received 25.01.16
Historic environment desk based assessment received 25.01.16
<table>
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00038/FUL</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>277 Starkholmes Road Starkholmes Matlock Derbyshire DE4 5JE</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Extension and Alteration</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>A Ecclestone</td>
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<td><strong>APPLICANT</strong></td>
<td>Mr Marshall and Mrs Pedley</td>
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<td><strong>PARISH/TOWN</strong></td>
<td>Matlock</td>
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<td><strong>AGENT</strong></td>
<td>Seb Design</td>
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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Councillor Flitter Councillor Mrs Stevens Councillor Botham</td>
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<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>16th March 2016</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Member request for Committee referral</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>At request of Ward Member to appreciate the impact of development on neighbouring properties</td>
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**MATERIAL PLANNING ISSUES**
- General layout and design
- Impact on residential amenity

**RECOMMENDATION**
Approval
16/00038/FUL

277 Starkholmes Road, Starkholmes, Matlock

Derbyshire Dales DC

Date: 22/03/2016

100019785
1. **THE SITE AND SURROUNDINGS:**

1.1. The application property is a detached bungalow, situated at the southern end of Starkholmes Road, just to the south of its junction with White Tor Road. It is set back and up from the road and has a shared drive. It is also well screened from the road by boundary planting and its elevated position.

2. **THE APPLICATION:**

2.1. The proposal is to add a first-floor to this property which will change it from a bungalow to a contemporary house. It will also have a balcony and an integral garage, offset to the side.

2.2. The agent has submitted further information in response to the objections that have been received, which can be summarised as follows:

- Confused by the time-scales mentioned in the objections.
- The proposal is to introduce new windows in the front and rear elevations only. The property is sited more than 30m away and the extension will slope away from the objector at the same pitch as the existing roof. It will have a negligible impact on the objector in terms of overshadowing / loss of light. It will have no material adverse impact on privacy or amenity of the objectors.
- If overlooking and privacy had been important to the objector, then maybe they should not have felled the three large mature boundary trees as part of their landscaping works.
The applicant is a longstanding resident of Starkholmes Road and respects the character of the environment.
There is no right to a view and no right to light case here.
The foundations are not a Planning matter – they will be dealt with by Building Regulations.
The previous planning application (04/01/0021) was approved under Delegated Powers. The current proposal is not dissimilar. It is surprising therefore that the current application has been requested to go to Planning Committee. The previous scheme was “unlikely to have any materially adverse impact on the privacy and amenities of neighbours.” Furthermore, it was “considered that the proposals would be likely to enhance the appearance of the dwelling by removing the existing lengthy flat roof, giving the building more a substantial look, in keeping with its size.”
The current application is very similar to the previous approval. The current proposal has the least impact on neighbouring properties. However, we have no control over the landscaping choices made by adjacent properties and these should not compromise the applicant’s ability to extend their property.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan (2005):

SF5 Design and Appearance of Development
H2 Extensions to Dwellings

3.2. Other:

National Planning Policy Framework (NPPF)
Chapter 7 Requiring Good Design

4. RELEVANT PLANNING HISTORY:
04/01/0021 Two-storey extension - Granted

5. CONSULTATION RESPONSES:

5.1. Town Council:
Object:
- Potential to cause loss of privacy and loss of light to 275 Starkholmes Road;
- Scale unclear from the non-dimensional drawings;
- Both 275 and 277 are believed to be sited on shale. This feature of the area has caused structural problems to one house and one garden to the north because of drainage paths.

6. REPRESENTATIONS:

6.1. An objection has been received from the next-door neighbour which can be summarised as follows:
- Strongly object. We bought our house only ten months ago because it was not overlooked. Due to the elevated position of the application property, any extensions will appear extremely imposing and will compromise any current levels of privacy. We have French doors which will be in direct line of the extension. What provision is there for privacy screens or landscaping?
- Our house has an unusual layout of a roof-terrace with access to the garden from the upstairs French doors. It currently benefits from direct sunlight, but the proposed extension will block this.
- We have had significant landscaping work done to our garden, at considerable expense, which included cutting down several trees to allow more sunlight into the garden. Plants and raised planting beds have been placed in the sunny area. All this
will have been wasted as shade will have a severe, negative effect.

- Prior to buying our house, we searched online to make sure that there were no detrimental planning applications. Why was the 2003 application not on the planning portal at this time?
- There is an area of unmaintained woodland which belongs to the applicant. If the extension is allowed, could the trees at least be lowered and the area tidied up to provide us with a better outlook?
- What provision is being made to support the extended dwelling in terms of drainage when the original footings are only sufficient for a single-storey dwelling?
- Whilst we understand someone wishing to extend their property, we are surprised that the option chosen has such a negative impact on us. Other options are available which would not affect us.
- Do not feel that the Site Plan accurately represents the close proximity and elevated position of the application property in relation to ours.
- The extension will cause an overbearing / overshadowing effect on us. The property is already looking down onto us and any proposed height extension will become overbearing.
- Request that the plans show the dimensions.

7. OFFICER APPRAISAL:

**General layout and design**

7.1. The proposed extension will have the effect of raising the roof-height by forming an upwards continuation of the existing roof-slope. The overall footprint of the property will remain largely unchanged – the main difference being replacing the current conservatory with a more substantial extension (same dimensions) and a small rear extension. The new first-floor section will have a contemporary, slightly forward leaning roof with a balcony.

7.2. Whilst the proposed extensions and alterations will change the character and appearance of the property, changing it from a bungalow to a house, the proposal is not considered to have an adverse impact on the appearance of the property or on the surrounding area. The property is well screened from the immediate streetscene due to planting and its elevated position. The proposal is not considered to result in any further overlooking / loss of privacy than currently exists.

**Impact on residential amenity**

7.3. The proposed first-floor extension will have the effect of moving the apex of the roof further to the side (south). This is not considered to have an adverse impact on the application property or on the neighbour to the side (south). If anything, it is the application property which is being overlooked by the neighbouring house to the south. However, no objection has been received from this neighbour.

7.4. The objections from the Town Council and the neighbour to the north have been taken into consideration whilst processing this application. However, they are not considered to provide sufficient grounds for refusal in this case. It was the objectors themselves who opened up the previously enclosed boundary between the two properties. Prior to this, it was enclosed by mature trees and boundary planting. Their removal of the boundary screening should not negate the applicants from being able to extend their own house in an appropriate manner, subject to the usual planning considerations.

7.5. The proposed extension design is considered to have had appropriate regard to neighbours amenity, the roof-slope is raised away from the objector and no windows are proposed which would directly overlook the objector. So although the extension will be visible from the neighbouring property, it will not have a materially different impact in terms
of overshadowing / overlooking. The properties are over 20m away from each-other. Whilst the proposed extension will have some impact on the neighbour, it is not considered to be to such a degree that it should be refused.

7.6. Constructional and drainage issues are a matter for Building Regulations approval and are not considered to adversely affect the application.

Conclusion and Planning Balance

The extension will substantially alter the property. In terms of design the proposal raises no great concern as the area has a mix of traditional and contemporary dwellings. In terms of impact on amenity, although the extension will be apparent to the neighbours, the impacts on their amenity from overlooking or overshadowing are not substantial. On balance the scheme is recommended for approval.

8. OFFICER RECOMMENDATION:
8.1. Planning Permission be granted conditionally.

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

1. Reason ST02a.

9. NOTES TO APPLICANT:

9.1 This Decision Notice relates to the following documents:
Drawings numbered 1, 2 and 1215 / 1238 - 1, received by the Council on 20th January 2016.

9.2 Prior to the submission of the application, the Local Planning Authority engaged in a positive and proactive dialogue with the applicant, which resulted in the submission of a scheme that took into consideration its context within the surrounding area.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00018/FUL</th>
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</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>52 Cavendish Road, Matlock</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of detached dependent relative unit</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H. Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr and Mrs Buttle</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Matlock</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr F Gratton</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr S Burfoot</td>
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<td></td>
<td>Cllr M Burfoot</td>
</tr>
<tr>
<td></td>
<td>Cllr A Elliott</td>
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<td>DETERMINATION TARGET</td>
<td>08.03.16</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>As requested by Ward Member</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At request of Ward Member to appreciate the visual impact of the scheme and the impact upon neighbouring residents</td>
</tr>
<tr>
<td>MATERIAL PLANNING ISSUES</td>
<td></td>
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<tr>
<td>• Principle of the development</td>
<td></td>
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<tr>
<td>• Layout and design</td>
<td></td>
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<tr>
<td>• Impact on residential amenity</td>
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<tr>
<td>• Highway safety</td>
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<tr>
<td>RECOMMENDATION</td>
<td>Approval</td>
</tr>
</tbody>
</table>
16/00018/FUL

52 Cavendish Road, Matlock

Derbyshire Dales DC

Date: 22/03/2016

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application relates to the rear garden area of the existing dwelling which is terraced following the land levels which increases in the northerly direction. Farm Lane runs along the eastern edge of the rear garden and gives access to a number of larger properties situated in relatively larger plots. Residential development surrounds the site with those on Cavendish Road fronting the highway. Access the existing dwelling is via a driveway to the site frontage directly onto Cavendish Road. The site is within the town of Matlock and adjacent to the Matlock Bank Conservation Area.

(Both views taken from Farm Lane)

2. **DETAILS OF THE APPLICATION**

2.1 Planning permission is sought to erect a single storey detached building as a dependent relative unit. The proposed building would form an ‘L’ shape and the dimensions are 10.3m by 8m with a gable width of 4.4m. The overall ridge height of the building would be 3.9m. The accommodation would provide an open lounge, dining and kitchen area, one bedroom and a shower room and WC. High level windows are proposed to the east, west and northern elevations, with the main openings to the building being to the interior of the ‘L’ shaped form with views into the existing garden.

2.2 The applicant and their agent have submitted supporting statements which note the following key points:
- Given the applicant’s age and ill health they would occupy the dependent relative unit and their daughter occupy the main dwelling.
- The outdoor amenity space provided would be sufficient for the needs of both the existing dwelling and the unit.
- The scheme will integrate well with surroundings.
- Brick and tiles are proposed to be agreed with the LPA.
- Car parking will not be reduced for the scheme.
- The height of the building has been kept to a minimum.
- No impact upon residential amenity.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2005)

- SF1: Development Within Settlement Framework Boundaries
- SF5: Design And Appearance Of Development
- H3: Dependent Persons Units
- NBE21: Development Affecting a Conservation Area
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development
4. RELEVANT PLANNING HISTORY

4.1 15/00490/FUL Erection of detached dependent relative unit – Refused for the following reasons:

1. The scale and height of the proposed building in this elevated position is considered to be a prominent and incongruous form of development at odds with the prevailing pattern of development and is therefore considered harmful to the character and appearance of the site and surroundings. As such the proposal is contrary to the requirements of Policies SF1, SF5 and H3 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The introduction of habitable accommodation into this elevated position has the potential to harm the amenity of the neighbouring residents by overlooking. As such the proposal is contrary to the requirements of Policies SF1, SF5 and H3 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

11/00244/FUL Single storey extension – Permitted

0385/0193 Car port – Permitted

5. CONSULTATION RESPONSES

5.1 Town Council:
Objection – there have been some revisions to the proposal but it still does not meet the requirements of Policies SF1, SF5 and H3. The size of the building is significantly greater than that deemed necessary for a dependent relative unit.

A statement as to the name and relationship to the dependent relative of the Applicant should have been submitted and reasons for the dependency. Should the application be granted a planning condition should be made stating the above and that the unit shall not be sold, used or let separately to ensure the unit is used for the purpose granted.

5.2 Derbyshire County Council (Highways):
The revised footprint from the previous application is noted, highway comments remain as previous - No objection, recommend conditions and notes in the interests of highway safety.

5.3 Design and Conservation Officer (Derbyshire Dales):
The property is outside the Conservation Area and in terms of the impact of the proposal on the setting of the Conservation Area its scale and form is no greater than the surrounding buildings which are excluded from the Conservation Area.

6. REPRESENTATIONS RECEIVED

6.1 A total of 2 representations have been received. A summary of the representations is outlined below:

- Although the plans have been amended it is still the same size.
- The roof height should be lower on an ‘L’ shaped building but the scale of the building would still be prominent and incongruous in this location.
• The closeness of the building on three sides to neighbouring properties and the elevated position will continue to overshadow, overlook and create a loss of privacy adversely affecting visual amenity for neighbours. The wall along Farm Lane belongs to the owner of Farm Lane, this is a private road and there is no right of use by the occupants of no. 52 and no permission to use the lane or breach the wall.
• A condition is needed so that no construction vehicles, skips or any other activity related to the construction occur on Farm Lane and no obstruction to this Lane shall occur.
• The proposal should be conditioned to be solely ancillary to the main property. A condition on working hours should also be added for the amenity of residents.
• The words ‘Dependent Relative Unit’ do not appear in the new government planning portal.
• These matters should be applied: name, relationship and reason for dependency, not become a separate unit.
• The proposal has not changed in substance from the original.

Matlock Civic Association:
• The proposal is for a free standing bungalow.
• As a point of principle this is backland development which will overlook neighbours.
• It would be difficult if approved to restrict this being an independent dwelling.
• No space for separate vehicular access.
• Normally such units are attached to the main dwelling and subsidiary to it for ease of care, the applicant could submit a revised proposal along these lines.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of the development
2. Layout and design
3. Impact on residential amenity
4. Highway safety

Principle of Development

7.1 Policy H3 of the Adopted Derbyshire Dales Local Plan remains a relevant policy for the proposed development. This policy requires that:
Planning permission will be granted for dependent person units provided that;
a) the scale of the dependent person unit is commensurate with the needs of the dependent person and;
b) it would not result in a detrimental impact on the character and appearance of the dwelling or buildings or group of buildings and its surroundings and;
c) it does not result in a significant loss of privacy or amenity for residents of neighbouring properties.

The policy goes on to state that the council will impose conditions in respect of dependent persons units to ensure that they are occupied in association with the main dwelling and not capable of independent occupation after the use ceases.

The proposed development needs to be assessed against this policy which remains broadly in line with the NPPF in accordance with the core principles and Part 7 of that document.

7.2 In this revised application the applicant has provided a written statement as to their needs and their future intentions to live in the unit and for their daughter to live in the existing dwelling, presumably to then provide care for the applicants into their old age. The proposed dependent relative unit is to provide one bedroom accommodation with a room that will provide, living, dining and kitchen areas with a small shower room. It is considered
that the extent of accommodation proposed will meet the identified need. Therefore part a) of the policy has been met.

**Layout and Design/ Residential Amenity**

7.3 Through this revised application the layout and design of the unit has been altered to address the previous reasons for refusal. The unit now has an ‘L’ shaped form with narrow gables which reduces the overall bulk of the building and the width of the gables which subsequently reduces the overall height of the roof. The design of the unit has also altered so as to ensure that the windows will not overlook the neighbouring properties by using high level windows and siting the larger openings within the ‘L’ shaped form. It is therefore considered that parts b) and c) of Policy H3 have been met. The acceptable design now proposed meets the requirements of Policy SF5 of the local plan. The altered form and design of the unit is considered to overcome the previous reasons for refusal.

7.4 It will be necessary to remove any permitted development rights to alter/extend the building to ensure that privacy is maintained along with a condition to ensure the unit is only used as an ancillary building to the existing dwelling. In addition concern has been expressed regarding creating an access along Farm Lane. In view of such concerns it is considered reasonable to impose a condition that all access for construction vehicles and future occupiers shall be from the frontage of the site and no access shall be gained via Farm Lane. Such conditions have been requested by local residents and are considered reasonable.

**Highway Safety**

7.5 The Highway Authority has confirmed that their comments remain as on the previous application, that is no objection to the development subject to conditions and footnotes. In the comments on the previous statement the Highway Authority noted that parking for both the existing dwelling and the proposed unit will be to the frontage of the site. Whilst the parking is remote from the unit an objection on such grounds would not be sustainable at appeal. The applicant will need to consult with the relevant refuse collection department in terms of number and collection of bins. Bin storage should not obstruct the private driveway. Therefore the proposal is acceptable in accordance with policies TR1 and TR 8 of the Adopted Derbyshire Dales local plan with respect to access and parking subject to conditions.

**Planning Balance / Conclusion**

7.6 The proposal is considered to meet the requirements of Policies SF5, H3, TR1 and TR8 of the Local Plan and guidance contained within the National Planning Policy Framework. The previous reasons for refusal have now been overcome through the revised form and design of the unit. The proposal is considered to be acceptable subject to stringent conditions.

8. **RECOMMENDATION**

That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time limit on full

2. Before any other operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed , laid out and constructed all as may be agreed with the Local Planning Authority in advance of the construction work commencing and maintained free from impediment through the duration of construction works.
3. Before any other operations are commenced a new vehicular access shall be created to Cavendish Road in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.

4. The premises, the subject of the application, shall not be occupied until on-site parking spaces have been provided for in accordance with the application drawings, laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to its designated use.

5. Prior to occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to its designated use.

6. Condition DM13: Materials to match

7. Condition IC19: Restrict operating hours – 0800 to 1800

8. Condition PD10: Permitted development - Barn conversions

9. Condition RD5: Granny flat not to be a separate unit (known as 52 Cavendish Road)

10. No access shall be formed from the site onto Farm Lane and no construction vehicles associated with the development hereby permitted shall utilise Farm Lane which shall remain unobstructed at all times.

Reasons:

1. Reason ST02a:

2-5. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contains within the National Planning Policy Framework.


7. To protect residential amenity.

8. To protect residential amenity and prevent harm to visual amenity in accordance with policies SF5 and H3 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

9. To preserve the amenity of neighbouring residents given the close proximity of the unit hereby permitted to existing residential properties and the constrained nature of the site; in accordance with policy H3 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

10. In the interest of residential amenity and to ensure that access is only gained from Cavendish Road in accordance with Policies SF5, H3 and TR1 of the Adopted
NOTES TO APPLICANT:

1. 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 overcame initial concerns relating to the scale and form of the development and the impact upon residential amenity.

2. 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.

3. Pursuant to Section 184 of the Highway Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, prior notification shall be given to the Department of Economy Transport and Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application form, regarding the undertaking of access works within highway limits is available via email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Council’s Website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

4. This decision notice relates to the following documents:
   Design and access statement received 12.01.16
   Supporting statement dated 12.09.15
   Proposed plans, elevations and 3D view A.02 received 12.01.16
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<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>15/00717/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Ameycroft Farm, Bowler Lane, Farley, Matlock</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Demolition of redundant poultry sheds and erection of two business agricultural buildings, retention of retaining wall and alterations to parking area/access.</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr Gareth Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr M Slack</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Darley Dale</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr Statham</td>
</tr>
<tr>
<td></td>
<td>Cllr Atkin</td>
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<tr>
<td></td>
<td>Cllr Salt</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>7th January 2016</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>The application has 5 or more unresolved objections</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>Visited at February meeting</td>
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</table>

**MATERIAL PLANNING ISSUES**

- Principle of the planning background development in location, in context and impact on countryside.
- General layout and design

**RECOMMENDATION**

Approval:
15/00717/FUL

Ameycroft Farm, Bowler Farm, Farley

Derbyshire Dales DC

Date: 22/03/2016

100019785
1. THE SITE AND SURROUNDINGS:

1.1 The site is set in the open countryside to the east side of Farley Hill. The site is set to the south of the dwellinghouse of Ameycroft Farm and immediately to the north of the dwellinghouse of Bent Farm, the latter currently being replaced with a dwellinghouse and ancillary building further to the recent grant of planning permission. To the east are open fields in the applicant’s ownership.

1.2 The site itself comprises two, former chicken sheds associated with Ameycroft Farm. These are currently being used in part for storage and an office in conjunction with the applicant’s business, albeit without the benefit of planning permission. A metal sheeted building for agricultural purposes and a large retaining wall, constructed with concrete panels to the north of this, have been erected, again without permission. The frontage area of the building is currently used for the parking of vehicles and some external storage.

2. DETAILS OF THE APPLICATION:

2.1 Full planning permission is sought to demolish the original chicken sheds and alter the unauthorised structure at the rear, to create two, multi-purpose buildings. The applicant has advised that the existing poultry buildings are no longer required and are in a poor condition, of no architectural interest and are not readily suitable for conversion to another use.

2.2 The existing buildings, notwithstanding the unauthorised alteration to Building 1, each measure approximately 13.5m by 37m and between 3.6m and 3.9m high.

2.3 The replacement buildings are proposed to measure as follows:

   Building 1 - 14.3m by 35m and 4.9m high (this will incorporate the frame of the unauthorised building at the rear)

   Building 2 - 14.5m by 22.5m and 5.3m high.

2.4 The applicant advises that the overall footprint of the buildings would be some 25% less than the existing buildings with a reduction in the total floor area from 987sqm to 837sqm. This is principally the case with Building 2 and this would allow the increased external area to the front of the building to be used for the parking of vehicles.
2.5 The buildings are proposed to be clad in an olive green coloured, metal profile sheet to match that of the materials approved for the swimming pool building at Bent Farm which is currently under construction. This will entail the removal and replacement of the cladding to the existing, modern building at the rear of Building 1. The applicant considers that the replacement buildings will mimic modern agricultural buildings.

2.6 At the request of Officers, Building 2 has been reduced in height and, given the step in land levels, appears lower than Building 1.

The buildings are proposed to be used as follows:

Building 1- general storage to the front and agricultural storage the rear

Building 2 – office and garaging to the front and log/wood and general storage to the rear.

2.7 The applicant has advised that the storage is going to be for his own business and the premises would not be sub-let to any other users. His business comprises general maintenance for his own properties/building and storage of materials and is the same use as present. The applicant does not have any HGV vehicles operating for the site works. He also advises that as Bent Farm is so close to the application site that he is not going to want to look at an eyesore and that he is always trying to tidy the area up.

2.8 The existing roof areas drain to a soakaway located away from the buildings. The new roof drainage would be provided with a small storage facility for harvesting water for the garden and car washing use. The excess water would bypass this storage and flow to the existing soakaway. It is proposed that the frontage of the building will be resurfaced with a porous block system to allow re-use of the existing soakaway system.

2.9 Waste water is proposed to be connected to the existing site sewerage system and drain to the septic tank which would be replaced with a modern design. The applicant has submitted a protected species survey which concludes that there is no evidence that bats are, or have recently been, using the building.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Derbyshire Dales Local Plan (2005)

SF4 Development In The Countryside
SF5 Design And Appearance of Development
EDT8 Design And Appearance Of New Industrial And Business Premises
EDT13 Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise
EDT15 New Build Industrial And Business Development Outside Of Settlement Frameworks
EDT16 Re-use of Rural Buildings for Industrial and Business Use
NBE5 Development Affecting Species Protected by Law Or Are Nationally Rare
NBE8 Landscape Character
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:

4.1 15/00718/FUL  Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building – Granted.

4.2 14/00711/FUL  Partial demolition of poultry shed and erection of agricultural storage building – Withdrawn.

5.0 CONSULTATION RESPONSES

5.1 Town Council – Object:
- imposition of industrial area on a rural settlement – incompatible and unacceptable in a rural area
- contravention of Local Plan, emerging Local plan and Darley Dale Neighbourhood Plan
- highway issues, traffic generation and highway safety
- visual intrusion – layout and density/height of the building design, visual appearance is totally unacceptable
- due to the history of the site, historical issues/concerns/contraventions of planning legislation should be taken into account

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

5.3 Natural England:
No Comment.

5.4 Derbyshire Wildlife Trust- Comment:
- consider that adequate survey work has been undertaken in support of this planning application for it to be determined.

6.0 REPRESENTATIONS RECEIVED

6.1 Matlock Civic Association – Comment:

- consider the use of the buildings needs to be predominantly agricultural or would otherwise object
- boundary walls should be traditional in scale and materials.

A total of six letters of representation from neighbours. The comments can be summarised as follows:
- not the right place for an industrial/commercial development – business should be relocated to an industrial estate
- current activities spilling onto land at the back and road verges
- overdevelopment of the site
- increased activity
- building intended for light industrial use
- will open the door to industrialisation of the area
- disgusted by the activities being carried out in this essentially rural site
- development should be agricultural or ancillary to agricultural
- 40% of the buildings designated for agricultural use – applicant not involved with agriculture
- no evidence of agricultural use of this small, apparently non-viable holding
- visual impact – very large and bulky buildings and cover a large area
- look more like industrial estate buildings than agricultural buildings
- old chicken sheds were at least low profile, dark in colour and extremely well screened and agricultural buildings in an agricultural area
- infinitely higher than existing poultry sheds
- one section constructed without planning permission and is clearly visible from all around
- style and materials are what would be found on an industrial estate and totally inappropriate in this location
- area designated as high landscape sensitivity
- steel gates and boundary walls and masonry supports appear in conflict with Derbyshire vernacular style
- bare minimum for parking and vehicle circulation
- concerned that the use of the site will get more intensive
- impact on roads of increased traffic
- Local Highway Authority dubious about use
- since moving in in 2009, the applicant has remorselessly destroyed the rural peaceful character of the area – whole character of the area has been changed
- catalogue of events does not bode well for the future rural nature of Farley
- have witnessed wholesale regrading and reseeding of fields
- removal of virtually every tree which must be detrimental to the rural area
- has systematically removed all field boundaries and hedges within the 12 acres owned - has resulted in a barren, prairie-like landscape with no capacity to support wildlife
- has throughout shown a singular lack of appreciation and respect for the rural environment
- long list of grandiose, out of scale and sometimes tasteless developments unsuited to Farley and which have been of great concern to local residents

A petition from 16 residents of Sunnyside Terrace and Farley Hill raising objections reflecting the comments above.

Further to the previous Planning Committee, 2 letters have been submitted from local residents retracting their objections made within the above petition for the following reasons:
- was allowed to look around the existing sheds and happy that the new buildings are almost like for like and not quite as imagined and have no problem with the work being done

7.0 OFFICER APPRAISAL

7.1 Introduction

This report is being re-presented to the Planning Committee further to the deferral of the decision at the Committee meeting of 16th February 2016 to seek further information on the following:

- the need for the buildings to be replaced
- the scale of the buildings
- the permitted use of the buildings
- the nature of the business use of the buildings
- the nature of the employment and contribution to the local community
- agricultural use

The applicant has advised the following:

The need for the buildings
- the main support posts of the existing buildings are rotten and this has been shown to Officers

The scale of the buildings
- the drawings clearly show the new height, approx 800mm higher, and people can actually look on site at the new part built shed
- Building 1 has a proposed height of 4.9m and Building 2, which is set on a lower level, has a height of 5.3m
- the overall footprint of the proposed buildings has been reduced by some 25% compared to the existing buildings.

The permitted use of the buildings
- there was some misunderstanding from Officers with regard to the usage of each building prior to the Office being inserted into the existing, southern-most building. The office use is lawful within this building.

The nature of the business and use of the buildings
- The majority of the business activities are carried out on site and includes fitting out shops and factories with mechanical building services
- The proposed sheds are for storage and office facilities.

The nature of the employment and contribution to the local community
- employ direct and subcontract labour from local persons in and around the Derbyshire Dales
- these include plasterers, joiner's, builders, plumbers, steel fixers, steel erectors, electricians, fencing contractors, ground workers, etc.
- in-directly employ 4+ people from Farley and directly employ a local office staff member from within 1 mile and a 16 year old Saturday worker
- staff also include the applicant and his wife, who are going to be living next door in Bent Farm, and the applicant’s parents who work within the family business, who are going to be living at Ameycroft Farm.
- the business also works for lots of other local businesses and works have been carried out works for the following:
  o Saxton Mee Matlock complete re build and shop fit
  o C Farmers developments
  o Ritz Building refurbishments
  o Peak Edge Hotel building and maintenance works
  o Natural Stone Sales Rowsley
  o Darwin Forest
  o Young Explorers Nursery
  o Torn Valley Bakewell
  o DFS Darley Dale
  o Wrights Agricultural Services
  o Derbyshire Dales District Council - indirectly carried out works on the basement refurbishment back in 2007/2008.
- the applicant also advises that he sponsors a Rugby team and a local cricket team and support put back into the local community is generous.

Agricultural Use
- along with the current submitted application, the applicant advises he has 20 acres to maintain and a further tenancy agreement showing 12 acres
- this is before carrying out any farm contracting work, again operations to be off site
- actively looking for farming land within the local area and have already missed one opportunity
- the agricultural store is required for the farming machinery which the applicant owns - most of these are brand new with values in excess of £250k hence the need to store these inside
- has submitted a rental agreement with neighbouring landowner to tenant the applicant’s land.

On the basis of this information being received, the application is now being represented to Members for consideration.
Background:

7.2 The site itself comprises two, former chicken sheds associated with Ameycroft Farm and there use has ceased for such for some time. They are currently being used in part for storage and an office in conjunction with the applicant’s business, albeit without the benefit of planning permission. The applicant is submitting this application to remove these buildings which have outlived their purpose and to replace these with new buildings which respond more to the needs of his business operations, with space also for domestic garaging and storage and agricultural plant and equipment given that he owns the property at Ameycroft and is currently replacing the former dwelling at Bent Farm.

Design, Scale and Appearance of the Buildings:

7.3 The buildings have been designed to be reflective of agricultural buildings and replace buildings that have become run down over the years. The replacement buildings are higher than the original sheds, the highest by approximately 1.5m, but this is not considered to make them significantly more prominent than the original sheds. The applicant has erected a boundary wall and gate which would serve to screen part of the built form.

7.4 It is considered that the proposed development would be read contextually with Bent Farm moreso than Ameycroft. This would be the case given the relative proximity and would also be underpinned to some extent with the cladding of the ancillary swimming pool building approved at Bent Farm being reflective of the proposed buildings and the continuity of the boundary wall and gates. In this respect, it is considered that the proposed development will assimilate with the approved development at Bent Farm and will have the appearance of modern agricultural buildings in association.

Principle of Use

7.5 The applicant advises that the use of the commercial elements of the building will be linked to his current building/property management company. The applicant currently operates vehicles for his air-conditioning/ventilation business from the site and has his offices located there. The proposals being presented would seek to regularise this matter.

7.6 The use of the buildings meets a number of objectives for the applicant. He owns agricultural land which will need maintenance and therefore a building would be normally accepted in such circumstances. The dwellinghouse at Bent Farm does not have a garage building associated with it. In this respect, it is considered reasonable to allow the applicant to park his domestic and works vehicles in the proposed Building 2 rather than entertaining an application for a further garage building at the dwellinghouse, given the proximity to Bent Farm.

7.7 The National Planning Policy Framework (NPPF) seeks to support the rural economy. Paragraph 28 states:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; …
With regard to the office and business storage use, these are considered reasonable uses in the open countryside had the existing buildings been proposed for conversion. Nevertheless, it is considered that to replace these deteriorating buildings with modern buildings is appropriate. The buildings would also be less visible from the highway than the previous buildings given that the applicant has erected a high boundary wall. The site is also relatively sustainable given its proximity to Matlock. In this respect, it is considered that the proposal is broadly in accordance with Policy EDT15 of the Adopted Local Plan and guidance on business development in the NPPF.

The applicant has detailed the areas of use with lines on the layout plan, but does not detail if these will be physically separated areas. It is considered, given the number and different uses proposed, that this needs to be clarified as a condition and details of how the spaces will be physically subdivided detailed.

Given the above, it is considered that the floor area of the original buildings has reduced and that the proposed use of the replacement buildings are commensurate with the applicant’s business, agricultural use and creates a live/work environment given the proximity to the dwellinghouse which makes this a sustainable re-use and re-development of this site.

Retaining Wall

The concrete retaining wall is a significant structure and, whilst screened in part by the existing buildings, is nevertheless an intrusion in the countryside. In this respect, it is considered reasonable to attach conditions requiring that the wall is faced with stonework in accordance with details to be submitted for approval.

Highway Issues

The Local Highway Authority has considered the additional information submitted by the applicant and advises of no objection to the proposal subject to conditions.

Use of Outside Space

In order to ensure the usage of the building does not intrude in the area, it is considered reasonable to ensure that all plant and equipment associated with the applicant’s business is stored within the areas allocated for such within the buildings and not outside where it could have a detrimental impact on the character and appearance of the area. This is also to ensure that there is adequate provision for the parking of vehicles.

Ecology Issues

Derbyshire Wildlife Trust have considered the applicant’s ecological statement and advise that there are no objections to the proposals.

Planning Balance / Conclusions

The previous use of the buildings had the potential to cause impacts on amenity with the use as chicken sheds. The use of the sheds has become redundant now but we are left with a site that, without intervention, would have been likely to become derelict overtime. It is appreciated that this is not a brownfield site, as the land and buildings were associated with agriculture. However, it has to be accepted that built form does exist and, had the buildings been of a reasonable standard, Policy EDT16 would have potentially supported their conversion to employment use in the open countryside. This site is not in a remote countryside location but is relatively close to Matlock and it is considered that the
replacement buildings, and the usage proposed, are consistent with Policies EDT13 and EDT15 of the Adopted Local Plan and guidance in the NPPF.

8.0 RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. The proposals hereby approved shall be provided within 9 months of the date of this permission.

2. The development hereby approved shall be carried out in accordance with the originally submitted drawings except as amended by the additional information and amended drawings received on 22nd January 2016 and 8th March 2016.

3. Prior to Building 1 being erected, the concrete retaining to the north of the building shall be faced with stone in accordance with samples and details to be submitted to and approved in writing by the Local Planning Authority.

4. Notwithstanding the details submitted with the planning application, before the development commences, samples of the materials for the elevations and roofs of the building, shall be subdivided shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

6. The exit visibility sightlines from the access shall be maintained free from obstructions greater than 1m in height (600mm in case of vegetation) for the lifetime of the development.

7. The premises, the subject of the permission, shall not be occupied until the on-site parking spaces and turning have been provided, laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

8. Prior to the occupation, adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

9. There shall be no outside storage of agricultural equipment at the front of the premises or outside storage of any goods, plant, equipment or materials relating to the business use of the premises.

10. The general store areas of the buildings shall be restricted to the storage of goods/plant/materials for the personal business operations carried out by the occupier of Amecroft Farm/Bent Farm, in accordance with full details to be agreed in writing by the Local Planning Authority and there shall be no third party, commercial or business use of the premises.
11. The business use of the premises shall be restricted to the hours of 07.30 to 19.00 Mondays to Saturdays and not at all on Sundays or Bank Holidays.

12. Notwithstanding the breakdown of uses detailed on the submitted drawings, before the development commences, details of how the internal spaces shall be physically separated shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

1. In order to give a reasonable time period to regularise the breach of planning legislation as a result of the erection of the unauthorised building and the change of use of the former poultry sheds and to ensure the satisfactory appearance of the site to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5, EDT13, EDT15 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005).

2. To define the permission for the avoidance of doubt.

3-4. To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5, EDT13, EDT15 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005).

5. In the interests of highway safety.


7. To ensure the provision of adequate parking facilities in the interests of highway safety to comply with government guidance contained in the National Planning Policy Framework and Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005).

8. In the interests of highway safety.

9-11. To safeguard the amenity of the area to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5 and EDT15 of the Adopted Derbyshire Dales Local Plan (2005).

12. To ensure the usage of the buildings and their constituent areas remains only in the use approved in the interest of amenity to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5, EDT13 and EDT15 of the Adopted Derbyshire Dales Local Plan (2005).

9. NOTES TO APPLICANT:

9.1 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 overcame initial concerns relating to addressing the unauthorised development and use of the site and to address the scale of Building 2 and the use of the proposed buildings.

9.2 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.

9.3 This decision notice relates to the following documents:

Drawing Nos. BAF001, 002, 003 and 004 received on 12th November 2015
Amended Drawing No. BAF005 P2 received on 8th March 2016
Design and Access Statement received on 12th November 2015
Protected Species Survey (C.B.E. Consulting) received on 12th November 2015
Additional information received on 5th February 2016
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00005/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land off Nottingham Road Tansley</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of up to 10 dwellings (outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>G Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mrs S Wood</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Tansley</td>
</tr>
<tr>
<td>AGENT</td>
<td>Roger Yarwood Planning Consultant</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor Flitter Councillor Mrs Stevens Councillor Botham</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>19th April 2016</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit required as site visited recently by Committee on previous application.</td>
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**MATERIAL PLANNING ISSUES**
- Policy context
- Location of site and impact of development on character and appearance of countryside
- Highway safety
- Affordable housing
- Drainage

**RECOMMENDATION**
Refusal
16/00005/OUT

Nottingham Road, Tansley

Derbyshire Dales DC

Date: 22/03/2016

100019785
1. **THE SITE AND SURROUNDINGS:**

1.1 The site is a greenfield site of some 0.4ha set between Nottingham Road (A615) and Neil Thompson’s Nursery. The ground initially drops away from the road, behind a stone boundary wall, before rising up towards the Nursery. To the west is a timber merchant’s stockyard and to the east are open fields.

1.2 The site is in a prominent position on the eastern approaches to the village, although it is some way removed from the centre of Tansley in an area where the built development is sporadic at the edge of the village. There is existing, small scale residential development of detached properties across the road on its northern side.

2. **THE APPLICATION:**

2.1 Outline planning permission is sought for the erection of up to 10 dwellings on an area of land set some 20m back from Nottingham Road. The applicant proposes that the area between the application site and the road would be planted with trees; this area is detailed as being outside of the application site but is land owned by the applicant.

2.2 In terms of the nature of the development, the applicant states that this would be predominantly two-storey (ridge heights below 6.5m), detached housing of traditional form built of natural gritstone with dark slate or tiled roofs. It is proposed that they would be 3 or 4 bedroomed properties and there would be turning space for vehicles close to the end of the proposed access. A financial contribution towards the provision of off-site affordable housing will be made by the applicant subject to negotiation.

2.3 It is proposed that the site would be accessed from the existing access to Nottingham Road, to the west of the application site, which currently serves Neil Thompson’s Nursery to the south of the application site. This would be improved to adoptable standard. The applicant has submitted details of visibility splays but advised that access through the site would be a reserved matter. Two parking spaces are proposed for each dwelling.

2.4 In terms of justification of the proposals, the applicant refers to the site being on the edge of the Settlement Framework boundary for Tansley, close to a bus service and community and employment opportunities and that there are no significant adverse impacts that would outweigh the benefits of the housing provision. The applicant is aware that the District Council cannot demonstrate available sites to meet its housing land supply requirements and that development of the site will assist in addressing the shortfall. The applicant has considered the three strands of sustainable development (economic, social and environmental) and considers the proposal meets with these objectives.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK:

3.1 Adopted Local Plan (2005)
- SF4 Development In The Countryside
- SF5 Design and Appearance of Development
- H4 Housing Development Outside Settlement Frameworks
- H9 Design and Appearance of New Housing
- H11 Affordable Housing Within The Settlement Frameworks Of Other Settlements
- H12 Alternative Provision For Affordable Housing Outside Settlement Frameworks
- H13 Affordable Housing Exceptional Sites In Rural Areas
- NBE3 Other Sites Of Importance For Nature Conservation
- 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
- NBE8 Landscape Character
- NBE26 Landscape Design in Association with New Development
- L6 Outdoor Playing Space in New Housing Developments
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

Other:

3.2. National Planning Policy Framework
- National Planning Practice Guidance

4. RELEVANT HISTORY:

15/00245/OUT Residential development for up to 10 dwellings (outline) - Refused

There have been several planning applications with respect to the Nursery to the south of the application site.

5. CONSULTATION RESPONSES:

5.1 Parish Council – Strongly object:
- outside settlement area on greenfield site and outside of 30mph speed limit
- no footways on the side of the development site and no possibility to create such
- footway adjacent to Thatched Cottage is narrow (800mm)
- poor and dangerous links with main village amenities
- in prominent position in gateway to Tansley, not in keeping with existing pattern of development
- development would spread the village too far out
- development would be pre-empting the planning process
- large sough that links the stream
- nearest play area is at Thatchers Croft and would have to cross A615 twice to get there
- request site visit.

5.2 Environment Agency – Comment:
- application is of low environmental impact and have no detailed comments to make.
5.3 DCC Land Drainage Authority – Object:

- it is not possible to provide informed comment until such a time that the applicant has submitted further information which includes:
  - appropriate evidence to support how the site will drain.
  - basic calculations of the greenfield/brownfield runoff and discharge rates for the site.
  - a storage estimate to show the required storage volume of surface water on site and an indication of the likely location.
- these details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

5.4 Local Highway Authority – Comment:

- the personal agreement between Mr. Thompson and Charles Gregory and Sons relates to the Nursery – does not convey rights to a future housing developer or individual residents.
- visibility splays require use of third party land to the west which will need to be included in the application site to ensure enforceability in the future.
- reference made to site’s sustainability but there are currently no margins fronting the site or safe crossing facilities across to cross the A615.
- no safe access to bus stop.

5.5 DCC Public Rights of Way – No objection - Comment:

- no recorded rights of way across the site.
- no applications have been received under Section 53 of the Wildlife and Countryside Act 1981.

5.6 Peak and Northern Footpaths Society – No comments.

5.7 Derbyshire Dales Group of Ramblers – No objection.

5.8 Derbyshire Wildlife Trust – Comment:

- ecological appraisal undertaken at an appropriate time of year.
- proposed layout illustrates a number of trees to be retained and new planting would compensate for the loss of scattered trees.
- advise that appropriate biodiversity enhancement measures should be incorporated to create a net gain for wildlife.
- condition with regard to no works to be carried out in the bird breeding season.
- recommend measures to ensure protected species not affected during clearance work, any retained habitats are protected and that the provision of trenches, culverts and pipes include measures to ensure mammals are not trapped.
- advise a condition on external lighting to be bat friendly.

6. REPRESENTATIONS:

6.1 Twelve letters of representation from local residents and a Derbyshire resident. The comments can be summarised as follows:
- outside village boundary.
- site failed recent assessment of sites for the emerging Local Plan.
- other sites in the village have been earmarked as suitable for housing.
- Tansley already has its housing allocation satisfied.
- detrimental sprawl of village.
housing on opposite side of the road is very low density, mainly detached in large plots, in keeping with the rural character
- will have much greater impact than the polytunnels
- destruction of the gateway to the village
- prominent site
- overdevelopment (ruining) a lovely village
- too many houses on a small space
- would lead to further development and a smokescreen as to what is to follow – see access road to the next phase
- why not invite all neighbouring farmers to submit proposals?
- encroachment on valuable green belt land
- will discourage developers building on brownfield sites
- damage to the character of the surrounding area
- coppice of trees would have to be felled
- development should be within the village
- Tansley has had more than its share of development passed
- not close to amenities
- fails on economic (provision of infrastructure), social (accessible local services, health) and environmental (enhancing the natural environment) dimensions of sustainable development in the NPPF
- village has no shops, post office, doctors surgery or pharmacy
- no footpath on this side of busy A615 and very narrow footpath on opposite side
- difficultly for pedestrians in crossing A615
- school children would have to cross A615
- within a 40mph speed zone
- bus service every two hours and too late for most people to get to work
- land is a woodland area and asset to wildlife
- increase in light pollution
- development would probably damage or pollute watercourse under the field
- concerns regarding drainage
- impact on amenity of future residents with proximity to working farm
- pets could escape and harm livestock
- visibility - agreement does not reference applicant

Matlock Civic Association – Object:

- premature – site can be considered alongside other housing site options as part of the new Local Plan
- greenfield site – a number of brownfield sites in the Matlock area have been allocated for housing but remain undeveloped
- if greenfield sites continue to be allocated, brownfield sites will remain unused and derelict – supposed to be a brownfield priority
- no further greenfield sites should be given permission until all brownfield sites have been developed (not just allocated)
- pedestrian safety – pedestrians must cross a busy road with fast moving traffic, despite the speed limit,
- no formal pedestrian crossing which is a particular issue for children going to school

7. OFFICER APPRAISAL

Introduction

7.1 The site is an open field set some 180m from the Settlement Framework boundary for Tansley along Nottingham Road (some 120m from the nearest properties set back from Nottingham Road on Thatchers Lane). Between the site and the Settlement Framework boundary is the open land at Ivy House Farm and Gregory’s wood storage yard on the
south of Nottingham Road. To the north of Nottingham Road, the boundary is further away, being separated from the site with fields extending from Holly Lane. There is sporadic development to the north of Nottingham Road opposite the application site. In this respect, the site is separate from the built up area of the settlement and lies within open countryside.

Policy

7.2. Having set the context of the application site, this planning application needs to be considered in the context of the most up to date planning policy. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

7.3 However, the site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005) and normally regard would be given to Policies SF4 and H4 of the Adopted Local Plan which restrict residential development outside of Settlement Framework boundaries. However, the District Council is currently unable to demonstrate a 5 year housing land supply to meets its objectively assessed need and these policies cannot be given weight.

7.4 Given the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context 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. Therefore, Policy H4 of the Adopted Local Plan (2005) can be attributed no weight given that this seeks to restrict residential development, except in exceptional circumstances such as for affordable housing or essential rural worker’s dwellings, where such development is outside of Settlement Framework boundaries. This is also the case with regard to Policy SF4 as this limits the housing that can be allowed in the countryside to specific classes and does not envisage meeting needs outside the Settlement Framework.

7.5 Therefore, the District Council has to have particular regard to Paragraph 14 of the NPPF in the decision making process. This states that where the Local Plan is absent on this matter (as the existing Local Plan now is given the lack of identified housing land supply), regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 further advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. As such, there is a presumption in favour of the development unless other material considerations determine otherwise.

7.6 However, there are several Local Plan Policies that remain consistent with the NPPF. In considering the site’s development potential, regard has to be given to Policies SF5 and H9 of the Adopted Local Plan (2005) with regard to the character and appearance of the development.

7.7 It is necessary to consider whether there are any environmental constraints that would necessitate consideration. Policies NBE3, NBE4 and NBE5 advise that where the proposals may have an impact on ecology, planning permission will only be granted if it can be demonstrated that there is an overriding need for the development. Policy NBE6 seeks to protect trees from development that may impact directly or indirectly upon them
and Policy NBE8 advises that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. However, limited weight can be attributed to this policy based on the observations of Planning Inspectors in considering recent Appeals.

7.8 In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by a safe and secure access, and therefore be able to satisfy Policy TR1, and provide adequate off-street parking to comply with Policy TR8. Developments of such a scale also need to provide for affordable housing provision, given the aims of Policy H11, and open space and children’s play space within the site in accordance with Policy L6.

**Impact on the Character and Appearance of the Open Countryside**

7.9 The Adopted Local Plan (2005) defines Settlement Framework boundaries as areas where new development could be located which are best able to serve the aims of achieving sustainable development, and establish the extent of the built framework and wider physical confines of the settlement. The application site is some distance outside of the settlement.

7.10 The proposal indicates that the group of up to 10 houses will be set some way back from the road, on higher ground, behind a belt of tree planting. It is considered that this arrangement will have little in common with the existing nature of the settlement pattern in this part of the village and, being in a relatively elevated position, will have an adverse impact on local landscape character, with development extending into the countryside.

7.11 The form of detached dwelling houses would introduce a suburban character and appearance to the site that is not reflective of the more dispersed development that exists up to this point when exiting the village. To allow such a form of concentrated development would also make it difficult to resist elements of infill development between the site and the settlement, given that the scale of the proposed development relates more in its character and appearance to the main part of the village rather than the sporadic development that extends from it and within which the application site is situated. This will fundamentally erode the setting of the village and lead to a significant encroachment into the open countryside.

**Impact on Neighbour’s Amenity**

7.12 There are residential properties that overlook the site across Nottingham Road. However, reasonable separation distances would be achieved with the number of dwellings proposed to not impact significantly upon the light, outlook and privacy of the neighbours to an extent that would reasonably justify refusal of outline planning permission.

**Highway Matters**

7.13 The Local Highway Authority has considered the proposals. The visibility splays for the access onto the A615 require a view over third party land to the west and there is no evidence submitted to demonstrate that these could be safeguarded. A legal agreement has been submitted but this relates to an agreement between the owner of the Nursery and the owner of the third party land. The visibility splays require use of third party land to the west which should be included in the application site to ensure enforceability in the future. The necessary visibility splay are not within the application site and, as such, it is considered reasonable to refuse planning permission on the grounds of inadequate details being submitted to demonstrate that there are adequate visibility splays to meet the requirements of highway safety.
7.14 In addition, there are currently no margins fronting the site or safe crossing facilities across to cross the A615 and therefore no safe access to bus stop. The Local Highway Authority suggests the applicant consider improvements to access bus stops given the nature of the restrictive access to such; this could be addressed with agreement to a Condition/Legal Agreement if permission were to be granted.

Impact on Ecology

7.15 Derbyshire Wildlife Trust (DWT) has assessed the proposals and advise that, given the findings of the Ecological Appraisal, there could be opportunity to develop the site without having a significant impact on wildlife and there may be opportunity for biodiversity enhancement.

Affordable Housing Provision

7.16 Had the site been within the Settlement Framework boundary for Tansley, an affordable housing provision would be required based on 33% of dwellings being affordable dwellings, in accordance with Policy H11. The applicants are considering the site to be sustainable in the context of Tansley in their justification for development. Therefore, it is considered that the aims of Policy H11 should equally apply in this context.

However, the applicant has advised that such provision would be by means of a financial contribution. If housing development is deemed acceptable on this site, and the necessary infrastructure provided to meet the requirements of the Local Highway Authority, then the development must be considered sustainable. In this respect, it would be expected that the affordable housing could be provided on site and that this could be required as a condition of any grant of planning permission.

Drainage

7.17 Land drainage was considered with the previous outline planning application and the Environment Agency did not raise any objections in principle. However, the responsibility for land drainage now rests with the County Council as Land Drainage Authority and therefore their comments must now be taken into consideration. In this respect, it is advised that it is not possible to provide informed comment on the drainage implications of the planning application until such a time that the applicant has submitted further 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 storage. In this respect, this is considered to a reasonable reason to refuse the grant of planning permission.

Play Space and Open Space Provision

7.18 Under the terms of Policy L6 of the Adopted Local Plan, sites of 0.4 hectares or greater are required to make provision for outdoor play space. The application site, whilst above this threshold, is modest in size such that no meaningful open space or children’s play area provision could be provided on the site. In this respect, it is considered reasonable to require a financial contribution to off-site play provision within Tansley that would still benefit the residents of the site. Such a payment would be expected to be £500 per dwellinghouse.

The Planning Balance / Conclusion

7.19 Having regard to the provisions contained in Paragraph 14 of the NPPF, there is a requirement to grant planning permission where a development plan is absent, silent or where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
7.20 As described above, the Council has a shortfall in housing land supply and the proposed development will make a contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme.

7.21 However, for development to be acceptable, it has to meet with the requirements for sustainable development, which is the ‘Golden Thread’ running through the National Planning Policy Framework. The three components of sustainable development are the economic, social and environmental dimensions.

7.22 The site is on the fringe of Tansley and, in the context of the District Council having to look outside Settlement Framework boundaries to meet its housing needs, this site is reasonably close access employment and services. The development itself would provide for economic benefit with employment in the construction process. The social dimension of sustainable development would be served with additional residents providing the potential to assist in underpinning some of the limited services in the village. Flora and fauna around the site will be affected to some degree but with appropriate replanting, supplementary planting and management and biodiversity management it is considered that this impact is essentially neutral. In this respect, the proposed development would meet with some of the requirements for the economic, social and environmental dimensions of sustainability.

7.23 However, there are several areas where the proposed development would not meet with the above dimensions of sustainability. The settlement boundary of Tansley is clearly defined and the application site is well beyond the main built form of the village. The development is proposed on a greenfield site and it is not considered that the development proposed would be integrated well into the existing settlement pattern and will be an intrusion into the rural landscape. To allow such a form of development would also make it difficult to resist elements of infill development between the site and the settlement, given that the scale of development relates more in its character and appearance to the main part of the village rather than its sporadically developed hinterland.

7.24 As the development of the site would essentially lead to an extension to the Settlement Framework boundary for Tansley, affordable housing provision would be normally required based on 33% of dwellings being affordable dwellings in accordance with the aims of Policy H11 of the Adopted Derbyshire Dales Local Plan (2005). In this regard, the applicant has intimated an agreement to negotiate a financial contribution to off-site provision as part of the proposed development. This is not considered appropriate as the site could easily accommodate such housing, if deemed a sustainable site, and, therefore, this element of social sustainability for the village is considered to be inadequately addressed.

7.25 Access to facilities would be impeded by having to cross a busy main road (A615) to access the limited facilities of the village. It is likely in this respect that that there would be a heavy reliance on the use of the motor car to access shops, services and employment. There is also the matter of drainage which has not been adequately addressed.

7.26 Given the above, it is considered that the proposal does not meet with the three dimensions of sustainable development. Therefore, in assessing the application against Paragraph 14 of the NPPF, the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the development in meeting the District Council’s housing land supply requirements and it is recommended that planning permission again be refused.
8. OFFICER RECOMMENDATION:

8.1 Planning permission be refused for the following reasons:

1. The residential development of this field would be an intrusion into the countryside that will have an adverse impact upon the character and appearance of the landscape and the setting of the settlement of Tansley contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained within the National Planning Policy Framework.

2. The access visibility splays required for the development will require a view over third party land to the west and there is no evidence submitted to demonstrate that these could be safeguarded. As such, the proposals fail to address this matter of highway safety and the development would lead to dangerous manoeuvres in the public highway detrimental to highway safety. As such, the proposal fails to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained within the National Planning Policy Framework.

3. Insufficient information has been provided to demonstrate that the application site can be provided with adequate drainage and, as such, the proposal fails to comply with government guidance contained in Paragraphs 93, 100, 191, 192 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:

Site Location Plan 1:2500 received on 19th January 2016
Indicative Site Layout Plan received on 19th January 2016
Drawing of Proposed Access Arrangements 1:200 received on 19th January 2016
Design and Access Statement received on 19th January 2016
Preliminary Ecological Appraisal received on 19th January 2016
Legal Agreement with neighbouring land owner received on 19th January 2016.
## PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision
Site visit made on 18 December 2015

by Anne Jordan BA(Hons) MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 March 2016

Appeal Ref: APP/P1045/W/15/3131502
Land at Dayfields Farm, Atlow, Ashbourne, Derbyshire, DE6 1NU

- 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 TGC Renewables Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 15/00089/FUL, dated 13 February 2015, was refused by notice dated 23 July 2015.
- The development proposed is a solar farm and associated infrastructure.

Decision
1. The appeal is allowed and planning permission is granted for a solar farm and associated development at Land at Dayfields Farm, Atlow, Ashbourne, Derbyshire, DE6 1NJ, in accordance with application Ref 15/00089/FUL, dated 13 February and the plans submitted with it, and subject to the conditions attached.

Application for Costs
2. An application for costs was made by TGC Renewables against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Main Issue
3. The main issue for the appeal is the effect of the proposal on the character and appearance of the surrounding landscape.

Reasons

Policy
4. The development plan for the district is the Adopted Derbyshire Dales Local Plan 2005. Although a number of policies within it have been saved for development control purposes it predates the National Planning Policy Framework (the Framework) and therefore need to be considered in accordance with their consistency with the Framework. Policy SF4 seeks to resist development in the countryside unless it falls within a number of stated exceptions. These include development which forms part of a farm-based diversification scheme. Such schemes should be appropriate in nature and scale in a rural area, preserve the character and appearance of the countryside and minimise any adverse impact to the local environment. Policy NBE8 also seeks development which protects and enhances the character, appearance and local distinctiveness of the landscape.
5. The Framework also recognises the intrinsic character and beauty of the countryside as a core planning principle. I also note that in the House of Commons oral statement of 29 January 2014 the Planning Minister, Nick Boles, stated that “The policies in the National Planning Policy Framework are clear that there is no excuse for putting solar farms in the wrong places. The Framework is clear that ... solar farms, should be approved only if the impact, including the impact on the landscape – the visual and the cumulative impact – is or can be made acceptable. That is a very high test.”

6. Policy SF6 of the Local Plan seeks to safeguard best and most versatile agricultural land from development unless there are overriding benefits resulting from the development which would outweigh the harm that would arise from its loss. Best and most versatile agricultural land is specified as being Grades 1, 2 and 3a. This aim is consistent with advice in the Framework (paragraph 112) and with advice in Planning Practice Guidance (PPG). This advises that solar farm schemes should be focussed on previously developed sites and that where use of greenfield land is proposed, poorer quality land is used in preference of high quality land. Any proposal for a solar farm involving the best and most versatile agricultural land should be justified by the most compelling evidence. The Written Ministerial Statements of the 25 April 2013 and the 25 March 2015 reinforce this approach. The PPG also advises that solar schemes should also be considered in the light of their potential to allow for continued agricultural use and to encourage biodiversity.

7. Policy NBE16 advises that planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building. Policy NBE24 seeks to preserve archaeological sites or other heritage features. The Framework advises that any harm to the significance of a heritage asset, which can be derived from its setting, will require clear and convincing justification, which must be weighed against the public benefits of the proposal.

8. Policy CS5 of the Local Plan supports schemes for renewable energy generation where it can be demonstrated that the benefits of the scheme outweigh any adverse impacts and where the proposal is sited to minimise harm to the immediate or wider landscape. The Framework supports the transition to a low carbon future in a changing climate and encourages the use of renewable resources. It seeks to increase the use and supply of renewable and low carbon energy, by encouraging LPA’s to provide a positive strategy to promote energy from renewable and low carbon sources. It also states that when determining planning applications, applicants should not be required to demonstrate the need for renewable energy and that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.

9. In this regard the Framework reflects the National Policy Statement for Renewable Energy Infrastructure which sets out the Government’s strategy for meeting the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK’s obligation of 15% of energy consumption from renewable energy resources by 2020.
The Nature and Benefits of the Proposal

10. The appeal site is made up of 10.8 hectares of grazing land on the outskirts of Atlow. It comprises 2 fields which run alongside Ridge Lane to the north sloping gently to Dayfields Brook in the south, with an access strip to the south west. The fields are enclosed by hedgerow and clusters of hedgerow trees. The appeal relates to a proposal for a 5.4 MW solar farm comprising racks of south-facing non-reflective fixed solar panels, which would reach up to 3m in height. The proposal also includes 2.4m high perimeter fencing and gates, CCTV equipment, an internal access road along the north and west perimeter, an associated substation building, a communications building, a switchgear building and inverter substations all towards the south-west corner of the site. Landscape mitigation measures would include the introduction of two native hedgerows within the site running north/west to south/east to recreate historic hedgerow patterns and augmentation of the existing perimeter hedging which would be allowed to grow to 3m in height.

11. The proposal could provide up to 4.7GWh of electricity annually which I am advised is sufficient to supply 1,440 local homes with power. It would also bring some financial benefit to the site owner who states that this diversification of income will assist with the viability of his farm enterprise, which includes land at Yeldersley.

Effect on Character and Appearance of the Landscape

12. The Council’s concerns relate to the effect of the proposal on the local landscape. The site lies with National Character Area 50 – Derbyshire Peak Fringe and Lower Derwent and within the local Landscape Character Area – Settled Plateau Farmlands, which lies between the Peak District National Park and the more urban landscape to the east. It comprises gently rolling countryside with many river valleys and extensive deciduous woodland along valley slopes. Field patterns are irregular with small to medium sized fields and hedgerows of mixed native species and with hedgerow trees and isolated copses contributing to the landscape’s wooded character. The landscape is predominantly rural with scattered farmsteads and isolated dwellings and is picturesque and of high quality. The undulating topography and presence of trees and hedgerows reduces the scope for medium and long range views.

13. A Landscape and Visual Assessment was submitted with the application which included an assessment of the Zone of Theoretical Visibility and specific assessments of the impact of the proposal from 11 viewpoints within 5km of the site.

14. In close range views in and around the site, from Ridge Lane, from Footpath 29 west of the site and from Footpath 16 to the north-east the visual impact of the proposal would be severe. Open views of the rows of solar panels would be available which would only be partly mitigated by boundary hedgerows and trees. This would be compounded by views of the security fencing, and by the various sub-stations and other equipment located towards the south-west of the site. From opposite on Dayfield Lane the proposal would remain visually prominent in views from breaks in the hedgerow. In these available views further from the site, the extent of the proposal would be more apparent.

1 Based on DECC and OFGEM figures relating to average consumption.

www.planningportal.gov.uk/planninginspectorate
although some parts, to the south, would be partially screened by hedgerows. In these views, due to the manmade appearance of the panels, and the extent to which they would cover the site, the proposal would have an intrusively harmful effect of the appearance of the site and detract from rural character of the area immediately surrounding it.

15. In midrange views from Gorse Lane, including from Footpath 14, looking west from Atlow Lane and looking north from the A517 and from Footpath 29, more distant views of the panels would be available. These would be partially screened by trees and hedgerows and by intervening topography. Although the development would not be immediately evident from the A517 it would be notable across the dip of the Dayfield Valley from Footpath 29 as the length of the development would be evident from this direction. Nevertheless, as the installation would form only part of the overall view, and would be broken up by hedgerow, its effects would be less intrusive and it would have a moderately harmful effect on the wider landscape. This effect would be reduced as distances from the site increase. From north at Madge Hill, and from the east from Corley Lane from Yew Tree Lane the impact on the landscape would be very slight, with the installation becoming barely visible due to the undulating topography and the greater prominence of other manmade features.

16. The Zone of Theoretical Visibility indicates that there would be no intervisibility between the 2 other identified existing or consented solar developments and the appeal proposal. The relatively small number of other solar schemes indicates that even if successive views of solar development in the locality were possible, this would have very limited cumulative impact on the wider landscape. The proposed development is for a period of 25 years after which the panels would be dismantled and removed. Nevertheless, harm would occur to the rural landscape in local and midrange views and would thereby conflict with policies SF4 and NBE8 of the Local Plan. This weighs against the proposal in the planning balance.

**Other Matters**

17. The proposal is the subject of a number of objections from local residents. I understand the concerns expressed by local residents and the Parish Council, however, whilst it is important that local views are taken into account, those views must be weighed together with all other material considerations.

18. A number of local residents, and the local MP Sir Patrick Mcloughlin have expressed concern in relation to the effects of the proposal in agricultural land. The site was surveyed as part of the application and found to be Grade 4. The Council have not expressed any concerns in relation to the survey and do not contest this. The land therefore appears to fall outside the category of Best and Most Versatile Agricultural Land. Whilst I acknowledge that national policy also expresses a preference for the use of brownfield sites for solar farms, in that the proposal would not lead to a loss of the most productive agricultural land, I find no conflict with the Framework and Local Plan Policy SF6 in this regard. The proposal would also bring some limited ecological benefits through the augmentation of existing and provision of additional hedgerow.

19. Residents have also expressed concerns relating to the impact of the proposal on highway safety, particularly during construction, and in relation to the effect of heavy goods traffic using the junction at the end of Gorse Lane and travelling through the village. Derbyshire County Council Highways have no
objection to the proposal and are satisfied that the proposal can be considered acceptable subject to conditions, including the implementation of an appropriate traffic management plan. I noted on site that the lanes around the site were narrow and in some cases steep, with limited passing places. However, although the proposal would lead to some increased use by heavy goods vehicles during the limited periods of implementation and decommissioning, this could be controlled by a traffic management plan which could include measures to mitigate its more intrusive effects and ensure necessary steps were taken to protect highway safety. This matter does not therefore weigh against the proposal.

20. The submitted heritage assessment identified 11 designated heritage assets and a further 7 non-designated heritage assets within a 1500m search area around the site. It concluded that due to the distance between the identified assets, and intervening vegetation and topography there was no clear visual link between the site and these assets. As a consequence the proposal would not impact on their significance. Furthermore, in relation to the archaeology of the site, having reviewed the scheme the County Archaeologist is satisfied that the site has no clear areas of archaeological significance and so is satisfied that subject to a watching brief the proposal is unlikely to harm archaeological interests.

21. Some residents have referred to the impact of the proposal on tourism. However no evidence has been submitted to indicate that it would have any demonstrable effect in this regard, or reduce the benefits of tourism to the wider economy. I have also received comments objecting to the provision of a financial contribution to village facilities. Although a “community benefit payment” is referred to in the appellant’s statement, I have not been provided with any mechanism for securing a financial contribution of this nature. Neither have I any basis for concluding that such a payment, if indeed it was forthcoming, would be reasonable and necessary to mitigate any adverse effects of the proposal. I therefore give the matter no weight.

The Planning Balance

22. The proposal would have a significantly harmful impact on the appearance of the countryside in local views. It would have a more moderate impact on the wider landscape in mid-range views which could in part be mitigated. These effects would be temporary and reversible and the more severe aspects of this harm would be localised. I therefore attribute moderate weight to the harm arising to the rural landscape. It would also lead to the temporary loss of the site from use for grazing, although this land is not “best and most versatile” and some limited grazing could continue to occur between the rigs. This reduces the harm that would arise and I attribute only limited weight to it.

23. The proposal would provide up to 4.7 GWh of power from a renewable source. The Framework identifies the provision of renewable energy as being central to the economic, social and environmental dimensions of sustainable development. I therefore attribute substantial weight to this benefit. It would also bring some limited ecological benefits to which I accordingly attribute limited weight.
Conclusion and Conditions

24. Taken together, the identified harm arising from the development would, on balance, be outweighed by the benefits of the scheme. It would therefore accord with policy CS5 of the Local Plan and can be said to be sustainable when assessed against the Framework as a whole. For the reasons given above I conclude that the appeal should be allowed.

25. In addition to conditions relating to the period of implementation, the period of the permission and adherence with the approved plans, it is reasonable and necessary to require that the site is decommissioned at the end of the period of permission. In order to ensure an acceptable appearance for the development, and to ensure that the proposed ecological improvement measures are provided, it is reasonable and necessary to impose conditions relating to landscaping including habitat improvement measures. This condition is also necessary to ensure retention of existing hedged boundaries which screen the site. In the interests of protecting the amenity of residential occupiers conditions relating to CCTV operation and a construction method statement which shall include a traffic management plan are also reasonable and necessary.

26. In the interests of protecting any archaeological interest the site may have it is necessary to impose a condition in relation to archaeological investigation, evaluation and if necessary, mitigation where excavation is proposed in order to lay cabling. Finally, a condition requiring appropriate surface water drainage for the site is also necessary and reasonable to manage any increased run-off from the site.

Anne Jordan

INSPECTOR
Conditions

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.
   - Location Plan
   - ST14484-001 Landscape Plan Revision B
   - TGC_PV003 Inverter Cabin R3
   - TGC_PV004 CCTV R2
   - TGC_PV005 Rack Elevation R2
   - TGC_PV007.01 Looped Substation WPD
   - TGC_PV009 Comms Building
   - TGC_PV0010 Switchgear Housing R3

3. This permission shall expire within 25 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event.

4. Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the local planning authority. Prior to the decommissioning of the site a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the approach to be taken to remove the array support poles, cable runs and other below ground structures whilst minimising harm to below ground archaeology. The decommissioning of the site shall take place in accordance with the decommissioning method statement.

5. Notwithstanding the details on the approved plans the solar farm shall not become operational until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels including details of the boundary fence to incorporate measures to allow for the passage of animals freely across the site; specifications and positions of all ecological features and habitats to comprise a scheme of biodiversity enhancements and a programme of implementation for such measures; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site.

6. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the solar farm becoming operational or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on
the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

7. Notwithstanding the details on the approved plans, prior to the first export of electricity to the National Grid, full details of the proposed CCTV system, including an operational statement shall be submitted to and approved in writing by the Local Planning Authority. This shall show the location and set out the purpose of each CCTV camera, set out how the CCTV system fits into the overall security strategy, define the quality of imagery produced and state how CCTV imagery is to be monitored. The approved system shall be installed in accordance with the agreed details prior to the first export of electricity to the national grid and thereafter maintained.

8. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include construction working hours and details of traffic management measures including wheel washing measures, delivery arrangements (including storage arrangements and timings), contractor parking, traffic management and any need for cranes for construction.

9. Prior to the commencement of development the precise route of the cable connection to the grid shall be agreed with the Local Planning Authority. The submission of details in relation to this shall include a methodology for safeguarding and recording any archaeological finds and shall also detail how the route of the Bradley Footpath 29 is to be safeguarded during the development process.

10. Prior to the commencement of the development, details of surface water drainage works to serve the site shall be submitted for approval to the Local Planning Authority. The development shall thereafter be implemented in accordance with the submitted details.
Costs Decision

Site visit made on 18 December 2015

by Anne Jordan BA(Hons) MRTP

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

Decision date: 09 March 2016

Costs application in relation to Appeal Ref: APP/P1045/W/15/3131502
Land at Dayfields Farm, Atlow, Ashbourne, Derbyshire, DE6 1NU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by TGC Renewables Ltd for a full award of costs against Derbyshire Dales District Council.
- The appeal was against the refusal of planning permission for a solar farm and associated infrastructure.

Decision

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

Reasons

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

3. The Council refused the planning application against the advice of its professional officers. However, this is not in itself unreasonable provided the reason for refusal has been adequately substantiated, based on planning grounds.

4. The Council’s concerns related to the effect of the proposal on the local landscape. Both local and national policies seek to protect the rural landscape from unnecessary development. Both parties acknowledge that the landscape surrounding the site is one of high quality. Furthermore, the submitted Landscape and Visual Impact Assessment states that in some views of the proposal, the visual effect would be "severe". The Council’s concerns were therefore not based on unsubstantiated assertions about the proposal’s impact.

5. I note the appellant’s concerns that the economic benefits of the scheme were not adequately conveyed to the Members. Whilst it is true that the benefits derived from business rates was not explored in the committee report, this would arise from a wide range of development and would be likely to be a matter which the Committee would be well aware of and so did not need to be explicitly stated. I am also satisfied that there was no inconsistency between the planning decision and the terminology used in the EIA Screening Opinion.

6. In coming to a view Members balanced the identified harm from the proposal against the benefits of the scheme and determined that the visual impact outweighed the stated benefits. Whilst acknowledging the harm that would
arise to local landscape, I have nonetheless come to a different view. This view is finely balanced and is one which places more weight on the fact that the more severe effects of the proposal would be localised. In the circumstances I do not however consider it unreasonable for the Council to place less emphasis on this factor, as the effect on local views was a concern expressed by a number of local residents.

7. Neither do I consider the Council’s case at appeal to be deficient. Although it was brief, it clearly and concisely expressed and substantiated Members’ concerns. Having regard to the characteristics of the site I do not consider that these concerns would have been addressed to Members’ satisfaction by the imposition of conditions.

8. It follows that the Council did not delay development which should clearly have been permitted, having regard to local and national policy and any other material considerations. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Anne Jordan

INSPECTOR
Appeal Decision

Hearing and site visit held on 3 February 2016

by A U Ghafoor BSc (Hons) MA MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2016

Appeal Ref: APP/P1045/C/15/3131891
Land at Woodside Farm Buildings, Back Lane, Darley Moor, Matlock DE4 5LP

- 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 Gary Foster against an enforcement notice issued by Derbyshire Dales District Council.
- The notice was issued on 29 June 2015.
- The breach of planning control as alleged in the notice is the material change of use of the land to use for the stationing of a mobile home for the purposes of human habitation and the siting of an amenity building/office.
- The requirements of the notice are to:
  1. Permanently remove the amenity/office building from the land.
  2. Permanently remove the mobile home from the land (in the approximate position hatched blue on the plan attached to the Notice).
- The period for compliance with the requirements is 28 days step (1) and 90 days step (2).
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is corrected and quashed and planning permission is granted for a limited period of three years in the terms set out below in the formal decision.

Application for costs

1. At the Hearing an application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Matters concerning the Notice

2. The Notice as issued alleges a breach of planning control consisting of a material change of use, under section 171A(1)(a) of the Town and Country Planning Act 1990 as amended (the Act). In this case it is apparent to me that the breach of control that has actually occurred is the continuation of a use of land after the planning permission from which it benefited, which was time limited by means of a condition, had expired.

3. The permission in question was granted on 30 May 2008, Council reference 08/00298/TEMP, for erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office. Condition 1) states: This permission is for a temporary period of three years from the date of this decision expiring on 30 May 2011 immediately after which

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1 Council ref: 08/00298/TEMP dated 30 May 2008 for erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.
the mobile home/chalet and amenity building/office shall be removed and the land reinstated. I refer to this as 'the 2008 permission'.

4. The continuation of a use originally authorised by a planning permission granted for a limited period beyond the expiry of that period is not a change of use and not, in itself, development. The issued Notice is therefore incorrect and the main parties were in agreement at the Hearing that, to accurately reflect the breach that has occurred, it should have alleged a failure to comply with a condition subject to which planning permission has been granted, under section 171A(1)(b) of the Act. However, the Appellant contended that correction of the Notice to this effect is beyond the powers conveyed to the Secretary of State by section 176(1) of the Act, on the basis that such a correction would cause injustice. Having reviewed all of the arguments advanced in support of this proposition, for the following reasons, I find that the Notice is not beyond correction.

5. Although erroneously drafted, it did not leave the Appellant in any doubt as to what activity was being enforced against, because of the way and manner in which he has presented his grounds of appeal. Moreover, if the necessary correction were made, the deemed planning application under s177(5) of the Act, by analogy with s73A(3)(b), would be for the development originally permitted but without condition 1), with effect from the day following the date when the limited period imposed by that condition expired. Should the appeal on ground (a) succeed, I would grant a new permission on the deemed planning application, with any conditions that I consider to be appropriate. In such circumstances, the planning considerations relating to the material change of use alleged in the Notice as issued, as addressed by both main parties in evidence, do not differ in any way from those relevant to a breach of condition 1) of the 2008 planning permission.

6. Therefore, I shall correct the Notice to reflect the reality of the breach of planning control. These corrections do not address defects so fundamental that they result in a substantially different Notice and, accordingly, there is no injustice to any party in making them.

Ground (a) and the deemed application

Main issues

7. The contentious element is the continued presence of the amenity/office building and the mobile home for residential use. The main issues in determining the appeal on ground (a) are therefore as follows:
   • Firstly, the effect of the amenity/office building and mobile home on the character and appearance of the countryside, and
   • Secondly, whether there is an essential agricultural need for someone to reside on the site.

Planning policy

8. The development plan includes certain policies of the Derbyshire Dales Local Plan 2005 (LP), which have been saved following a Direction made by the Secretary of State. Paragraph 215 of the National Planning Policy Framework records that due weight should be given to relevant policies in existing plans according to their degree of consistency with it. I find no significant conflict with the Framework in respect of most of the development plan policies cited in
this case and, accordingly, will give them full weight insofar as they are relevant.

9. LP policies SF4 and H4 are countryside restraint policies and have a bearing on the supply of housing. Taking into account paragraph 47 and 49 of the Framework, the Council cannot demonstrate a five-year housing land supply (HLS), and relevant policies for the supply of housing should not be considered up-to-date for the purposes of this appeal. The LP's rural settlement policy cannot be interpreted as militating strongly against the principle of residential development in the countryside.

10. However, policy H4(a) and SF4(a) is multi-faceted and do not relate to housing in isolation. They state development within the countryside would be permitted if it is required to serve the essential requirements of agriculture, or for the operation of agriculture. They do aim the achievement of wider and important planning objectives, for example, protecting open countryside from unwarranted development, or facilitating development relating to agriculture including worker's dwelling. Due to the broader nature of these specific policies, I do not consider that it would be appropriate to abandon them for the purposes of this Appeal. Whilst there may be some implications for HLS, the other purposes of these policies are still relevant and important and worthy of full weight.

Reasons

11. For background information, the site is situated in the countryside where residential development is controlled. In this appeal, the Appellant seeks planning permission to continue the stationing of a mobile home for residential use for a limited period of 3 years on the basis of essential need in connection with a rural enterprise. He also seeks planning permission to retain the amenity/office building.

Character and appearance

12. The site comprises mobile home used for residential purposes stationed on hard standing. There is an amenity/office building which is a portable office type structure and has a water purification system and electric supply inside. Further towards the north of the land, there is a group of agricultural buildings and an existing access.

13. There is scattered dwellings and rural buildings in the immediate vicinity. For example, a newly formed agricultural business with static caravan as well as a separate commercial dog kennel enterprise is located to the south of the site. Notwithstanding these features, there are fairly long distant attractive views of the countryside over agricultural land which emphasise the undeveloped quality of this landscape. The undulating topography reinforces the locality's rural appearance. The prevailing sense of place is one of openess and tranquillity. Rural buildings are generally grouped together close to the roadway and this is a locally distinctive feature.

14. The mobile home and amenity/office building, which has been subjected to severe storm damage due to its exposed positioning, are clearly visible from within Back Lane, which is a public right of way. These form unusual and incongruous features that one would not generally expect to come across in the countryside. Both intrude upon an otherwise unspoilt rural scene.
15. Additionally, the development introduces all of the trappings associated with residential living. Domestic paraphernalia on display, including washing lines and outdoor furniture, is at odds with the area’s rural character. The introduction of comings and goings associated with the site’s residential use is markedly out of place and detracts from the open and pleasant setting of the locality.

16. The residential use of the land facilitated by the stationing of a mobile home, combined with the location and positioning of the amenity/office building and the location of the southern access, fail to reinforce local distinctiveness or sense of place. They do not preserve or enhance the character and appearance of this rural location or minimise adverse visual impact on the local environment.

17. Nevertheless, the static caravan and amenity/office building can be readily removed from the site without causing permanent damage should the rural enterprise ultimately fail. The existing access to the north of the mobile home could be used as opposed to the new driveway to the south. Other items and equipment which could be said to be domestic in nature are likely to be modest, utilitarian and relatively inconspicuous in long-distance views of the site. Moreover, the Appellant’s activities have made a positive contribution to the appearance of the area by reason of remedial work to the site’s former condition as a compound for storage of burger vans and other paraphernalia.

18. However, I conclude that, on balance, these attributes are not sufficient in themselves to outweigh the visual harm caused to the countryside by the siting and location of the mobile home and amenity/office building. I am also mindful that endorsement of a continuing residential presence outside development boundaries would undermine local settlement policy, ultimately to the cumulative detriment of the character of the countryside, unless sound planning reasons can be shown. The development fails to comply with LP policy NBE8, SF(g)(h) and SF5(b).

Agricultural need

19. The holding is 38.2 ha in size and a further 20 acres is rented elsewhere. The site is occupied by a range of modern and traditional stone built farm buildings. There is hard standing, portable office used as an amenity building and a mobile home. The amenity building/office houses the water purification system and energy supply. It is required for operational reasons.

20. The established farm enterprise comprises cattle, sheep and pigs. Although a conventional farm, income is also generated by operating a 4 x 4 driver training programme for private and public sector clients. I am satisfied that the Appellant has the ability and intention to develop this rural enterprise.

21. A business plan has been prepared to support previous application for planning permission. These were prepared by agricultural experts The Farm Consultancy Group and remain relevant because of the forecasts. The information has been assessed by Kernow Countryside Consultants Limited for the Council. I find these reports relevant and the best available evidence.

22. There is broad agreement between the agricultural experts that the enterprise as a whole gives rise to a labour requirement of at least one full-time worker. The Appellant spends, on average, eight hours a day working on the farm.
seven days a week during the summer and autumn. During calving and lambing he could be working for 14 - 16 hours a day; about 3000 annual hours. The question, however, is whether there is still a need for this full-time worker to be on hand day and night thereby justifying the temporary dwelling.

23. The enterprise started in 2008. The Council were of the view that, subject to the provision of an agricultural building to over winter the stock numbers, there was an essential need for at least one stockman to permanently reside on the site. Temporary planning permission was granted for the mobile home and office on a trial basis to assess viability. Subsequently, concerns were raised by an interested party about the continued presence of the mobile home and amenity building. Enforcement action followed. In an attempt to overcome planning difficulties on this site, applications for outline planning permission for a permanent dwelling as well as a temporary mobile home were submitted and refused by the Council.

24. Notwithstanding the doubts and criticisms levelled by the Council and others, I am impressed by the amount of work undertaken to date, albeit that this has yet to blossom into a well-established profit-making enterprise, and by the number and quality of the livestock already in place. It seems that time has been spent in improving the condition of the land. Considerable work has been undertaken with minimal resources to secure and extend existing farm buildings. Significant investment in plant and machinery has been made. Indeed, it is very difficult to find flaws in the Appellant's genuine explanation for the apparent lack of progress. In the absence of firm evidence to the contrary, I am satisfied about his genuineness and commitment to the enterprise. He did not come across to me as a part-time farmer or someone who simply wishes to have a house in the countryside.

25. The Council question whether the Appellant has permanently lived on the site since 2008 because Council tax has not been paid. The Appellant states that he was unaware Council tax had to be paid due to the temporary nature of the agricultural worker's dwelling. A neighbour told the Council that in the last five years Mr Foster had stayed overnight on about 60 occasions. The Appellant explained in detail the nature of the residential use. Initially, both he and his wife lived in the mobile home. However, his wife found it difficult to adapt to this way of living because she suffers from depression. Her medical condition worsened and so it was in her best interest to move back to the family home at Wingerworth, which is about 10 miles away.

26. The unequivocal assertion is that the Appellant lives on the farm during the working week. On occasions, and mostly at weekends, he returns home to see his family. It appeared to me that the mobile home is in use for residential purposes. There is general wear and tear, for example, the floors show signs of heavy use. The kitchen contained white goods and food. There was some bedding and personal items in the bedroom. In all probability, the mobile home is used for residential purposes in the manner described by the Appellant.

27. In terms of livestock, the farm would focus on cattle, sheep and pigs. Since 2008 livestock has dramatically increased. Cattle have increased from 50 cows to 78. The cattle include Blonde d’Aquitaine and the aim is to develop a closed herd. The number of sheep has also increased from 50 Texel ewes to 87. Cattle and lambs are sold via local farmer's markets. There are 4 pigs on the farm.

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and the intention is to develop this element of the enterprise for breeding purposes. As he is an experienced butcher, the Appellant intends to finish some of the cattle and sheep and supply meat to customers and retail outlets.

28. Animal welfare is at the forefront of the Appellant’s mind and occasions when essential care necessitates being on hand day and night is likely to be frequent given the type and amount of livestock. There is a need to manage the calving process, deal with post calving matters, check for illnesses and managing weaning of the calves. There is a need to be on hand during lambing. While seasonal combined with the other breeding activity on the farm, I consider that living on the site ensures emergencies are responded to in a short space of time.

29. The Appellant explained how he has responded to emergencies overnight during calving or lambing. He has assistance from his son and family but manages the process by himself. Delay in responding to emergencies could be catastrophic because it might result in the loss of valuable stock. Given the nature and scale of this farming enterprise, I concur with the agricultural experts that the work involved in managing and running the farm generates a functional need for at least one full-time resident rural worker to permanently live on the site.

30. The Appellant recognises that it has taken longer than anticipated in preparing and submitting an application for a new livestock building. However, planning permission has now been obtained because the Council granted consent on 2 September 2015. The permission is subject to a condition requiring development to begin before the expiration of three years\(^3\). The new farm building would be 27.4 m x 13.7 m and 6.4 m in height. The paperwork suggests it would be of a sufficient size to accommodate the intended number of livestock.

31. The Appellant appeared serious about erecting the farm building within the next few years. He has obtained the necessary quotations. These fall within the bracket £14,000 – 22,000, and he would use his own money to finance the construction of building because his butcher’s shop in Chesterfield has been sold. If this farm building is constructed in accordance with the approved plans, the Council’s reservations about livestock accommodation over winter would be addressed.

32. There is broad agreement between the agricultural experts about viability assessments. In 2008 the business was on the margins, but it was thought that the farm would be viable in the long term. The business plan showed profitability of £10,587 in 2007, £13,303 in 2008, £15,326 in 2009 and the Appellant states that these figures were actually achieved. According to the latest accounts prepared by Barber Harrison Platt, profitability from the combined business was achieved in 2011 (£28,341), 2012 (£9,493) and £19,749 in 2013. Although accounts for 2014 and 2015 have not been submitted, the forecast shows income in 2014, 2015 and 2016 as £18,958, £23,454 and £22,997 respectively. The Appellant confirmed that the business is on track to meet these projections in the near future.

33. The agricultural experts do not disagree about the estimated type and fixed costs associated with the breeding enterprise. Using the industry management

\(^3\) Council ref: 15/00422/FUL.
practice, it seems that the enterprise would be able to support minimum agricultural worker’s wage. Although up-to-date accounts have not been submitted, the prediction is that sufficient taxable profits would be generated by the farming enterprise to provide a reasonable return. If the business plan is adhered to, it seems to me that the livestock enterprise is likely to be viable in the medium to long term.

34. The Council is concerned about the inclusion of income generated by the 4 x 4 driver training element of the business. I am mindful that this type of activity is not agriculture and does not generate a need to live on the site. There is no evidence to show that it requires a rural location. The Appellant’s own documents show training is delivered on and off site although potential clients are likely to be attracted to the undulating terrain.

35. The paperwork shows that the farm income fluctuates. That is unsurprising because of today’s economic conditions. The four-wheel driver training activity appears to sustain the farm to a large extent, because of the amount of income generated. I am told that training people on 4 x 4 driving techniques is limited to 28 days per annum. The activity is small in scale yet provides a valuable source of income in difficult economic times. It would be unreasonable to simply exclude income from the driver training on the basis that it is not agriculture. That said however, it must be kept in mind that the functional need to permanently live on the site arises from livestock farming, not the 4 x 4 driver training element of the enterprise.

36. The business has suffered setbacks. For example, general economic conditions as well as uncertainties in the livestock markets have hindered progress. Additionally, progress must also be considered in the light of the unfortunate circumstances that have befallen the Appellant in recent years. It seems to me that the unanticipated temporary difficulties spanned the formative years of the enterprise and have now been resolved, inevitably building delay into the process. Nevertheless, what has been achieved so far is significant. The objectives of the enterprise remain as meritorious today as they were in 2008.

37. Provided performance of the breeding stock follows reasonably normal and natural patterns, the nature and scale of the enterprise has a good prospect of succeeding in the long term. In my opinion, the evidence indicates that a further limited trial period ought to be granted so that the Appellant can demonstrate viability of this rural enterprise; there is no significant risk that it would cease in the very near future. Clear evidence has now been presented, to my satisfaction, which shows that this conventional livestock enterprise has been planned on a sound, realistic and justified financial basis. Therefore, I find good planning reasons for not terminating the project right now.

Conclusions

38. The visual impact of the mobile home and amenity building/office is sufficient to cause harm to the landscape quality, contrary to LP policy NBE8, SF4(g)(h) and SF5(b). There is however an essential need for a full-time rural worker to live at the site and there is operational need for the amenity building/office. I have found that the livestock breeding enterprise would be sustainable and viable and, on balance, a further trial period of 3 years is justified given the current economic conditions and the Appellant’s personal circumstances, subject to the imposition of suitably worded conditions. To this finding I attach substantial weight. Accordingly, the continued residential use of the land and
siting of amenity building/office would comply with LP policy H4(a) and SF4(a), as well as advice found in paragraph 55 of the Framework.

**Conditions**

39. In correcting the Notice to allege the continuation of a use beyond the temporary period originally permitted and then allowing the appeal on ground (a), I would be granting a new permission by analogy with section 73A(2)(b) of the 1990 Act as amended. I am not bound by any conditions imposed on the previous time-expired permission and may impose conditions of my choice which fairly and reasonably relate to the continuation of the residential use and siting an amenity/office building. I have, nonetheless, had regard to the conditions attached to the 2008 permission, suggested conditions contained in the Council’s e-mail communication post event and the Appellant additional comments.

40. There is a reasonable explanation as to why limited progress to date has been made. A further temporary permission can be granted given the circumstances. Trial period of three years is justified because it would be sufficient to meet the identified agricultural need and to demonstrate viability. A suitably worded condition would enable the local planning authority to maintain control over the development, which is temporary in character, and reassess the agricultural need for the caravan and amenity/office building. As part of this condition, a suitable restoration scheme would be necessary.

41. I shall impose a condition stating that the caravan shall only be occupied by a person(s) solely or mainly or last working in agriculture, which is defined in s336(1) of the Act is required.

42. There is some concern about external lighting and the siting of a new access to the south of the mobile home. There is an existing access close to group of farm buildings which is appropriately located in terms of visual impact on the landscape. I note that the 2008 permission required access details. It seems that these were not submitted or officially approved. In addition, I am concerned about the unsightly condition of the existing amenity/office building. In the interests of safeguarding visual amenities of the wider landscape, I concurred with the Council the amenity/office building needs replacing.

43. Against this background, the purpose of condition 3) is to require the Appellant to comply with a strict timetable for dealing with the unsightly condition of the existing amenity/office building, siting and location of the new access as well external lighting. These matters need to be addressed in order to make the development acceptable in planning terms. The condition is drafted in this form because, 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. This is because the development has already taken place. The condition therefore provides 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 or by the Secretary of State on appeal, 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.
Overall conclusions

44. For the reasons given above and having considered all other matters, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered as the Notice will be quashed.

Formal Decision

45. It is directed that the enforcement notice is corrected by:
(i) in section 1, THIS IS A FORMAL NOTICE, the replacement of section 171A(1)(a) with section 171A(1)(b); and
(ii) the replacement of the wording of section 3, the breach of planning control alleged, in its entirety with:

Planning permission was granted on 30 May 2008, Council reference 08/00298/TEMP, for erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity/office building.

Condition 1) states:

This permission is for a temporary period of three years from the date of this decision expiring on 30 May 2011 immediately after which the mobile home/chalet and amenity building/office shall be removed and the land reinstated.

This condition has not been complied with in that the mobile home remains stationed on the land and is occupied for residential purposes. The amenity/office building remains on the land. Planning permission has not been renewed.

46. Subject to the corrections above, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the material change of use of the land to use for the stationing of a mobile home for the purposes of human habitation and the siting of an amenity/office building on Land at Woodside Farm Buildings, Back Lane, Darley Moor, Matlock DE4 5LP subject to the following conditions:

1) The permission for residential use of the land facilitated by the stationing of a caravan and siting of amenity/office building hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The residential use of the land and siting of amenity/office building hereby permitted shall be discontinued and the land restored to its former condition on or before the expiry of three years from the date of this decision, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

2) The occupation of the mobile home hereby permitted shall be limited to a person or persons solely or mainly, or last working in agriculture (as defined in section 336 of the Town and Country Planning Act 1990 (as
amended), in the locality or to the spouse, widow or widower of such a person and to any resident dependents.

3) The residential use and siting of an amenity/office building hereby permitted shall cease and the caravan and amenity building/office removed from the land within six months of the date of failure to meet any one of the requirements set out in (i) to (v) below.

(i) Within two months of the date of this decision, full details of the type, location and siting of the replacement amenity/office building (including details of its external appearance and colour), external lighting for the site, and access from Back Lane and parking arrangements within the site (herein known as 'the scheme'), shall be submitted to the local planning authority together with an implementation and timetable.

(ii) Within ten months of the date of this decision the scheme and timetable submitted pursuant to (i) above shall have been approved by the local planning authority or, if the local planning authority refuses to approve them or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made 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 and timetable shall have been approved by the Secretary of State.

(iv) The scheme shall have been fully implemented in accordance with the approved details and timetable pursuant to (i) to (iii) above.

(v) Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

A U Ghafour

Inspector
APPEARANCES

FOR THE APPELLANT:

John Church                     John Church Planning Consultancy Ltd
Gary Foster                      Appellant
Emily Foster                     On behalf of the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Gareth Griffiths                Senior Planning Officer

DOCUMENTS HANDED IN AT THE HEARING

1. Letter of support – Appellant.
Costs Decision

Hearing and site visit held on 3 February 2016

by A U Ghafoor BSc (Hons) MA MRTPA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2016

Costs application in relation to Appeal Ref: APP/P1045/C/15/3131891
Land at Woodside Farm Buildings, Back Lane, Darley Moor, Matlock DE4 5LP

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Gary Foster for a full award of costs against Derbyshire Dales District Council.
- The hearing was in connection with an appeal against an enforcement notice alleging breach of condition 1) imposed on planning permission reference 08/00298/TEMP granted on 30 May 2008 for erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.

Decision

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

The submissions for the Appellant

2. Briefly, the Council should look for solutions rather than problems and work proactively with applicants in securing sustainable development. There has been a long history of planning applications. In December 2014 an application was submitted which sought to extend the period of temporary permission for the site’s residential use. It took six months for that application to be determined. Soon after that the Council issued the enforcement notice yet it had been aware that an appeal was about to be made against its decision to refuse permission.

3. The farm is established and the Council’s own agricultural expert has recommended permission be granted for continued residential use. The need is for at least one full-time worker to live on the land. The Council failed to take its own expert’s recommendations into account.

4. The Council has failed to demonstrate how it considered the impact upon Appellant’s Human Rights. It had been made aware that the mobile home was used for human habitation and is the Appellant’s home.

The response by the Council

5. The application for planning permission submitted in December took longer than anticipated due to the number of documents and staff commitments. The application was not significantly delayed. The circumstances were reviewed before enforcement notice was issued. The Council considered Human Rights implications, but had information to hand which suggested the Appellant had alternative accommodation.
6. The Council assessed the merits of retaining the mobile home on the basis of agricultural need but found that the evidence did not clearly show a functional need. Evidence from an interested party indicated that for most of the time the Appellant was not living on the land since temporary permission had been granted.

Reasons

7. Costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The parties in the appeal proceedings normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.

8. In these proceedings the Council adhered to relevant timetables and there is no evidence of delay. The question of whether it is expedient to take enforcement action is within the Council’s jurisdiction. The residential caravan site did not benefit from planning permission because temporary planning permission had expired. The reasons for issuing the enforcement notice are clearly stated. These relate to the unsuitability of the site for residential purposes and the harm to the character and appearance of the surrounding area caused by the caravan and amenity/office building.

9. My decision explains the reasons why I have found favour with the Appellant’s argument. This is mainly because there is an essential need for a rural worker to live permanently at the site. There are extenuating circumstances justifying temporary planning permission. These are matters that require an exercise of planning judgement. I have attached substantial weight to my essential need finding, but the advanced agricultural justification had been interrogated by the Council. It took a different view and that does not amount to unreasonable behaviour. The decision to take enforcement action was based on local and national planning policies. Vague, generalised or inaccurate assertions have not been made in respect of the harm to the countryside. I find that the Council has not unreasonably prevented or delayed development.

10. The Council’s application of its own policies was not fundamentally flawed. The essential need and viability matters seem to have been based on expert opinion and required a planning judgement to be made on particular facts.

11. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs, partial or full, is unjustified in this case.

A U Ghafoor

Inspector
Appeal Decision

Site visit made on 10 February 2016

by Alison Roland BSc DipTP MRTP

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

Decision date: 10 March 2016

Appeal Ref: APP/P1045/W/15/3012010

Land Adjacent to 2 Mill Road, Cromford, Matlock, Derbyshire DE4 3RQ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Sabine against the decision of Derbyshire Dales District Council.
- The application Ref: 15/00008/FUL, dated 6 January 2015 was refused by notice dated 24 March 2015.
- The development proposed is dwelling house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (1) whether the proposal would preserve or enhance the character or appearance of the Cromford Conservation Area and the setting of the Grade I Listed Cromford Mill Complex (part of the Derwent Valley Mills World Heritage Site) and the Grade II Registered Park and Garden of Willersley Castle. Also the implications of the proposal for (2) any archaeological deposits at the appeal site and (3) protected species or otherwise important wildlife interests.

Reasons

Heritage

3. The Cromford Conservation Area is extensive in area and encompasses both the historic core of the settlement of Cromford itself, together with surrounding outlying rural area interspersed with sporadic buildings. Cromford Mill complex is a distinct character area within the Conservation Area. The mill buildings are Grade 1 Listed, and also fall within a larger World Heritage Site; a designated heritage asset of the highest significance. Willersley Castle stands in the northern part of the Conservation Area and its surrounding parkland is designated as a Registered Park and Garden.

4. The Cromford Mill complex comprises a series of substantial cotton mill buildings dating from the late eighteenth century arranged around Mill Road. They were established by Richard Arkwright a leading entrepreneur of his time and were later widely emulated in subsequent cotton mills across Lancashire.
The buildings are of robust stature and some feature an unusual semi fortified design, which according to the list description, was designed to resist rioters. The buildings are nestled beneath Scarthin Rock which forms a strong visual barrier separating the Mill Complex from the Derwent River and grounds of Willersley Castle beyond to the North.

5. Nos 1 and 2 Mill Road are a pair of semi detached houses of twentieth century origins, to the immediate west of the mill complex. The appeal site which is accessed from a drive to the side of No 2, comprises an irregular shaped piece of land sited at the edge of Scarthin Rock in an elevated position above the mill complex. The land is broadly flat, but drops steeply to the mill complex, which it abuts along its southern edge. It is currently occupied by a miscellany of single storey buildings and animal pens.

6. The proposed dwelling would be sited close to the cliff face and orientated with its gables facing the cliff and mill complex respectively. It would be of broadly rectangular plan form with a rear outshut. The design would be of simple vernacular style with stone surrounds to the doors and windows (incorporating mullions to the latter), stone saddle stones at the verges with kneelers and an external chimney stack. The proposed materials are natural stone beneath a blue slate roof.

7. I take the appellant’s point that the design of the building viewed in isolation is clearly traditional and not untypical of the Derbyshire gritstone houses found in the area. However, whilst I have no issue with its intrinsic design, I consider its relationship to the setting of the Mill complex to be a major cause for concern.

8. The appellant maintains that the difference in levels between the appeal site and the mill complex and the existence of mature trees along the intervening bank would provide a strong visual separation between the two. However, I cannot agree. Occupying an elevated position relative to the mill complex, the house would be visible from Mill Road between the gaps in the trees (particularly following leaf fall in winter) and also from the upper windows of buildings identified as “M” and “J” in the appellant’s submissions. In particular, it would intrude significantly into the backdrop of the mill complex formed by the cliff face of Scarthin Rock and would have an uncomfortably assertive position relative to building “M” (The Loom Building). I am not satisfied that the proposed landscaping would overcome this concern.

9. Paragraph 132 of the Framework advises that great weight should be given to the conservation of designated heritage assets in considering the impact of a proposal on their significance. It goes on to state that significance can be harmed or lost through development within their setting.

10. Whilst much of the value of the mill complex is undeniably derived from its significance in the development of the cotton weaving industry of the eighteenth century, part of it is derived from the unity presented by the intact grouping of buildings in its unspoilt setting, largely unscathed by later developments. The integrity of the complex would be spoilt by the introduction of a building in an uncomfortably close and elevated juxtaposition which would bear no relationship to the history or development of the mill complex itself. The building would appear as an intrusive anomaly, totally out of context with and seriously harmful to the setting of the mill. Lighting and external domestic
paraphernalia, such as washing lines, garden structures and play equipment would exacerbate its visual impact. Merely because it would be partially seen in the context of Nos 1 and 2 Mill Road of more modern date, does not overcome my concern, because it would in effect amount to encroachment of development in an elevated position, considerably closer to the mill complex.

11. I appreciate that the appeal site has a somewhat untidy appearance and the buildings thereon are far from attractive. However, as single storey timber structures, they are relatively discrete features and do not intrude into the setting of the mill complex in the same way as the appeal proposal would.

12. The Council Archaeologist also refers to views into the Mill complex from the A6. Whilst the cliff face beyond Nos 1 and 2 Mill Road can be glimpsed from the junction of Mill Road with the A6, given that the proposed dwelling would be set back behind those properties, I do not consider it would intrude into views therefrom. Views further along the A6 to the East would also be filtered by trees.

13. Moving on to the Registered Park and Garden of Willersley Castle, I saw at my visit that the appeal site is physically and visually separated therefrom by the elevated and well wooded ridge of Scarthin Rock. Whilst, the opposite (northern) cliff face to Scarthin Rock does indeed form part of the backdrop to the parkland (and indeed a well walked public footpath along its foot affords extensive views across the river Derwent into it), there is no intervisibility between the appeal site itself and the park, as it is on the opposite side of that ridge. This being the case, I cannot accept the Council’s case that the appeal proposal would in any way compromise the setting of the Registered Park and Garden of Willersley Castle.

14. Overall in relation to the first main issue, whilst I have found in favour of the appeal in relation to the setting of the Registered Park and Garden of Willersley Castle, this finding is clearly outweighed by the substantial harm that would be caused to the setting of the Grade I Listed Cromford Mills complex, the character and appearance of the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site. This would bring the proposal into conflict with Policies SF1, SF5, H1, H9, NBE16, NBE21 and NBE25 of the Derbyshire Dales Local Plan (2005) (LP) which seek to ensure that development preserves or enhances the quality and local distinctiveness of its surroundings, does not have an adverse effect on the setting of listed buildings, preserves or enhances the character or appearance of Conservation Areas and does not have an adverse impact on the setting of the Derwent Valley Mills World Heritage Site.

Archaeology

15. The planning application was accompanied by an archaeological desk based assessment which the Council Archaeologist concedes successfully provides an assessment of on site archaeological issues and the history of the site. It is also accepted by the Council that the appeal site is unlikely to retain any archaeological evidence of high significance, there being no map evidence for any buildings on site.

16. It is therefore recommended that the development ground works are subject to archaeological monitoring to ensure recording of any findings. Whilst there is evidence of a waterway to supply the mill site (now culverted), crossing the site
in the vicinity of No 2 Mill Road and the proposed access, I see no reason to conclude that the use of the driveway for one additional dwelling (which currently serves the existing property), would be likely to impact on that culvert.

17. The remainder of the archaeologist’s comments relate to the setting of the World Heritage Site, which I have dealt with under the first main issue.

18. I therefore conclude on the second main issue, that there is insufficient evidence to demonstrate that there is any archaeological interest on the site of any significance that would be materially compromised by the proposals and which could not be adequately dealt with through the imposition of a condition requiring the recording of any findings. It follows that I find no conflict with Policy NBE24 of the LP which seeks to ensure that development does not have an adverse impact on important archaeological or heritage features.

Ecology/Biodiversity

19. The appeal site stands adjacent to Scarthin Rock Local Wildlife Site which encompasses the cliff face adjacent to the proposed dwelling. The planning application was accompanied by an Extended Phase 1 Habitat Survey dated May 2010. This concluded that there was no evidence of bats on site, but that there is some potential for bats to be present within crevices and dense ivy on the rock face to the northern boundary of the site. Whilst it concluded that the development would be unlikely to have a direct impact on this area, disturbance could be caused by machinery, lighting etc and 2 dusk emergence surveys were thus recommended to determine their likely presence or otherwise. The report also concluded that there was also no evidence of any other protected or notable species during the survey.

20. Consultation responses from Derbyshire Wildlife Trust (DWT) expressed concern that the survey was out of date and that as the report did not include a desktop assessment, it missed the fact that rare plants occur locally and the potential for reptiles to be present. (I note in respect of the latter that the report considers that there are small areas of habitat with potential to support reptiles within the site).

21. The appellant maintains that no changes have taken place at the appeal site since the survey was undertaken in 2010 and that in response to notification about the appeal, the DWT recommended the imposition of conditions requiring bat, reptile and flora surveys to be undertaken, were the appeal to be allowed.

22. Given the proximity of the site to an area of recognised ecological interest and bearing in mind that the survey is now almost 6 years old, it seems to me that a precautionary approach is apposite. This is especially the case as there remains ambiguity as to whether the appeal site is likely to contain protected or other species of interest and I note that DWT say that records for slow worm (a type of lizard) are known for Scarthin Rock. I appreciate that the existing activity and miscellany of buildings and animals on the site will render it less attractive for wildlife than might otherwise be the case. Nonetheless, the available evidence suggests the potential for bat and reptile habitat on and nearby the appeal site, most notably at the overgrown cliff face.
23. On the third main issue, I cannot be satisfied that the proposal would not have an adverse impact on protected or otherwise important species at the appeal site and given the date of the survey and ambiguity over their presence, I am not satisfied that the imposition of conditions would address that concern. The proposal would thus conflict with Policies NBE3, NBE4 and NBE5 of the LP which seek to protect sites of importance for nature conservation, and ensure that development does not have an adverse impact on species protected by law.

**Overall Planning Balance and Conclusion**

24. I have found in favour of the appeal in relation to the second main issue concerning archaeological impacts. I have also found in relation to the first main issue that the proposal would not adversely affect the setting of the Registered Park and Garden of Willersley Castle. However, this is clearly outweighed by my findings that the proposal would cause significant harm to the setting of Cromford Mill complex, the Grade 1 Listed Buildings therein and the wider Cromford Conservation Area and Derwent Valley Mills World Heritage Site. The harm would be substantial in terms of paragraph 133 of the Framework and I find no substantial public benefits that would outweigh that harm. Added to this harm is my concern that the proposed development could adversely affect ecological interests at the site. It follows that the appeal fails.

*ALISON ROLAND*

INSPECTOR
Appeal Decision

Site visit made on 22 March 2016

by William Fieldhouse BA (Hons) MA MRTP

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

Decision date: 23 March 2016

Appeal Ref: APP/P1045/Z/16/3142617
Royal Bank Buildings, Temple Road, Matlock Bath, Derbyshire DE4 3PG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Gulliver's against the decision of Derbyshire Dales District Council.
- The application ref 15/00712/ADV, dated 30 September 2015, was refused by notice dated 25 November 2015.
- The advertisements proposed are non-illuminated signs (4 in total) relating to the Spy Zone and Nerf Zone attractions at Gulliver's Kingdom.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is clear from the written evidence before me that the four signs for which consent is sought had already been erected at the time that the application was determined, and I was able to observe them during my site inspection. Reference has also been made in the written material to other advertisements on the appeal buildings, and I noticed additional signs during my visit. However, I have dealt with this appeal strictly on the basis that it seeks retrospective consent for the display of the four signs described and illustrated in the application.

Main Issue

3. The main issue is the effect that the proposal would have on the visual amenity of the area, having regard to the location of the site in the Matlock Bath Conservation Area.

Reasons

4. National planning policy seeks to secure high quality design and advises that poorly placed advertisements can have a negative impact on the appearance of the built environment¹. In this particular case, in addition to having regard to that advice, I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area².

¹ National Planning Policy Framework paragraph 17, 4th bullet point, and paragraph 67.
² Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. Whilst the four signs are located away from the main road, and not far from the commercial theme park within which there are many advertisements, they are on traditional buildings that are essentially free-standing on the hillside. Their design and positioning, which I have already described, means that they detract from the character and appearance of the host structures and this part of the conservation area.

14. The Council’s decision notice refers to the Derwent Valley Mills World Heritage Site Buffer Zone. However, I have not been provided with sufficient information to allow me to assess the effect of the proposal on this designated heritage asset or its setting. That said, the identification of any additional harm to that already found would not affect my overall decision.

15. I conclude on the main issue that the four signs materially harm the visual amenity of the area and the character and appearance of the conservation area.

16. National planning policy encourages the building of a strong, competitive economy and support for existing businesses, and I have no doubt that the signs are intended to attract customers to the commercial leisure activities in the buildings. However, I agree with the Council that poor quality signage is likely to be detrimental to the long term viability of the tourist industry in this historic town, and in any case I am empowered only to have regard to amenity and public safety in determining this appeal.

Conclusion

17. Therefore, due to the harm that the proposal causes to visual amenity, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR
Appeal Decision

Site visit made on 2 February 2016

by A U Ghafoor BSc (Hons) MA MRTP

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

Decision date: 4 March 2016

Appeal Ref: APP/P1045/C/15/3136078

Land at Weavers Cottages, Smuse Lane, Matlock DE4 5EY

- 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 N Phillips on behalf of Weavers Close LTD against an enforcement notice issued by Derbyshire Dales District Council.
- The notice was issued on 7 September 2015.
- The breach of planning control as alleged in the notice is described as follows: (a) The building of a wooden storage compound structure on an area designated as an approved parking area (b) The creation of a vehicular access onto Smuse Lane involving the alteration of a stone wall.
- The requirements of the notice are to: (a) Permanently remove the storage compound structure (identified hatched yellow on the plan attached to the Notice) (b) Rebuild the removed section of the walling constructed as a drystone wall of a design and material to match the adjoining walling, between point A and point B on the image dated 28/04/2015 attached to the Notice, to its original thickness and height keyed in at each end to the existing walling.
- The period for compliance with the requirements is as follows: 28 days for step (a) and 90 days for step (b).
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The site is situated in the Lumsdale Conservation Area (CA). Planning permission is sought for the building of a wooden storage compound and creation of a vehicular access. The main issue is whether the development preserves or enhances the character or appearance of the CA.

Reasons

3. Policy SF4 and SF5 of the Derbyshire Dales Local Plan 2005 (LP), saved by Direction of the Secretary of State, relate to development in the countryside and set out design criteria. Policy NBE21 seeks to ensure development within a CA, or adjacent to it, preserve or enhance its character or appearance. I find no significant conflict between these policies and paragraph 126, 128 and 131 to the National Planning Policy Framework.

4. The special architectural and historic interest is explained in the Lumsdale Conservation Area Character Appraisal (2010). The CA’s character is defined by
rolling countryside with pockets of landmark buildings and industrial enclaves representing the area's rich industrial heritage. It is subdivided into three areas of different character type. The site falls within Area 2, the A615 & the valley to its north. It is accessed via Smuse Lane, which is a single rural carriageway, defined by grass verges and drystone walls. These walls give the lane a strong sense of identity and cohesion. To the north of the site there is three-storey former mill workers’ cottages known as Weavers Cottages (nos. 1 – 4), Weavers Lodge, workshop and yard. Tansley Wood Mill, a grade II listed building, is located further to the site’s north.

5. The site is used for commercial purposes manufacturing and repairing equipment associated with theme parks. In January 2013 planning was granted for the erection of a workshop and provision of six parking spaces (2013 permission). The Appellant is concerned that the existing access to the workshop is dangerous because of its limited width and lack of clear sightlines at its junction with Smuse Lane. However, substantial section of drystone wall has been physically removed to make way for the new access. An attempt has been made to reinstate part of the stone wall, but a wide gap has been formed in the site’s boundary. It may well be the case that the new access better serves the workshop but the design, scale and layout of the access dilutes the rural appearance of the site and erodes the lane’s enclosed nature.

6. The storage compound is 7.5 m x 9 m and is 2.5 m in overall height. It is a roofless structure, is rectangular in shape and enclosed on three of its sides by horizontal timber planks fixed to vertical posts. A concrete floor is used for storage purposes. The Appellant maintains that the area has been used for the storage of moulds since 2005, and the compound provides an opportunity to store items in an orderly manner.

7. The compound is, however, highly visible due to the undulating topography of the area and its location. From short, medium and long distances the structure forms an unacceptable human intervention because of its exposed positioning. Its use for open air storage purposes is an incongruous incursion in this rural landscape. The nature and extent of the compound changes the physical appearance of the site and it has a jarring effect. I consider that the compound is out of keeping with the character of the CA due to its design and scale.

8. Pulling all of the above points together, the development has an unacceptable urbanising effect in this rural location. It appears out of keeping with the architectural style and historic setting of the CA. It fails to respond to locally distinctive features due to the nature and scale of the compound structure and wide access. The development conflicts with LP policy NBE21, SF4 (f)(g)(h), and SF5 (a)(b).

9. Having regard to the desirability of preserving or enhancing the character or appearance of the CA, I conclude that the development harms, and thus does not preserve, the character or appearance of the CA. In the terms of the Framework, the harm caused is less than substantial. There is, however, real and serious harm which requires clear and convincing justification.

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1 Council ref: 12/00673/FUL.
Other considerations and conclusion on ground (a)

10. I have reviewed all of the other matters advanced as considerations that go in favour of granting planning permission including the argument that an application has been submitted proposing a different car parking layout.

11. The Appellant has attempted to improve the site’s appearance by storing items in one particular location and constructing a designated storage compound in timber. There is a lack of space within existing buildings given the size of the products. It may be the case that storage facilities are required to assist in the efficient running of the business ultimately benefiting the local economy. However, the Council indicate that an alternative would be to extend the workshop so that it could be used for storage purposes. I consider that the evidence presented does not clearly show to me that the as built storage compound is the only design solution.

12. The width and location of the access permits vehicles to pass by without causing obstruction to the free flow of traffic. Highway safety might be improved at the new junction. But the access’s width and layout has resulted in a wide gap due to the amount of drystone wall that has been removed.

13. On balance, however, I consider that any benefits of the development are insufficient in this instance to outweigh the considerable importance and weight that is attached to the harm to the heritage asset. Accordingly, the development conflicts with LP policy NBE21, SF4 and SF5, and advice found in paragraphs 17, 56, 58, 61, 69, 132 and 134 of the Framework.

14. For all of the above reasons, I conclude ground (a) should not succeed and planning permission is refused on the deemed application. Therefore, I have upheld the enforcement Notice.

A U Ghafoor

Inspector
BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.