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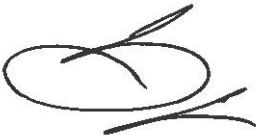
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call Democratic Services on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

09 July 2018

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 17 July 2018 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.**

Yours sincerely



Sandra Lamb  
Head of Corporate Services

## **AGENDA**

**SITE VISITS:** The Committee is advised a coach will leave The Venue, Ashbourne at 4.15pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

### **1. APOLOGIES/SUBSTITUTES**

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

### **2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

Planning Committee – 28 June 2018

### **3. INTERESTS**

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

## 4. APPLICATIONS FOR DETERMINATION

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

### PUBLIC PARTICIPATION

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

	<b>Page No.</b>
<b>4.1 APPLICATION NO. 18/00443/FUL (Site Visit)</b>	<b>06 – 11</b>
Change of use from shop (Class A1) to tattoo studio at (Sui Generis) at 30a Church Street, Ashbourne DE6 1AE.	
<b>4.2 APPLICATION NO. 18/00616/FUL (Site Visit)</b>	<b>12 – 18</b>
Two storey side and single storey front and rear extensions at 14 Windmill Lane, Ashbourne DE6 1EY.	
<b>4.3 APPLICATION NO. 18/00472/FUL</b>	<b>19 – 24</b>
Erection of agricultural building to house a milking parlour at Harehill Farm, Ashbourne Road, Sudbury.	
<b>5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>25 – 42</b>
<b>6. APPEALS PROGRESS REPORT</b>	<b>43 – 51</b>
To consider a status report on appeals made to the Planning Inspectorate.	

### Members of the Committee

Councillors Garry Purdy (Chairman), Jason Atkin (Vice Chairman),

Sue Bull, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Tony Morley, Dermot Murphy, Lewis Rose, Peter Slack and Joanne Wild.

### Nominated Substitute Members

Richard Bright, Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Susan Hobson, Angus Jenkins, Tony Millward BEM, Jean Monks, Joyce Pawley, Mark Salt and Jacquie Stevens.

## **PUBLIC PARTICIPATION**

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

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

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

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- 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 Venue, Wyaston Road, Ashbourne DE6 1NB at **4.15pm prompt** for the following site visits:

	<b>Page No.</b>
<b>4.20pm APPLICATION NO. 18/00443/FUL</b>	<b>06 – 11</b>
<b>30A CHURCH STREET, ASHBOURNE DE6 1AE.</b>	
At the request of Officers for Members to appreciate the site in its context.	
<b>4.40pm APPLICATION NO. 18/00616/FUL</b>	<b>12 – 18</b>
<b>14 WINDMILL LANE, ASHBOURNE.</b>	
At the request of Officers for Members to appreciate the impact of the proposal on the character and appearance of the area and the amenity of the occupants of neighbouring properties.	
<b>5.00pm RETURN TO THE VENUE, ASHBOURNE</b>	

## **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.

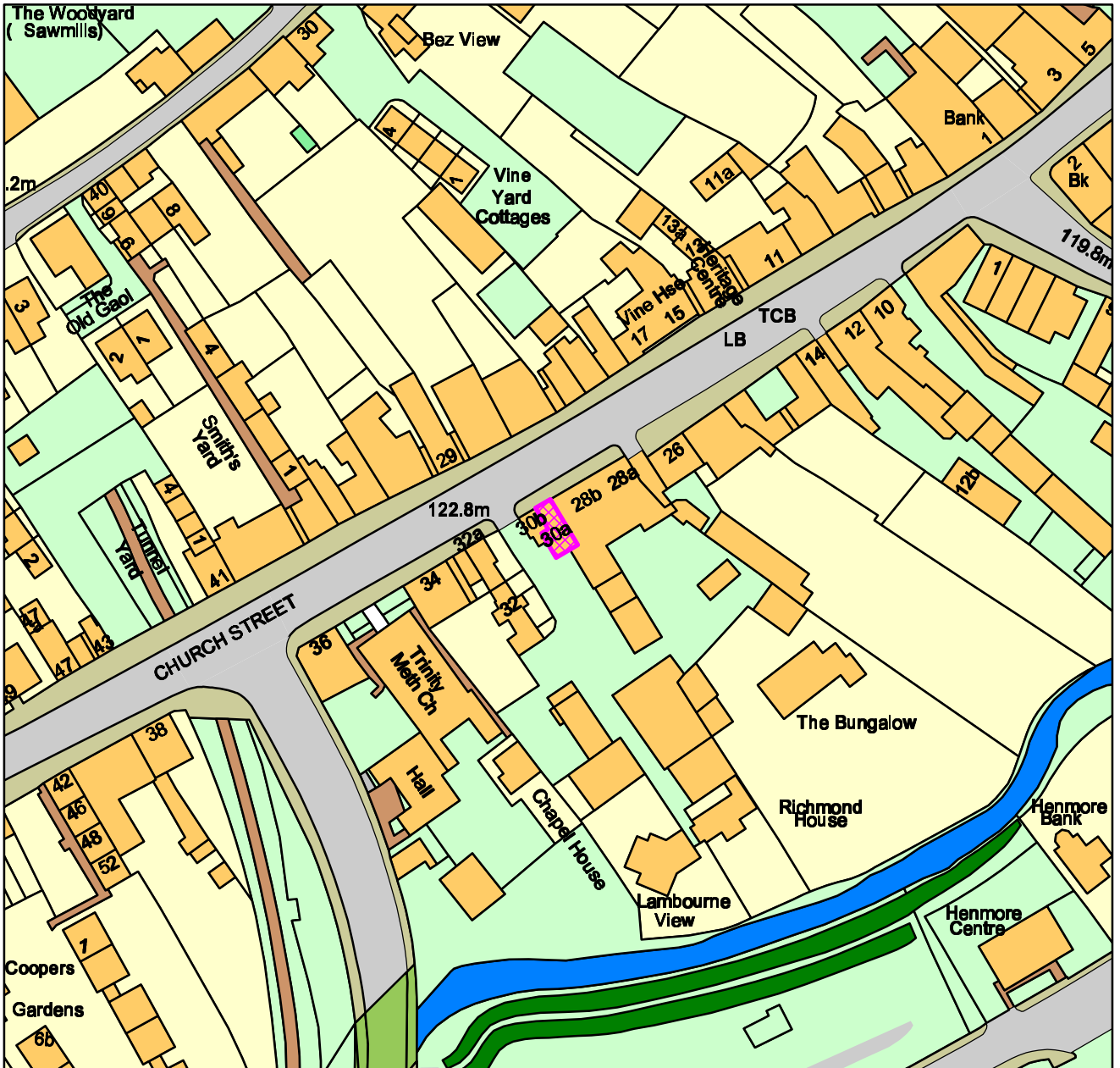
<b>APPLICATION NUMBER</b>		18/00443/FUL	
<b>SITE ADDRESS:</b>		30A Church Street, Ashbourne, Derbyshire, DE6 1AE	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use from shop (Class A1) to Tattoo Studio (Sui Generis)	
<b>CASE OFFICER</b>	J Baldwin	<b>APPLICANT</b>	Mrs A Lester
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	Mrs A Lester
<b>WARD MEMBER(S)</b>	Cllr Thomas Donnelly Cllr Dermot Murphy	<b>DETERMINATION TARGET</b>	10.07.2018
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Cllr Donnelly Requested	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site in context.

<b>MATERIAL PLANNING ISSUES</b>	
<ul style="list-style-type: none"> <li>- The principle of the development</li> <li>- The impact of the development on the character and appearance of the Ashbourne Conservation Area and the special character of the Grade II Listed Building</li> </ul>	

<b>RECOMMENDATION</b>	
Approval	

18/00443/FUL

30A Church Street, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 05/07/2018

100019785

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Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

## 1 THE SITE AND SURROUNDINGS

- 1.1 The property is located on the southern side of Church Street in the centre of Ashbourne. The property is a Grade II listed building within the Ashbourne Conservation Area. Whilst the previous use of the property appears to have been retail (Class A1), planning permission has previously been granted for the change of use of the premises from retail to offices (Class B1) under application reference 06/00318/FUL.
- 1.2 The property is located within the area of Ashbourne Town Centre which is identified under Policy EC6 of the Adopted Derbyshire Dales Local Plan 2017 as a Principle Town Centre. Unlike the retail units opposite (on the northern side of Church Street, the property is not within Primary Shop Frontages, protected by Policy EC7.



## 2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the change of use of the premises at 30A Church Street from Retail (Class A1) to Tattoo Studio (Sui Generis). The Design and Access Statement submitted with the application states that associated with the change of use, the front window to the premises would be half frosted in order to screen views of the new use; the new frosted glass would also contain the company name. New floor and wall coverings would also be installed for hygiene purposes.

## 3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
  - Policy S8: Ashbourne Development Strategy
  - Policy PD1: Design and Place Making
  - Policy PD2: Protecting the Historic Environment
  - Policy EC6: Town and Local Centres



2. National Planning Policy Framework  
National Planning Practice Guidance

#### **4 RELEVANT PLANNING HISTORY:**

06/00318/FUL Change of use of premises from retail to office (Use Class B1) Granted 30/06/2006

#### **5 CONSULTATION RESPONSES**

##### Ashbourne Town Council

- 5.1 Members feel this will have a negative impact on the street scene and is not in-keeping with the independent retailers of the town.

##### Derbyshire County Council (Highways)

- 5.2 No highways objections in principle given the former retail use and town centre location.

##### Design and Conservation Officer (Derbyshire Dales)

- 5.3 In terms of physical works to the building fabric & character, internally, it is proposed to cover the existing floor with an 'impenetrable easy clean floor' surface and also to install this product 1600mm up the internal walls of the shop. No other internal alterations are proposed (other than free-standing screens & equipment). The proposals for the shopfront itself are to introduce an internal frosting vinyl to the lower 1400mm of the glazed part of the shopfront. The submitted Statement states that this is to introduce privacy and will also have the name of the establishment on it. There is no indication of any proposed re-painting of the existing shopfront or any works to its fascia. Clarification should be sought on any external proposals for the shopfront/fascia prior to determination.

In conservation terms, it is considered that the minimal change to the plate glass shop window (i.e. the frosted privacy element) would not constitute harm to the overall character and appearance of the grade II listed building and based on its proposed diminutive advertisement would not be harmful to the building or the Conservation Area. The proposed 'impenetrable easy clean floor' and the installation of such a product up part of the internal walls may require Listed Building Consent. The applicant should, therefore, submit details of the intended product and its proposed fixing method to the existing surfaces for further consideration.

##### Environmental Health (Derbyshire Dales)

- 5.4 No objections in principle to this application.

#### **6 REPRESENTATIONS RECEIVED**

- 6.1 None

#### **7 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- The principle of the development
- The impact of the development on the character and appearance of the Ashbourne Conservation Area and the special character of the Grade II Listed Building

##### 7.1 Principle of the Development

The property is located within the Ashbourne Town Centre, identified as a Principal Town Centre by Adopted Derbyshire Dales Local Plan Policy EC6. Policy EC6 states that

support would be given to “retail, leisure and other commercial development in centres of a scale and type appropriate to the role and function of that centre”. Although the proposal would involve the loss of an existing A1 unit within the centre, the proposed use of the premises as a Tattoo Studio (Sui Generis) is considered to be an appropriate commercial development of a vacant unit within a defined centre. A previous planning permission was also granted in 2006 to allow the premises to be used as offices (Class B1) which previously established the acceptability of the loss of this particular A1 unit.

Policy S8 of the Adopted Local Plan sets out the Local Planning Authority’s Development Strategy for Ashbourne. It states that in order to promote sustainable growth support should be given to applications which provide “improvements to the range and quality of town centre retail and services in Ashbourne Town Centre”. It is considered that the use of a vacant unit within the defined Ashbourne Town Centre to provide a service which is not currently available in Ashbourne would improve the range of services within the centre and should be supported to promote the sustainable growth of the centre.

Ashbourne Town Centre benefits from a number of existing public car parks. Derbyshire County Council Highways Department have raised no concerns in relation to the development, given the former use of the unit as A1 retail, there would be no significant increase in car parking requirement.

## 7.2 Safeguarding the Heritage Assets

A frosting effect which would contain the company name would be applied to the main shop window, to a height of approximately 1.4m. This frosting effect would be the main visual alteration to the property from the street scene. The Derbyshire Dales District Council Conservation Officer has raised no concerns in relation to the developments impact on the special character of the Grade II listed building or the character and appearance of the Ashbourne Conservation Area. It is considered to be a relatively small visual alteration to the property; should the applicant wish to carry out further external works such as any external fascia advertisements which this application does not include, these works would require listed building consent and the impact of the works would be assessed as part of a later listed building application. The minor physical works included within this application are not considered to be harmful to the character and appearance of the Ashbourne Conservation Area or the special character of the Grade II listed building; as such the proposal would comply with policy PD2 of the Adopted Derbyshire Dales Local Plan.

## 7.3 Conclusion

Whilst the concerns of the Town Council are acknowledged, commercial uses of this nature are an integral component of many shopping areas and there is no underlying planning justification for resisting this proposal on heritage grounds.

## 8 **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

### **Reason:**

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This consent relates only to the change of use of the existing building(s) and associated works included within this application and does not authorise any external fascia signs or alterations to the listed building beyond the scope of this permission.

**Reason**

*For the avoidance of doubt.*

**9 NOTES TO APPLICANT:**

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

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.

This decision notice relates to the following documents received by the Local Planning Authority on 27/04/2018:

- Design and Access Statement
- Site Location Plan
- Site Block Plan
- Existing Floor Plan
- Proposed Floor Plan

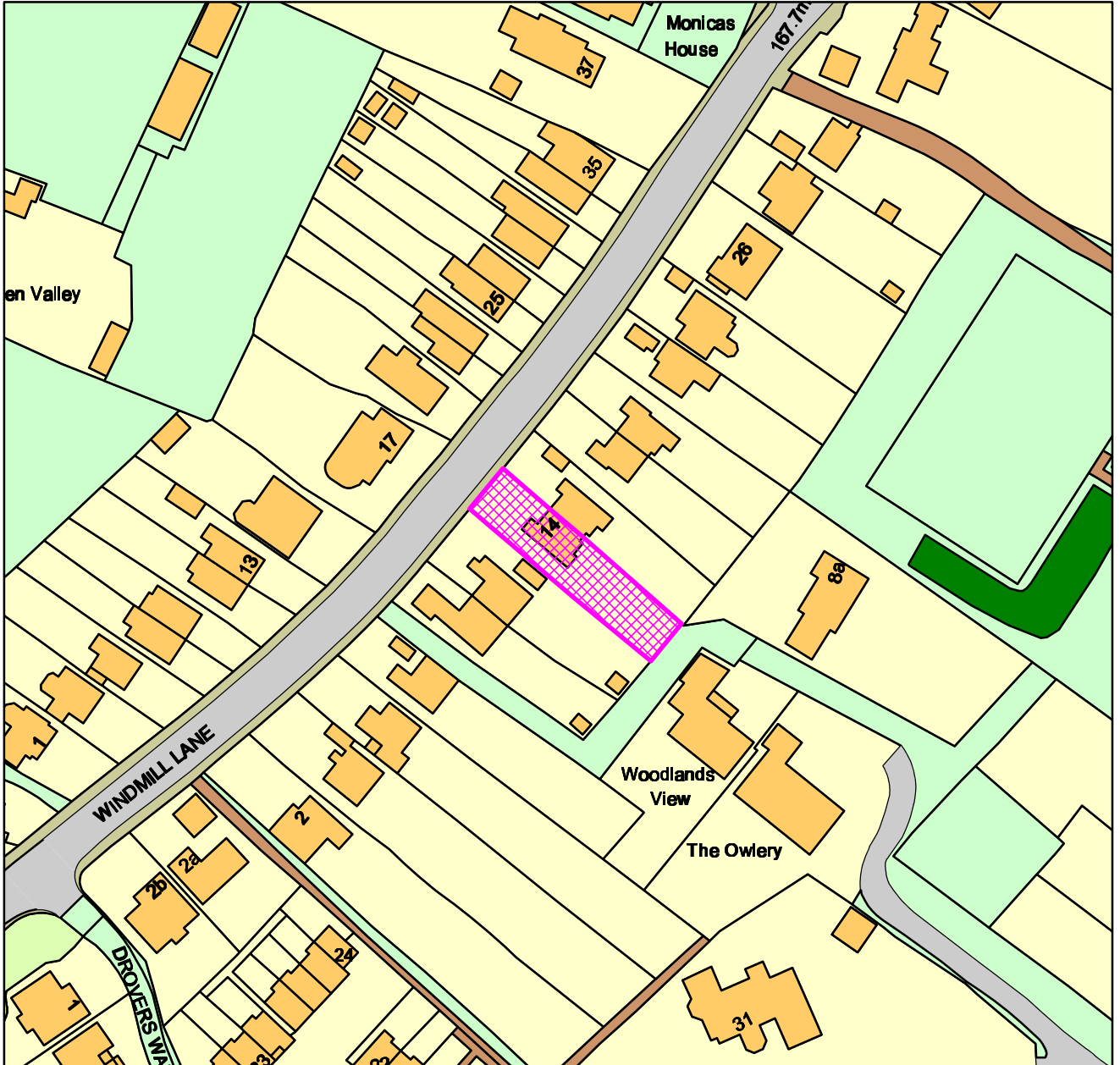
<b>APPLICATION NUMBER</b>		18/00616/FUL	
<b>SITE ADDRESS:</b>		14 Windmill Lane, Ashbourne, Derbyshire, DE6 1EY	
<b>DESCRIPTION OF DEVELOPMENT</b>		Two storey side and single storey front and rear extensions	
<b>CASE OFFICER</b>	J Baldwin	<b>APPLICANT</b>	Mrs H Smith
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	n/a
<b>WARD MEMBER(S)</b>	Cllr Anthony Millward Cllr Susan Bull	<b>DETERMINATION TARGET</b>	24.08.18
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Cllr Bull	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the impact of the proposal on the character and appearance of the area and the amenity of the occupants of neighbouring properties.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- The impact of the development upon the residential amenity of the occupants of neighbouring properties, and;</li> <li>- The impact of the development upon the character and appearance of the existing dwellinghouse and its surroundings.</li> </ul>

<b>RECOMMENDATION</b>
Approval with Conditions

18/00616/FUL

14 Windmill Lane, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 05/07/2018

100019785

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Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website : [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

## 1 THE SITE AND SURROUNDINGS

- 1.1 The site is located on the southern side of Windmill Lane on the northern edge of Ashbourne. The existing property on site is a two storey semi-detached dwelling faced in a mixture of red brick and render, with a hipped roof and central chimney stack. To the rear of the property there is an existing conservatory. The rear garden falls away in a south easterly direction away from the dwelling. An existing hedge line forms the boundary on both sides of the rear garden.



## 2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the construction of a two storey side extension and single storey rear and front extensions to the dwelling. The two storey side extension would be 2.5m (width) x 7.8m (depth) x 8.2m (height to ridge), the single storey rear extension would be 8.2m (width) x 4.6 (depth) x 3.7m (height to ridge). At the front it is proposed to widen an existing porch and modify the width of the ground floor dining room window. The proposed extensions would be finished in materials to match the existing property with red brick to the ground floor and off white render to the first floor. Additional windows would be installed in the front, rear and side elevation of the proposed extension, along with bi folding doors and three roof lights to the single storey rear extension. Whilst not requiring planning permission, the development would also see the loss of a tall red brick chimney stack, located to the side and mid-way up the principal roof plane.
- 2.2 Amended plans have been sought and received which have altered the roof design above the proposed porch to reflect both the existing porch roof and the proposed small roof above the ground floor window in the two storey side extension.

### **3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

1. Adopted Derbyshire Dales Local Plan (2017):  
Policy S1: Sustainable Development Principles  
Policy S3 : Development Within Defined Settlement Boundaries  
Policy PD1: Design and Place Making  
Policy HC10: Extensions to Dwellings
2. National Planning Policy Framework  
National Planning Practice Guidance

### **4 RELEVANT PLANNING HISTORY:**

None

### **5 CONSULTATION RESPONSES**

#### Ashbourne Town Council

- 5.1 No objection.

### **6 REPRESENTATIONS RECEIVED**

- 6.1 A total of 5 representations have been received – two in objection, two in support and one raising a civil matter in relation to the potential obstruction of an access road to the rear of the property. A summary of the representations is outlined below:

Representations in support of the application:

- This development will affect us more than anyone else and we have no objections.
- We have no objections to the application, we feel that the work planned will enhance the property and improve the appearance of the residential area in general, which we welcome.

Representations in objection to the application:

- The proposed rear extension would severely affect the main living area of neighbouring properties.
- The proposed extension would more than double the existing footprint of the dwelling which would be overbearing and out of scale and proportion to existing properties and out of character with the row of existing semi-detached houses and their gardens.
- The single storey rear extension will intrude on the outlook from neighbouring bay windows.
- The proposed rear extension would project south east reducing the sunlight entering neighbouring windows and gardens.
- The proposed rear extension would intersect the 45 degree lines from neighbouring ground floor bay windows.
- The extension may result in civil matters relating to the existing drain, maintenance and construction of the extension.
- The proposed rear extension would result in the loss of a historic boundary hedge line which could not be replanted.
- The hedges in the gardens of the row of semi-detached properties form part of the character and beauty of the area.
- The size of the extension will dominate the rear façade of the garden facing properties nearby.
- Due to the height of the rear extension, it could be described as one and a half storeys.
- The proposal may set a precedent for similar or even larger developments.
- The extension would completely disrupt the existing unified appearance of the properties.

- The proposal would cover approximately 30% of the existing garden.

## **7 OFFICER APPRAISAL**

- 7.1 Having regard to the relevant provisions of the development plan and the representations received the following material planning issues are relevant to this application:
- The impact of the development upon the residential amenity of the occupants of neighbouring properties, and;
  - The impact of the development upon the character and appearance of the existing dwellinghouse and its surroundings.

### Character and Appearance

- 7.2 Policy HC10 of the recently adopted Derbyshire Dales Local Plan requires the height, scale, form and design of new extensions to be in keeping with the scale and character of the original dwelling. Policy PD1 requires development to contribute positively to an areas character, history and identity in terms of scale, height, density, layout, appearance and material.
- 7.3 Whilst it is acknowledged that the application property forms one of a pair of identical semi-detached properties and any two storey side extension could have a harmful unbalancing effect, in this case it is proposed to set the two storey side extension back from the principal elevation creating a vertical break with a lower ridgeline to the extension. The original semi-detached properties will therefore read as the original / principal buildings in the street scene and the extension as a later phase of build. In the context of the sites wider surroundings, where there are a variety of properties of differing scale and design, the siting, design and form of the extensions are not considered to result in harm to the character of the area nor are they considered to be out of keeping with the scale or character of the existing dwelling house.
- 7.4 Concerns have been raised by local residents in relation to the increase in footprint of the dwelling. Policy HC10 requires the plot size of the existing property to be large enough to accommodate the extension without resulting in a cramped or overdeveloped site. The existing dwelling sits within a generous plot. The overall coverage of the dwelling, once extended, would cover approximately one third of the overall plot size and no part of the extension, other than the porch, would sit forward of the existing principal elevation. The resultant dwelling would continue to be served by a large garden / amount of amenity space. It is not considered therefore that the extensions would appear cramped or result in overdevelopment of the site. Whilst concern has been raised with regard to the removal of a section of hedge between the application property and 16 Windmill Lane (the adjoining semi), the removal of this hedge does not require planning permission and its associated loss is not considered significant or harmful to the character of the area, given its location at the rear of the property.

### Residential Amenity

- 7.5 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) is supportive of development that achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Concerns have been expressed by the occupants of the adjoining semi in relation to the single storey extension at the rear. The neighbouring resident considers that this development will appear overbearing and will result in a loss of light and overshadowing. Due to the siting of the extension and its height it is acknowledged that there will be some modest overshadowing of the patio to no.16 Windmill Lane, particularly in the evenings. An 'Overshadowing Report' submitted by the applicant shows an existing level of



overshadowing in the evenings created by the existing dwelling. The extension would sit close to the common boundary with no. 16 and will project 4.6m from the rear wall of the existing dwelling. It will have a shallow mono-pitch roof 3.7m high to ridge and 2.4m high to eaves. It is not considered that this scale of extension would result in significant additional overshadowing of part of the adjoining property's garden or loss of light to habitable room windows, to the extent that a recommendation of refusal on such grounds could be sustained at appeal. Although the two storey side extension would sit close to the boundary with no.12, the relative position of both properties and windows is such that no significant overshadowing or loss of privacy would result, nor would the extension appear visually obtrusive or oppressive.

- 7.6 For reasons set out above, it is not considered that the development would conflict with the relevant provisions of the development plan and a recommendation of approval is put forward on this basis.

## **8 RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on 04/07/2018 numbered 180001 (Rev A) – Side Elevation Rev A, Front and Rear Elevations (Rev A) and Side Elevation from attached (Rev A).

Reason:

For the avoidance of doubt.

3. A sample of the brick and roofing material to be used in the construction of the extensions and details of render finish and brick bond shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

## **9 NOTES TO APPLICANT:**

1. The Local Planning Authority 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 design of the roof over the proposed porch and its impact on the character and appearance of the existing dwelling and the surrounding area.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management

Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

3. This decision notice relates to the following documents:
  - Design and Access Statement (07/06/18)
  - Site Location Plan (07/06/18)
  - Existing House, Full Plans (07/06/18)
  - Proposed House – Ground Floor (07/06/18)
  - Proposed House – First Floor (07/06/18)
  - Proposed House – Side Elevation From Attached (04/07/18)
  - Proposed House – Side Elevation (04/07/18)
  - Proposed House – Front and Rear Elevations (04/07/18)

<b>APPLICATION NUMBER</b>		18/00472/FUL	
<b>SITE ADDRESS:</b>		Harehill Farm, Ashbourne Road, Sudbury	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of agricultural building to house milking parlour	
<b>CASE OFFICER</b>	Mr. Andrew Stock	<b>APPLICANT</b>	Mr B. Holland
<b>PARISH/TOWN</b>	Sudbury	<b>AGENT</b>	A & H Structures Ltd
<b>WARD MEMBER(S)</b>	Cllr. A Catt	<b>DETERMINATION TARGET</b>	14 <sup>th</sup> August 2018
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Not required

**MATERIAL PLANNING ISSUES**

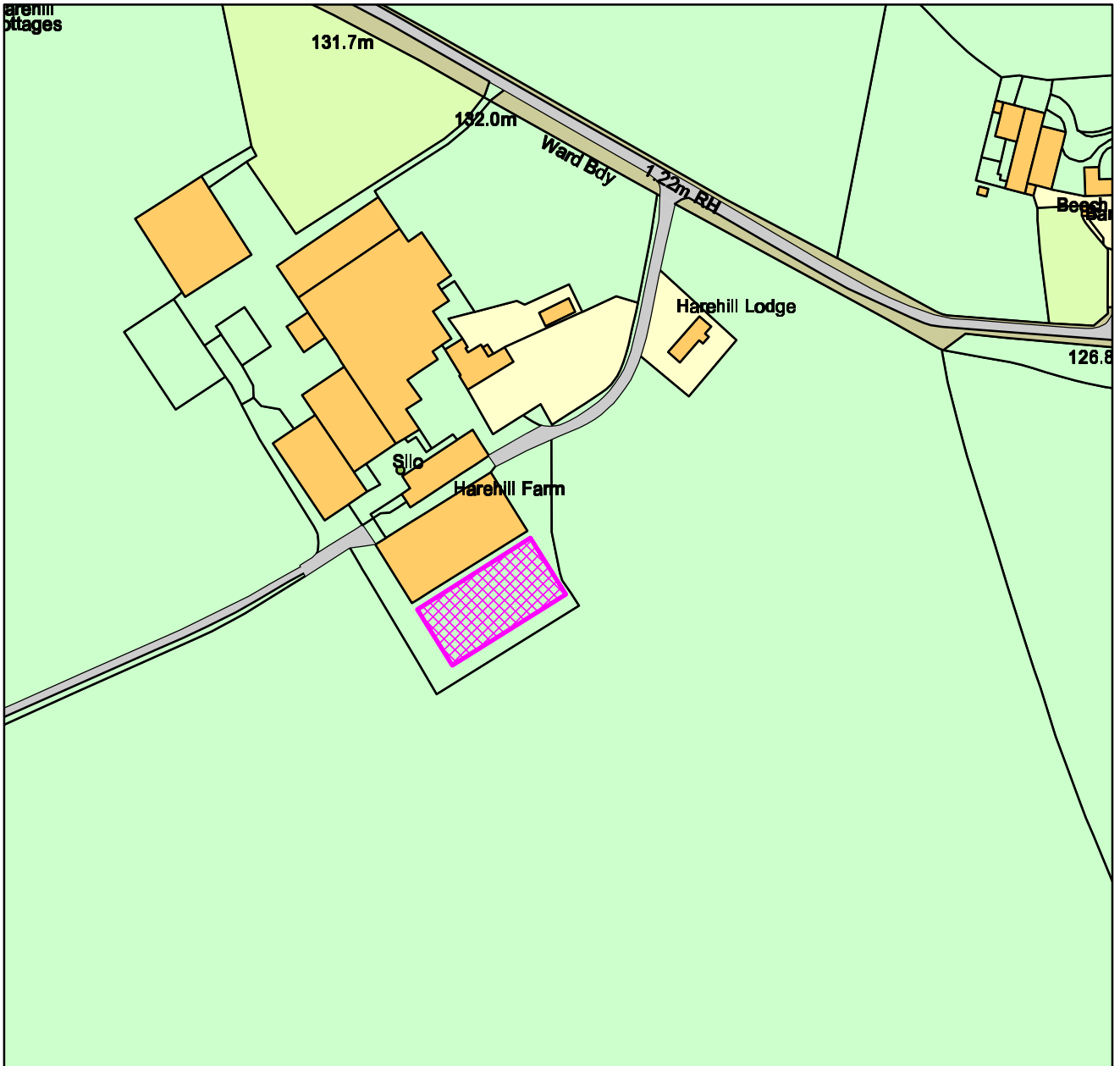
- Principle of the development;
- Impact on character and appearance of this part of the countryside / local landscape

**RECOMMENDATION**

Approval

18/00472/FUL

Harehill Farm, Ashbourne Road, Sudbury



Derbyshire Dales DC

1:2,500

Date: 05/07/2018

100019785

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Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website : [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

## 1. THE SITE AND SURROUNDINGS

- 1.1 Harehill Farm is a working dairy farm to the north of Sudbury, off the A515. The farming enterprise comprise 620 head of cattle including followers over approximately 500 acres, of which 178 acres are owned by the applicant.
- 1.2 The farm group comprises a large detached red brick farmhouse, set amongst a series of steel portal agricultural storage buildings. The buildings are situated within open countryside.
- 1.3 The application site relates specifically to an area of land to the south of the farm group, adjacent an existing steel framed storage building. The land falls in a westerly direction towards the A515. The nearest residential property is sited approximately 100m to the north.



## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of an agricultural building to house a milking parlour. The building will measure 53.6m (L) x 24.3m (W) x 8.1m (H) creating a total floor area of 1308m<sup>2</sup>, as illustrated on submitted plans date stamped 15<sup>th</sup> May 2018.
- 2.2 The building will be clad in concrete block and polyester coated box profile steel sheeting, coloured 'slate blue'. The roof will be faced in fibre cement sheeting, which will also be finished a 'slate blue' colour.

## 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
  - S1 Sustainable Development Principles
  - S4 Development in the Countryside
  - PD1 Design and Place Making
  - PD5 Landscape Character

#### 4. RELEVANT PLANNING HISTORY

13/00452/FUL	Erection of agricultural fodder and implement store	GRANTED
11/00592/FUL	Extension to existing slurry store	GRANTED
09/00328/FUL	Erection of fodder storage building	GRANTED
09/00135/FUL	Erection of milking machinery building	GRANTED
06/00960/FUL	Erection of agricultural workers dwelling and associated access	GRANTED

#### 5. CONSULTATION RESPONSES

##### 5.1 Parish Council

No comments received.

##### 5.2 Derbyshire County Council (Highways)

No highway objections in principle subject to the building being for agricultural purposes only, in support of existing farming activities carried out on surrounding controlled farmland.

##### 5.3 Derbyshire Dale Group of Ramblers

The Derbyshire Dales Group of the Ramblers have no objection to the above application number 18/00472/FUL for an agricultural building to house a milking parlour providing Sudbury FP 21 is not affected.

##### 5.4 Peak & Northern Footpath Society

No objection provided that the whole width of Footpath 21 Sudbury, which crosses the farm yard, remains unobstructed at all times

#### 6. REPRESENTATIONS RECEIVED

6.1 None received.

#### 7. OFFICER APPRAISAL

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

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

##### ***Principle of the development;***

7.2 The application site is located within the defined open countryside, between Ashbourne and Sudbury. Policy S4 of the Adopted Derbyshire Dales Local Plan deals with development in the countryside and supports development in such locations if it represents the sustainable growth of a rural based enterprise where identified needs are not met by existing facilities.

7.3 Policy S4 goes on to state within criterion (f) that planning permission will be granted for development where it comprises proposals for agriculture and related development which

helps sustain existing agricultural and/or other rural based enterprises, including new agricultural buildings that maintain the landscape quality and character of the countryside.

- 7.4 Firstly, it is imperative in assessing the application to reach a judgement on whether the building would be solely used in association with agricultural activities on site and whether its scale is commensurate with that need.
- 7.5 The farming enterprise at Harehill Farm comprises 620 head of cattle including followers farmed over approximately 500 acres, of which 178 acres are owned by the applicant. The application is accompanied with a supporting statement prepared by the applicants agent which states that as a result of the applicants expanding business there is a requirement to incorporate a milking parlour and handling area/pens within the same building concluding the proposal will assist the farm to be more economically viable.
- 7.6 The Local Planning Authority is satisfied, based on the information submitted, that the building would be used for the purposes of agriculture, associated with the established farming enterprise at Harehill Farm and is of a scale commensurate with that need given the scale of the farming operation. The proposal is therefore considered to be acceptable, in principle.

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

- 7.7 Policy S4 of the Adopted Derbyshire Dales Local Plan seek to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment.
- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.9 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.10 The building would be located in line with previously approved fodder and implement store building (application ref: 13/00452/FUL) matching in terms of size, scale, design and materials to the existing building. As the building is well related to existing buildings associated with the holding it is considered not to have a significantly adverse impact on the character and appearance of the countryside / local landscape.
- 7.11 The building is typical of a new modern agricultural building being of steel portal frame construction clad with Yorkshire boarding and box profile steel sheeting and therefore is not considered to result in a detrimental impact upon the character and appearance of the immediate or wider area.
- 7.12 Whilst there are residential properties to the north of the site, specifically Coton Wood Grange and Beech Tree Barn which lie approximately 135 metres from the site they are considered to be a sufficient distance away from the proposed building for the occupants to not be adversely affected by the development by way of odour, pest or noise nuisance if the building was to be used to house livestock.

## **Conclusion**

7.13 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following condition(s):

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

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

## **NOTES TO APPLICANT:**

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

2. Public rights of way (Sudbury 21 and 7) run through the application site. These routes must remain unobstructed on their lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of any such routes, if required, should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.

3. This decision notice relates to the following documents:  
Submitted plans date stamped 15<sup>th</sup> May 2018.



## Ashbourne North

ENF/14/00071	Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.	Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN	Notice Issued
ENF/15/00014	Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN		Notice Issued
ENF/17/00046	Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.	71 Park Avenue Ashbourne Derbyshire DE6 1GB	Pending Consideration
ENF/17/00094	Unauthorised fascia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF	1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD	Pending Consideration
ENF/18/00011	Works to roof not done in accordance with approved plans (Planning permission reference number. 17/00045/FUL)	Blacks Cottage Coopers Close Ashbourne Derbyshire DE6 1EQ	Pending Consideration
ENF/18/00020	Change of use to hot food takeaway (A5) and works to a listed building (Grade II) - Shopfront changes, additional side entry and removal of bricks	3 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00038	Breach of Conditions 6, 16, 17, 18, 21 and 22 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ	Pending Consideration
ENF/18/00066	Erection of gazebo style structure being used as a garage	52 St Oswald Crescent Ashbourne Derbyshire DE6 1FS	Pending Consideration
ENF/18/00101	Section removed from hedge to create gate and new access point	Parkfield Stable Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ	Pending Consideration

## Ashbourne South

ENF/14/00070	Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF	25 Dig Street Ashbourne Derbyshire DE6 1GF	Pending Consideration
ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration

ENF/17/00067	Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.	Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA	Pending Consideration
ENF/18/00018	Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL	47 South Street Ashbourne Derbyshire DE6 1DP	Pending Consideration
ENF/18/00051	Breach of condition 18 of planning application 17/00337/FUL - Working outside of permitted hours	Land South Of Old Derby Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00052	Breach of Condition 24 (Tree Protection) of planning application reference no. 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00059	Alleged unauthorised timber building adjacent to 6 Weaver Close, Ashbourne	7 Weaver Close Ashbourne Derbyshire DE6 1BS	Pending Consideration
ENF/18/00092	Holiday homes being used as permanent residences	Peak Gateway Leisure Club Osmaston Derbyshire DE6 1NA	Pending Consideration
ENF/18/00115	Breach of Condition 4 (Working Hours) of Planning Application No. 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00120	Soil Dust from Development site - Breach of Condition 3 of 15/00319/OUT and Condition 7 of 17/00250/REM		Pending Consideration
ENF/18/00123	Signage advertising new development at Leys Farm development. One sign on Corner of Lower Pingle Road and one sign near the entrance to Ashbourne Golf Club		Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Pending Consideration

## Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/17/00125	Installation of Flue to Serve Biomass Generator	Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration

ENF/18/00062	Breach of pre - commencement condition 2 of listed building consent 18/00070/LBALT - Prior to commencement of works, details of the glazing and timber frames to the proposed doors shall be submitted to, and approved in writing by, the Local Planning Authority. The window and doors shall then be installed in accordance with the approved details and so retained.	Cornerstone Cottage The Green Brailsford Derbyshire DE6 3BX	Pending Consideration
ENF/18/00114	Breach of Condition 1 of 14/00031/TEMP - Mobile home should have been removed from site by the 19th August 2017 and the land reinstated	Round Oak Farm Slade Lane Mercaston Derbyshire DE6 3DZ	Pending Consideration
ENF/18/00129	Breach of conditions 2 (opening times) and 3 (number of customers) of planning permission 17/00540/FUL	The Spruces Main Road Brailsford Derbyshire DE6 3DA	Pending Consideration

## Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Pending Consideration
ENF/17/00041	Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Pending Consideration
ENF/17/00082	Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF	Barnwood Main Street Hopton Derbyshire DE4 4DF	Pending Consideration
ENF/17/00095	Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.	Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW	Pending Consideration
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00016	Unauthorised demolition/conversion of barn.	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00057	Erection of fence to front of property in excess of 2 metres in height	Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR	Pending Consideration
ENF/18/00105	Alterations not done in accordance with approved planning application 16/00912/LBALT	Brook Cottage Pethills Lane Kniveton Derbyshire DE6 1JN	Pending Consideration

## Clifton And Bradley

ENF/18/00015	Unauthorised use of land for wood processing facility	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration
ENF/18/00047	Use of agricultural building as a lorry shed and creation of hardstanding	Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/18/00053	Erection of garage, in excess of 2.5m in height adjacent to a boundary and the creation of a boundary wall	The Cottage Mill Lane Shirley Derbyshire DE6 3AR	Pending Consideration
ENF/18/00055	Unauthorised erection of summer house, on land at Cloud Barn, Clifton Road (A515), Clifton, Derbyshire and Untidy Land	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	Pending Consideration
ENF/18/00072	Installation of external lighting	Snelston House Sides Lane Snelston Derbyshire DE6 2EN	Pending Consideration

## Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00100	Alleged - Unauthorised Use of Site and Building for the Holding of Weddings	Peak Village Ltd Darwin Lake Holiday Village Jagers Lane Darley Moor Matlock Derbyshire DE4 5LJ	Pending Consideration
ENF/17/00139	Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building	Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Pending Consideration
ENF/17/00142	The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
ENF/17/00158	The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing		Pending Consideration
ENF/17/00159	Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney		Pending Consideration

ENF/18/00035	Erection of Double Garage and engineering works in association with Landscaping to front of property.	Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD	Pending Consideration
ENF/18/00067	Works comprising the formation of a widened access and works to provide water supply and electricity hook-ups points.	Former Bent Farm Farley Hill Farley Derbyshire DE4 5LT	Notice Issued
ENF/18/00070	Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees	Land Off Morledge Bakewell Road Matlock Derbyshire	Pending Consideration
ENF/18/00085	Unauthorised building works to create a cattle isolation unit on land at St Elphins Cottage, Blind Lane, Hackney	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
ENF/18/00086	Extension to agricultural building		Pending Consideration
ENF/18/00103	Erection of fence over 1m in height adjacent to the highway	No. 16 And Riversdale Darley Avenue Darley Dale Derbyshire DE4 2GB	Pending Consideration
ENF/18/00121	Unlawful Externally illuminated advertisements on land adjacent to Molyneux Business Park and A6 for Creating Spaces Ltd.	Creating Spaces (Derbyshire) Ltd Unit 20A Molyneux Business Park Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration
ENF/18/00127	Parking of various commercial vehicles to the rear of Derwent View. People sleeping in box vans overnight.	14 Derwent View Church Road Churchtown Darley Dale Derbyshire DE4 2LB	Pending Consideration

## Dovedale And Parwich

ENF/15/00065	Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.	Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB	Notice Issued
ENF/18/00076	Unauthorised erection of smoking shelter and adjacent timber fencing		Pending Consideration
ENF/18/00090	Extension and raising of ridge height of existing outbuilding to 2.7m	Bank House Mapleton Road Mapleton Derbyshire DE6 2AB	Pending Consideration

## Doveridge And Sudbury

ENF/18/00029	Erection of Porches	17 West Drive Doveridge Derbyshire DE6 5NG	Pending Consideration
ENF/18/00037	Change of Use to a Childcare Business	The Old School 22 High Street Doveridge Derbyshire DE6 5NA	Pending Consideration

## Hulland

ENF/14/00041	Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU	Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
ENF/15/00024	The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/17/00064	Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton	Caravan At Valley View Broad Way Kirk Ireton Derbyshire	Pending Consideration
ENF/17/00109	Use as a collection point for County Council vehicles	Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Pending Consideration
ENF/18/00087	Unauthorised building works. Buildings not in accordance with approved plans - 17/00309/FUL - Erection of 2 no. dwellings	The Smithy Main Road Hulland Ward Derbyshire DE6 3EF	Pending Consideration
ENF/18/00110	Breach of Condition 3 (Lighting Details) and Condition 5 (Restricted Use) of 17/00159/FUL	Common End Farm Bradley Derbyshire DE6 1PL	Pending Consideration
ENF/18/00111	Breach of Condition 9 (Events Management) of 12/00581/FUL	Land Off A517 North Of Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00112	Unauthorised use of buildings for storage of mowers in connection to an off site business	Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration

## Masson

ENF/13/00108	Unauthorised works to Grade II Listed Building	Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH	Notice Issued
ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/15/00104	Unauthorised internal works and demolition of external boundary wall.	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Notice Issued
ENF/16/00041	Unauthorised instalation of plastic windows and door.	2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS	Notice Issued
ENF/16/00090	Erection of a shed, decking and fence.	2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ	Notice Issued

ENF/16/00097	Unauthorised engineering operations and the creation of concrete retaining wall.	UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ	Pending Consideration
ENF/17/00022	Erection of two wooden sheds.	The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA	Notice Issued
ENF/17/00061	Unauthorised works to a Listed Building	RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/17/00147	Breach of Conditions of Planning Permission Reference 11/00504/FUL	Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/17/00150	Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH.	1 Water Lane Cromford Derbyshire DE4 3QH	Pending Consideration
ENF/18/00003	Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Pending Consideration
ENF/18/00017	Unauthorised works to a listed building - Insertion of 3no. UPVC window frames	98 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/18/00032	External alterations - Doorway replaced with a window and window covered up	County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT	Notice Issued
ENF/18/00039	Unauthorised Internal and External Alterations to a Listed Building	21 The Hill Cromford Derbyshire DE4 3RF	Pending Consideration
ENF/18/00069	Unauthorised engineering works including excavation of stone to land at the rear of the Mill Managers House in Cromford.	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Notice Issued
ENF/18/00071	Unauthorised works to provide walls and doors to atrium	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration
ENF/18/00077	Unauthorised change of use of buildings from fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	Unauthorised painting of shop front.	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/18/00088	Erection of fence on top of existing wall	18 North Street Cromford Derbyshire DE4 3RG	Pending Consideration
ENF/18/00113	Breach of Conditions 4, 5 and 6 planning application no. 18/00135/FUL and waste collection issues	Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire	Pending Consideration

ENF/18/00116	Repainting and removal of signage	Princess Victoria Public House 174 - 176 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/18/00117	Unauthorised engineering works to facilitate access onto a classified road, (A6) Derby Road, next to filling station west of Cromford. East of Meadow View, Derby Road, Cromford, DE4 3RN	Meadow View Derby Road Cromford Derbyshire DE4 3RN	Pending Consideration
ENF/18/00119	Unauthorised erection of sheds	The Barn Bakers Lane Cromford Derbyshire DE4 3QW	Pending Consideration

## Matlock All Saints

ENF/16/00101	Unauthorised erection of sheds, chicken enclosures and a "shepherds hut".	High Croft Salters Lane Matlock Derbyshire DE4 2PA	Pending Consideration
ENF/17/00043	Engineering operations to create a raised patio area.	161 Smedley Street Matlock Derbyshire DE4 3JG	Pending Consideration
ENF/17/00110	Development not being built in accordance with approved plans (Doors in Gable End)	The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ	Pending Consideration
ENF/18/00001	Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years	The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX	Notice Issued
ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Pending Consideration
ENF/18/00048	Breach of condition of planning permission 16/00776/FUL - Appearance of front boundary wall	Land Adjacent Matlock Golf Club Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/18/00058	Untidy site and breach of condition 12 of planning permission 13/00908/FUL	Land Off The Close Matlock Derbyshire DE4 3LE	Pending Consideration
ENF/18/00064	Erection of fencing more than 1 metre in height adjacent the highway	29 Wolds Rise Matlock Derbyshire DE4 3HJ	Pending Consideration
ENF/18/00081	Erection of two entrance signs	Golding Grange 68 Cavendish Road Matlock Derbyshire DE4 3GY	Pending Consideration
ENF/18/00082	Banner signage above main entrance	Harveys Wine Bar And Cafe 119 Dale Road Matlock Derbyshire DE4 3LU	Pending Consideration
ENF/18/00084	Erection of a new retaining wall more than 8 feet in height	7 Hopewell Road Matlock Derbyshire DE4 3JN	Pending Consideration



ENF/18/00095	Breach of condition of 18/00047/VCOND and 17/00969/FUL - Use of toilets	Rubigo 68 Dale Road Matlock Derbyshire DE4 3LT	Pending Consideration
ENF/18/00096	Erection of two storage units to rear of building		Pending Consideration
ENF/18/00104	Unauthorised extension to dwelling	Formerly 46 Jackson Road Matlock Derbyshire DE4 3JQ	Pending Consideration
ENF/18/00128	Erection of wooden posts and metal fencing on possible highway land	Land North West Of Megdale (Former DDDC Plant Nursery) Matlock Derbyshire DE4 3JZ	Pending Consideration

## Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/16/00053	Unauthorised access off Riber Road.	Brookdale Riber Road Lea Derbyshire DE4 5JQ	Notice Issued
ENF/16/00089	Breaches of Planning Control	ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/17/00117	Unauthorised engineering works and formation of access	Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE	Notice Issued
ENF/18/00031	Erection of signage and second access	Gate Inn The Knoll Tansley Derbyshire DE4 5FN	Pending Consideration
ENF/18/00044	Breach of condition 7 of planning permission 15/00566/FUL	Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire	Pending Consideration
ENF/18/00063	Unauthorised banner sign	Matlock Cricket Club Causeway Lane Matlock Derbyshire DE4 3AR	Pending Consideration
ENF/18/00074	Engineering operations to create hardstanding for cars and associated removal and disposal of materials on private land	The Croft Green Lane Tansley Derbyshire DE4 5FJ	Pending Consideration
ENF/18/00080	Alleged unauthorised building works at 44 The Knoll, Tansley	44 The Knoll Tansley Derbyshire DE4 5FN	Pending Consideration
ENF/18/00083	Unauthorised signage to a listed building - Banner sign fixed to building and banner signs in grounds	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Pending Consideration
ENF/18/00093	Dwellings not being built in accordance with planning permission 16/00779/FUL - Built higher than approved	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration

ENF/18/00094	Breach of Condition 5 of planning application 17/00025/REM (Hours of Operation)	Land At Asker Lane Matlock Derbyshire	Pending Consideration
ENF/18/00097	Erection of unauthorised retaining wall	Land East Of Chesterfield Road / South Of Quarry Lane Matlock Derbyshire	Pending Consideration
ENF/18/00099	Piling of soil and materials	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/18/00107	Operation of residential dwelling as a bed and breakfast facility with 6 letting rooms	The Chalet Bungalow Butts Drive Matlock Derbyshire DE4 3DJ	Pending Consideration

## Norbury

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00113	Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.	Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD	Pending Consideration
ENF/17/00137	Change of use of agricultural land for the siting of 2 caravans for human habitation	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00089	Siting of a caravan in agricultural field	"Doles" Field Adj. The Elms And Elms Farmhouse Church Lane Cubley Derbyshire	Pending Consideration
ENF/18/00102	Office accommodation being used as a residence, business operating outside of opening hours, non-compliance with agreed parking arrangements and bay structure erected in car park	Woolliscroft (Garage Services) Former Abattoir Green Lane Norbury Derbyshire DE6 2EL	Notice Issued

## Stanton

ENF/18/00075	Engineering work construction of retaining wall within the curtilage of Grade II listed building	Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL	Pending Consideration
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## Winster And South Darley

ENF/17/00053	Unauthorised rear extension	72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW	Pending Consideration
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ENF/18/00122	Unauthorised erection of garage	Stags House 35 Main Road Darley Bridge Derbyshire DE4 2JY	Pending Consideration
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## Wirksworth

ENF/16/00079	Erection of timber fence over 1 metre in height adjacent a highway.	20 Willowbath Lane Wirksworth Derbyshire DE4 4AY	Notice Issued
ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/17/00104	Non compliance with planting condition	Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration
ENF/17/00106	Erection of High Fence Posts	2 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00127	Engineering operations	11A Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration
ENF/17/00140	Unauthorised building works to raise the height of building approved under 16/00536/FUL	5 Cromford Road Wirksworth Derbyshire DE4 4FH	Pending Consideration
ENF/17/00153	Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.	Longway Bank Wood Longway Bank Whatstandwell Derbyshire	Pending Consideration
ENF/17/00154	Unauthorised change of use of land and buildings	Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF	Pending Consideration
ENF/18/00002	Unauthorised erection of raised platform, above 0.3m from ground level.	14 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Pending Consideration
ENF/18/00010	Camping Pods not erected in the approved location	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/18/00014	New Shop Signage	26 - 27 Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/18/00023	Unauthorised erection of fence	Land At Cromford Road Wirksworth Derbyshire	Pending Consideration

ENF/18/00049	Breach of condition of 16/00420/FUL - Colour of fascia boards on dwellings	Land East Of Derby Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00079	Installation of a Stair Lift in property	2 Gells Flats Church Walk Wirksworth Derbyshire DE4 4DP	Pending Consideration
ENF/18/00100	Various alterations to property including the installation of white UPVC windows	7 The Dale Wirksworth Derbyshire DE4 4EJ	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration

**Total Open Cases**

**152**

# Enforcement Investigations Closed

In the 6 Months Prior to 05/07/2018



## Ashbourne North

ENF/17/00054	Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.	Grange Barn Kniveton Derbyshire DE6 1JQ	Complied Voluntarily	13/02/2018
ENF/18/00040	Untidy Site (Former Public Toilets)	1 Union Street Ashbourne Derbyshire DE6 1FG	Complaint Unfounded	23/03/2018
ENF/18/00060	Issues regarding facia's throughout the exterior of the building	Land Off Horse And Jockey Yard St John Street Ashbourne Derbyshire DE6 1GH	Not in the Public interest to pursue	13/04/2018
ENF/18/00061	Alleged unauthorised creation of raised patio in rear garden of 15 Spire Close	15 Spire Close Ashbourne Derbyshire DE6 1DB	Complaint Unfounded	13/04/2018

## Brailsford

ENF/17/00073	Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb	The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT	Complaint Unfounded	13/02/2018
ENF/17/00093	Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner	Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA	Complaint Unfounded	15/01/2018
ENF/17/00120	Are the relevant permissions in place for weddings to be held at this site	Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE	Justification from Officer	15/01/2018
ENF/17/00143	Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding	Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT	Complaint Unfounded	13/02/2018

## Carsington Water

ENF/16/00073	Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA	Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA	Not in the Public interest to pursue	13/02/2018
ENF/17/00052	Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.	Manor House Church Street Brassington Derbyshire DE4 4HJ	Complied Voluntarily	26/03/2018

ENF/17/00085	Unauthorised building works comprising a change of structure on a building approved under PDA change of use	Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB	Planning Application Received	04/05/2018
ENF/17/00132	Unauthorised installation of gas cylinder, forward of a principal elevation.	Barnwood Main Street Hopton Derbyshire DE4 4DF	Planning Application Received	16/03/2018
ENF/17/00141	Tipping of Materials on Land	The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF	Not in the Public interest to pursue	18/06/2018
ENF/18/00050	Trellising in excess of 1m in height, adjacent to a highway used by vehicular traffic	Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR	Complied Voluntarily	16/03/2018
ENF/18/00065	Works started on an extant permission (00/07/0521) granted in September 2000	Foxholes Foxholes Lane Kniveton Derbyshire DE6 1JN	Justification from Officer	05/06/2018
ENF/18/00091	Use of land a camp site, consisting of tents/ motorhomes/ caravans	Land To The East Of New House Farm Longrose Lane Kniveton Derbyshire DE6 1JL	Justification from Officer	29/05/2018

## Clifton And Bradley

ENF/17/00122	Addition of lean to building and slabbed area	Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG	Justification from Officer	12/01/2018
ENF/17/00155	Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill	Saw Mill Osmaston Derbyshire	Planning Application Received	19/03/2018

## Darley Dale

ENF/17/00048	Alleged unauthorised lamp posts.	St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL	Planning Application Received	13/02/2018
ENF/17/00114	Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.	1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG	No Code []	26/03/2018
ENF/17/00119	Access Modifications/ Modifications to Public Footpath	Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT	Complaint Unfounded	13/02/2018
ENF/18/00043	Breach of conditions 22 and 23 of planning permission 16/00789/FUL	Land South West Of Old Hackney Lane Hackney Derbyshire	Justification from Officer	15/06/2018
ENF/18/00118	Unauthorised Banner Advert on metal poles	Grounds Of St Elphins Park Darley Dale Derbyshire	Complied Voluntarily	05/07/2018

## Doveridge And Sudbury

ENF/18/00025	Alleged unauthorised building works on land at The Woodyard, Pump Lane, Doveridge	The Woodyard Pump Lane Doveridge Derbyshire DE6 5LX	Complaint Unfounded	21/02/2018
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## Hulland

ENF/17/00065	Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.	Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Complied Voluntarily	25/01/2018
ENF/18/00045	Subdivision of property to create an additional dwelling and a holiday let	Addcrofts Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Complaint Unfounded	11/05/2018
ENF/18/00109	Installation of external lighting on storage building, storage of unauthorised materials on site and land at corner of Money Hills Lane incorporated into curtilage	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	Not in the Public interest to pursue	20/06/2018

## Masson

ENF/17/00102	Erection of Four Sheds	Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ	Planning Application Received	12/06/2018
ENF/17/00145	Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT	1 High Street Bonsall Derbyshire DE4 2AS	Complied Voluntarily	13/06/2018
ENF/18/00028	Alleged changed of use of hotel building, Temple Hotel, Matlock Bath.	Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	17/05/2018
ENF/18/00033	Alleged works to change use of building	Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	13/06/2018

## Matlock All Saints

ENF/17/00108	Works undertaken to extension and spiral staircase not in accordance with the approved plans	Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT	Planning Application Received	24/01/2018
ENF/17/00123	Erection of 2.5m high Fence between properties	131 Smedley Street Matlock Derbyshire DE4 3JG	Complied Voluntarily	24/01/2018
ENF/17/00146	Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)	10 Crook Stile Matlock Derbyshire DE4 3LJ	Justification from Officer	05/03/2018
ENF/18/00034	Replacement Shop Front	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	No Code []	12/04/2018
ENF/18/00036	Land clearance and potential use of land as an off road motorcycle track	Land At Masson Hill Salters Lane Matlock Bath Derbyshire	Justification from Officer	23/03/2018
ENF/18/00054	Pre-commencement conditions 4, 5 and 6 of planning permission 17/00482/FUL not discharged prior to planned start on site	55A Wellington Street Matlock Derbyshire DE4 3GS	Justification from Officer	10/04/2018

ENF/18/00073	Unauthorised signage and alterations to retail premises	Iceland 1 Firs Parade Matlock Derbyshire DE4 3AS	Planning Application Received	11/06/2018
ENF/18/00098	Importing and spreading of materials onsite	Hall Dale Quarry Snitterton Road Snitterton Matlock Derbyshire	Not in the Public interest to pursue	15/06/2018

## Matlock St Giles

ENF/16/00046	Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL	Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX	Justification from Officer	21/02/2018
ENF/16/00056	Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.	72 Starkholmes Road Matlock Derbyshire DE4 3DD	Complaint Unfounded	24/04/2018
ENF/17/00079	Breach of condition 5 on planning permission 16/00889/FUL	ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL	Justification from Officer	12/02/2018
ENF/17/00088	Unauthorised creation of pond	Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA	Planning Application Received	24/01/2018
ENF/18/00024	Erection of industrial buildings, sheds and the siting of a chalet/ caravan	Ox Close Farm Carr Lane Riber Matlock Derbyshire DE4 5JT	Complaint Unfounded	15/02/2018
ENF/18/00026	Erection of Breeze Block Wall and Parking of Caravan	44 The Knoll Tansley Derbyshire DE4 5FN	Complaint Unfounded	20/02/2018
ENF/18/00030	Unauthorised tipping of materials	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Justification from Officer	12/03/2018
ENF/18/00106	Occupation of garage as a dwellinghouse	The Chalet Bungalow Butts Drive Matlock Derbyshire DE4 3DJ	Complaint Unfounded	15/06/2018

## Norbury

ENF/11/00091	Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF	Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF	Notice complied with	13/02/2018
ENF/13/00050	Unauthorised building works to an agricultural building. (Increasing the height).	Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire	Not in the Public interest to pursue	13/02/2018



ENF/16/00068	Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 "The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere".2	Land To The South Of West View Shields Lane Roston Derbyshire	Complaint Unfounded	13/06/2018
ENF/18/00007	Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017	Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL	Justification from Officer	02/07/2018
ENF/18/00046	Breach of condition 6 of planning permission 13/00417/FUL - Hardstanding for parking free from impediment to it's use	Spring Cottage Rodsley Lane Rodsley Derbyshire DE6 3AL	Complaint Unfounded	19/03/2018

## Stanton

ENF/17/00151	Illuminated Signage, totem pole signage and banner advert	UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Justification from Officer	31/01/2018
ENF/18/00005	Removal of boundary fence and extension of lorry hardstanding into neighbouring field	Matlock Transport Northwood Lane Darley Dale Derbyshire DE4 2HQ	Complaint Unfounded	15/01/2018
ENF/18/00012	Unauthorised commencement of development relating to land at North Park Farm subject of planning application 17/00995/OUT for Mr G Lowe.	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Justification from Officer	31/01/2018
ENF/18/00027	Occupied flat built inside barn	New Fallinge Farm Chesterfield Road Rowsley Derbyshire DE4 2NN	Complaint Unfounded	05/03/2018
ENF/18/00056	Alleged unlawful erection of a raised signal box	Peak Rail Rowsley South Station Harrison Way Darley Dale Derbyshire DE4 2LF	Complaint Unfounded	06/04/2018

## Wirksworth

ENF/12/00022	Unauthorised stationing of a wooden chalet building and two steel containers.	The WoodYard. Homesford. Matlock. Derbyshire. DE4 5HL.	Justification from Officer	15/05/2018
ENF/15/00068	Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.	Peak View Caravan Site Brassington Lane Wirksworth Derbyshire	Complied Voluntarily	13/02/2018
ENF/17/00031	Unauthorised installation of a white plastic door and window.	1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP	Complied Voluntarily	02/03/2018

ENF/17/00092	Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations.	Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE	Justification from Officer	08/02/2018
ENF/17/00105	Finished detail on apartment bay windows not in accordance with the approved design	Land At Cromford Road Wirksworth Derbyshire	Justification from Officer	15/02/2018
ENF/17/00124	Erection of New Railway Building	Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB	Planning Application Received	24/01/2018
ENF/17/00136	Artist's studio building not built in accordance with approved details	Walkers Cottage 31 - 33 The Dale Wirksworth Derbyshire DE4 4EJ	Complied Voluntarily	29/05/2018
ENF/18/00006	Breach of Condition 7 of 14/00462/FUL - Tree Planting	Bailey Croft Car Sales Harrison Drive Wirksworth Derbyshire	Planning Application Received	10/04/2018
ENF/18/00019	Erection of building and temporary screen	Lant Close Farm Bolehill Road Bolehill Derbyshire DE4 4GQ	Complaint Unfounded	04/04/2018
ENF/18/00022	Work activities being carried out from the site	Ashleigh House Cromford Road Wirksworth Derbyshire DE4 4FR	Complaint Unfounded	16/04/2018
ENF/18/00108	Unauthorised outbuilding	Fountain House 13 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Planning Application Received	15/06/2018

**Total Closed Cases 68**

**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 17<sup>th</sup> July 2018

**PLANNING APPEAL – PROGRESS REPORT**

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00951/FUL	Walnut Cottage, Marston Montgomery	WR	Appeal dismissed - copy of appeal decision attached
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00037/FUL	Ivy Cottage, Twisses Bank, Boylestone	HOUSE	Appeal being processed
Central			
17/00093/PDA	The Racecourse, Hey Lane, Wirksworth	WR	Appeal allowed - copy of appeal decision attached
18/00104/FUL	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/17/00142	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/17/00158	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/17/00159	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/16/00079	20 Willowbath Lane, Wirksworth	WR	Appeal being processed
17/00453/FUL	20 Willowbath Lane, Wirksworth	WR	Appeal being processed

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

**OFFICER RECOMMENDATION:**

That the report be noted.



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## Appeal Decision

Site visit made on 17 April 2018

**by Kevin Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 June 2018**

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**Appeal Ref: APP/P1045/W/18/3195073**

**Walnut Cottage, Bowling Alley Lane, Marston Montgomery DE6 2FE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nigel Reaney against the decision of Derbyshire Dales District Council.
  - The application Ref 17/00951/FUL, dated 26 September 2017, was refused by notice dated 22 November 2017.
  - The development proposed is a self-contained accessible holiday let.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council has confirmed that since the application was determined, it has formally adopted the Derbyshire Dales Local Plan on 7 December 2017 (the 2017 Plan), which has replaced the Adopted Derbyshire Dales Local Plan 2005 (the 2005 Plan). I am required to determine the appeal in accordance with the development plan in force at the time of my decision. Therefore I have not given weight to the now superseded policies of the 2005 Plan, in particular policies EDT19, SF5 and NBE8 cited in the Council's decision notice. I note that the replacement policies of the 2017 Plan have similar aims to the superseded policies, and indeed they are referenced in the Council's decision notice, albeit in their draft form, and in some cases with different policy numbers. The Council has clarified the policy position in its statement and the appellant has had an opportunity to comment. I therefore consider that neither party has been prejudiced by this change in policy circumstances.

### Main Issues

3. The main issues in this appeal are whether the proposed development would provide a suitable location for holiday accommodation, having regard to 1) the accessibility of services and facilities, and 2) the effect on the character and appearance of the area.

### Reasons

#### *Access to facilities and services*

4. The proposal involves the creation of a self-contained unit of holiday accommodation within the garden of an existing dwelling. The proposed

dwelling would take the form of a timber cabin and would be designed to be fully accessible to meet the needs of disabled visitors. The site is located within the open countryside around 1.5 miles south of the village of Marston Montgomery. There are isolated dwellings within the immediate vicinity, including one to either side of the appeal site, but the surroundings are unmistakably rural in character, with views out of the site in all directions taking in open fields, trees and hedgerows.

5. Policy S1 of the 2017 Plan sets out the Council's overarching principles of sustainable development, including conserving the natural environment and minimising the need to travel and reliance on the private car. Development within the countryside is further addressed by Policy S4, which, among other things, seeks to facilitate sustainable rural tourism and economic development. Criterion b) specifically permits development which represents sustainable growth of tourism in sustainable locations where identified needs are not being met by local facilities. Policy EC9 relates specifically to holiday chalets, and sets out 5 criteria, including d) which requires that the site is in an accessible location within, or in close proximity to an existing settlement with good connections to the main highway and public rights of way networks, and access to public transport within a safe, attractive 10 minute walk.
6. These policies are consistent with the core principles at paragraph 17 of the National Planning Policy Framework (the Framework), which include recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 28 of the Framework furthermore supports sustainable rural tourism in appropriate locations where identified needs are not being met by existing facilities in rural service centres.
7. The appeal site is located some distance from the nearest village of Marston Montgomery, along a winding and hilly road which is unlit and has intermittent and uneven verges. This road would not provide a safe, attractive walk and would take considerably longer than 10 minutes if attempted. Access to the site would therefore be heavily reliant on the private car and the proposal would conflict with Policy EC9 in this regard. In addition, I observed that Marston Montgomery had services limited to a primary school and public house, of which only the latter would be of benefit to tourists. The result would be that to meet their day-to-day needs, visitors to the proposed holiday let would be required to travel further, most likely to Uttoxter or Ashbourne, where services would be available. Given the distance from services and facilities, and the reliance on the private car to reach them, the proposal would represent isolated housing in the countryside, which paragraph 55 of the NPPF seeks to avoid.
8. The appellant in his grounds of appeal identifies wider transport links and an abundance of tourist attractions within 35-60 minutes travel time; however this travel time is with reference to use of the private car. I also note reference to a dial-a-bus service available within the area. This would offer an alternative mode of transport, but I am not provided with evidence that the service offered would be frequent enough, or serve destinations where required services and facilities are available, such that it would materially reduce reliance on the private car. I accept that it would not be feasible to expect that tourists in rural

areas would not require use of a car at all, and longer journeys by car to rural tourist attractions would be inevitable; however the site would be isolated from even the most basic of facilities for day-to-day needs, such as a shop, which would be essential given the self-catering nature of the proposed development. It is the isolation from these services in particular which would result in undue reliance on the private car and render the location unsuitable for the proposed development.

9. For the above reasons, the proposal would not provide a suitable location with respect to access to facilities and services. It would conflict with Policies S1, S4 and EC9 of the Derbyshire Dales Local Plan 2017, the aims of which have been described above, and with the guidance of the Framework with respect to development within rural areas, in particular paragraphs 17, 28 and 55.

#### *Effect on character and appearance*

10. The Council considers the proposed cabin would have an 'urbanising' effect on the character and appearance of the area. The proposed building would be in timber, with a shallow pitched roof in felt shingle and raised timber decking to the front and the side facing the road. The materials would be consistent with those used on the existing outbuildings on the appeal site and would appear similar to them. The shallow pitch of the roof would appear slightly awkward in front of the much steeper pitches of the existing outbuildings; however, this would not appreciably detract from the overall appearance of the proposal or the wider site.
11. In terms of scale and position, the building would be located to the side of the garden, set back from the roadside and in front of the existing outbuildings. It would be low in height and would appear more diminutive than the existing outbuildings, and considerably smaller in scale than the main dwelling. It would also be set apart from the main dwelling and would not lead to the overall site appearing cramped. Whilst the cabin would be seen from the roadside and from the neighbouring dwelling to the north, it would be clustered between existing buildings and given its position, form and scale, it would not be prominent in wider views or intrusive upon the landscape.
12. The proposal would not therefore harm the character or appearance of the area, and would comply with Policy PD1 of the Derbyshire Dales Local Plan 2017, which requires proposals respect the character and context of the landscape and contribute positively to an area's identity and character; Policy PD5 of the 2017 Plan, which requires that development proposals are sympathetic to landscape character and recognise the intrinsic character, appearance and local distinctiveness of the landscape, and Policy EC9, which amongst other criteria, requires that the development not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape.

#### *Other matters*

13. The appellant has submitted evidence of other holiday lets within a 30 km radius of the site, including those which provide accessible accommodation. The appellant considers these examples demonstrate that such accommodation is considered sustainable. I am not provided with the full planning histories of these developments or details of whether they are located close to facilities and services. I cannot therefore be certain that they represent comparable

examples to the proposal before me. In any event I am required to determine the appeal on its own merits and have found the proposal would be located with poor access to services and facilities.

14. The appellant has submitted details of benefits of the proposal, including support from Accessible Derbyshire. I note in particular the accessible specifications it would deliver, where the appellant suggests there is a significant shortage of similar accommodation to meet the needs of disabled holidaymakers. The appellant's submissions include a map of nearby holiday accommodation which is accessible, with some 9 examples within a 30 km radius. This indicates to me that rather than a shortage there are alternative options available, and whilst they may be popular and more accessible accommodation such as that proposed could enjoy high demand, this does not justify permitting a development which has been found to be in an unsuitable location and in conflict with the development plan and national guidance.
15. The appellant has referred to a permission granted recently for 22 dwellings in Marston Montgomery as evidence of the sustainability of the village for development. I am not provided with the particulars of this permission to determine whether there are considerations which are directly relevant to this appeal. I note, however, the permitted development is of a considerably larger scale, and would appear to be located within the built-up area of the village, which on the face of it are material differences from the appeal scheme before me. This permission therefore does not affect my findings in respect of the appeal, which I have considered on its own merits.

### **Overall Conclusions**

16. I acknowledge that the additional accessible facilities would offer more choice for prospective holidaymakers with disabilities, which would be a social benefit. The use of the proposed accommodation and associated spending by tourists in the local area would provide an economic benefit to the rural economy, as encouraged by the Framework. These benefits would however carry only modest weight in favour of the proposal, given the small scale of the development.
17. There would be a small environmental benefit from the high build standard and energy efficiency of the accommodation; however, this would be outweighed by the isolated location of the site and resulting reliance on the private car, which conflicts with a core principle of the Framework. I attach significant weight to this environmental harm.
18. The social and economic benefits weighing in favour of the proposal would not outweigh the environmental harm identified. There are therefore no material considerations which would outweigh the conflict I have identified with the development plan and the guidance of the Framework.
19. For these reasons, the appeal is dismissed.

*Kevin Savage*

INSPECTOR



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## Appeal Decision

Site visit made on 26 March 2018

by **B Bowker Mplan MRTPI**

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

Decision date: 17<sup>th</sup> May 2018

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### Appeal Ref: **APP/P1045/W/17/3190813**

### **The Racecourse, Hey Lane, Wirksworth DE4 4AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
  - The appeal is made by B Britland against the decision of Derbyshire Dales District Council.
  - The application Ref 17/00093/PDA, dated 1 February 2017, was refused by notice dated 13 June 2017.
  - The development proposed is change of use of agricultural building to 3 dwellings (use class C3).
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) of the GPDO 2015 (as amended), for the change of use of agricultural building to 3 dwellings (use class C3), at The Racecourse, Hey Lane, Wirksworth DE4 4AF, in accordance with the terms of the application Ref 17/00093/PDA, dated 1 February 2017, subject to the standard relevant conditions set out in the GPDO 2015.

### Preliminary Matter

2. The description of development used above is taken from the decision notice and appeal form which more accurately reflects the proposed development.

### Application for costs

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

### Background and Main Issue

4. Within the submitted application form, the description of the proposed development refers to "conversion". In addition, section 4 of the application form (relating to the design and exterior alterations proposed) has been completed by the appellant. However no details of the conversions works, including elevational drawings, have been submitted as part of the appeal proposal. Clarification was sought from the parties on this and other related matters.
5. In response, the parties confirmed that the appeal was determined as a proposal submitted under Class Q (a) only. Accordingly the appeal has been determined under Schedule 2, Part 3, Class Q (a) of the 2015 GPDO only.



6. The Council's concern relates to the use of the site and Class Q.1a). Based on the information before me, I have no reason to disagree with the Council's acceptance of the proposal in respect of the other requirements listed at Q.1. Consequently, the main issue is whether the proposal would be permitted development under the relevant provisions of the GPDO, with particular regard to the use of the site.

## **Reasons**

7. The appeal site comprises a detached building (and land to its immediate front and rear) sited in an elevated position to the north of Hey Lane. The landholding plan submitted shows the building as part of an 11 hectares holding, indicated as an area of land within the 'blue line'. As cited by the Council, Class Q (a) requires that the building is currently in use for agricultural purposes. In addition, it is a requirement at Class Q.1 (a) that the site was in sole use for agricultural purposes as of 20 March 2013 as part of an established agricultural unit.
8. During my site visit I saw hay stacks, quad bikes, a small digger, chickens, a static caravan, and an office room and a trailer both within the building. Outside of the building I saw two four by four vehicles, a picnic table, wrapped bales and a car to the rear. In a field further to the north east of the site I saw a vehicle/trailer with letters on it relating to a stage company and a dead sheep to the east of the building. Based on my site visit observations, the site appeared to be solely in agricultural use. However I acknowledge that my observations provide a snap shot only of the use of the site.
9. In November 2016, a Council officer visited the inside of the building and observed hay bales, a caravan, timber, work benches, a go kart and a television set. The Council accept that the caravan, the timber and work benches could be required for agricultural related works. The parties' dispute whether the appellant was attending to sheep during the visit. However, based on the evidence before me I am unable to reach a firm view on this matter. This aside, plausible grounds have been provided by the appellant in respect of the go kart and television set stored at the site.
10. Furthermore, the Council's photographs do not indicate that a non-agricultural use operated at the site, and include hay within the building and black wrapped fodder bales outside. Nor does the correspondence address for the appellant's other business demonstrate that the appeal building (including its office) is used for purposes other than agriculture. This includes consideration of the change in the appellant's address since the previous application as cited by the Council.
11. The appellant states that the building is used as part of an established agricultural unit that he has operated for 14 years. In addition, a sworn statement dated 24 January 2017 has been signed by the appellant and submitted in support of the development. The appellant states that he fully recognises the serious implications which flow from making a sworn statement.
12. The sworn statement states that the building was solely in agricultural use as part of an established agricultural unit on 20 March 2013. The statement details that during 2014 and 2015 the building was partly partitioned to provide more security for agricultural equipment and to provide a farm office, and that since 2015 a caravan was stored in the building for overnight accommodation

for when livestock require supervision. The sworn statement also states that the land has been owned by the appellant since 2003 and that agricultural use has been carried out on the land ever since, with the appeal building erected in July 2005 to facilitate this agricultural activity. A photograph taken on 11 July 2006 is included as part of the sworn statement and the appellant states that it shows the building as it was during the whole of 2013.

13. The photograph attached to the sworn statement shows a trailer associated with a separate business named 'Stage One Solutions'. The appellant states within the sworn statement that the trailer was used for the transportation of fodder. The Council highlight that the sworn statement does not refer to the separate business in the past tense and query where equipment associated with it would have been stored. Furthermore, I saw a vehicle/trailer with similar lettering in a field during my site visit. The Council state that Stage One Solutions<sup>1</sup> appears to have been dissolved and the appellant states that the businesses referred to were and are dormant. In addition, no evidence is before me to demonstrate that equipment associated with the appellant's other businesses has been stored at the site. Moreover, as set out by the appellant, the agricultural use of a trailer with lettering relating to/promoting a separate business does not imply dual use of the site.
14. Audited accounts and sworn statements from third parties could have been submitted, and I note that the Council's evidence indicates that the agricultural holding<sup>2</sup> is no longer active with the Animal and Plant Health Agency. However, whilst concerns have been made regarding certain details within the sworn statement, its legality has not been questioned by the Council. In this light, I afford significant weight to the sworn statement and find the evidence put forward by the appellant to be the more compelling. Consequently and on the balance of probabilities, I find that the evidence before me demonstrates that the site's use on 20 March 2013 and its most recent use have been solely agricultural.
15. Therefore the proposal would be permitted development under the relevant provisions of the GPDO, with particular regard to the use of the site. In reaching this view I note that the Council have adopted its Local Plan since the determination of the proposal. However the decision notice refers to the GPDO and policies of the Local Plan have not been determinative factor in my decision.

### **Conditions**

16. In granting approval, Paragraph Q.2 (3) stipulates that development shall be completed within a period of three years. A condition has been suggested by the Council requiring the appellant to apply to the local planning authority for determination as to the items referred to as Class Q (b). However such matters would require determination under a separate application.
17. As the application relates to a change of use only, I have not considered the suggested conditions relating to landscape details and to remove permitted development (PD) rights for gates, fences and walls any further. As PD rights within the curtilage of a dwelling house do not apply to a dwelling house

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<sup>1</sup> Registered at the appellant's home address given within the application form based on the Council's Officer's Report.

<sup>2</sup> The Council's evidence indicates that this holding is registered at 28 Malthouse Close, Wirksworth, Matlock, Derbys DE44 4FT.

granted by virtue of Class Q of the GPDO, a condition removing these PD rights is not necessary.

**Conclusion**

18. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed.

*B Bowker*

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.

**BACK TO AGENDA**