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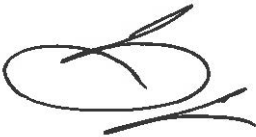
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07 January 2019

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 15 January 2019 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.**

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: There are no site visits scheduled for this Committee.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 04 December 2018

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

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Use of ground floor as an adult gaming centre (Sui Generis use) at 1 Union Street, Ashbourne DE6 1FG.	
4.2 APPLICATION NO. 18/01133/FUL	13 - 17
First floor side extension at Bridge Farm, Winn Lane, Atlow DE6 1NS.	
4.3 APPLICATION NO. 18/01237/REM	18 - 35
Approval of reserved matters for the erection of 22 dwellings (Outline Application 16/00832/OUT) at Land East of Les Ardennes, Hulland Ward.	
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	36 - 55
6. APPEALS PROGRESS REPORT	56 - 66
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, 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

There are no site visits scheduled for this Committee.

Page No.

NONE

COMMITTEE SITE MEETING PROCEDURE

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

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

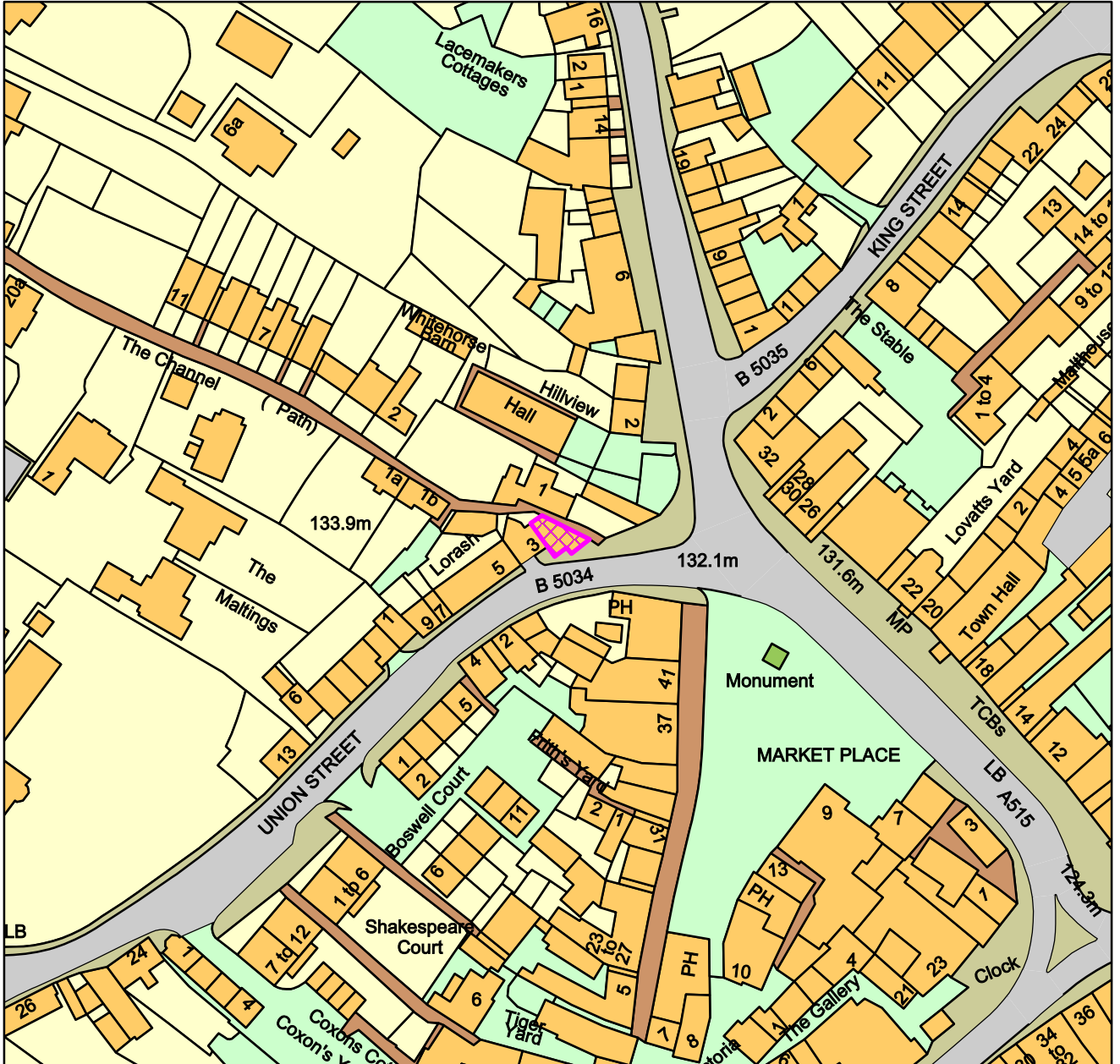
APPLICATION NUMBER		18/00859/FUL	
SITE ADDRESS:		1 Union Street, Ashbourne, DE6 1FG	
DESCRIPTION OF DEVELOPMENT		Use of ground floor as an adult gaming centre (Sui Generis use)	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Majid Morabbi
PARISH/TOWN	Ashbourne	AGENT	n/a
WARD MEMBER(S)	Cllr. S. Bull	DETERMINATION TARGET	22 nd November 2018
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections have been received.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • the appropriateness of the proposed use of the building, having regard to its location; • impact on the character and appearance of the existing building and its surroundings, specifically Ashbourne Conservation Area; • whether the development would result in a significant loss of amenity for residents of neighbouring properties, and; • whether there would be any adverse highway safety implications;

RECOMMENDATION
Approval, subject to conditions.

18/00859/FUL

1 Union Street, Ashbourne, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 03/01/2019

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located close at the junction of Union Street and Buxton Road, within the centre of Ashbourne, north of the Market Place. Number 1 Union Street is non-listed building within Ashbourne Conservation Area.
- 1.2 The building was a former public conveniences which dated from circa mid-20th century. Planning permission was granted (application ref: 14/00640/FUL) for the change of use of the former public toilet to an A2 (Financial and Professional Services) use class on the ground floor and a single residential unit above (Use Class C3).
- 1.3 The ground floor of the building incorporates large windows within the former simple plain brick with a moulded cornice frontage. The new first accommodation incorporates a part flat and part mono-pitch roof constructed from seamed metal.



2. THE APPLICATION

- 2.1 Planning permission is sought for the change of use of the ground floor of 1 Union Street from a financial and professional services premises (A2 Use Class) to an adult gaming centre (Sui- Generis Use Class).
- 2.2 No external alterations are proposed as part of this application.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
 - S1 Sustainable Development Principles
 - S3 Development Within Defined Settlement Boundaries
 - S8 Ashbourne Development Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - EC1 New and Existing Employment Development

- EC6 Town and Local Centres
- EC7 Primary Shopping Frontages
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

4. RELEVANT PLANNING HISTORY

- 4.1 14/00640/FUL Redevelopment of former toilet block to use class A2 at ground floor and first floor apartment APPROVED

5. CONSULTATION RESPONSES

- 5.1 Town Council
No objection raised.
- 5.2 Derbyshire County Council (Highways)
No objection, subject to conditions.
- 5.3 Conservation Officer
No objection raised.
- 5.4 Environmental Health Officer
No objection raised, subject to conditions restricting the hours of operation and no amplified music.

6. REPRESENTATIONS RECEIVED

- 6.1 A total of 79 representations have been received. Two letters of support with the remaining letters objecting to the application. A summary of the representations are outlined below:

Principle of use:

- Proximity to school route used by pupils
- Encourage gambling
- Effect on young people
- The use does not fit in with the historic town or conservation area
- Inappropriate location for such use
- Does not hold appropriate licenses
- Not a desirable activity

Impact on residential amenity:

- Encourage gambling
- Encourage anti-social behaviour
- Noise pollution
- Increase litter

Highway Safety:

- Increase in vehicular/pedestrian movements
- Lack of parking
- Pedestrian safety concerns

Impact on the character and appearance of the surrounding area:

- Out of keeping for a market town
- Existing conversion not constructed in accordance with approved plans

7. OFFICER APPRAISAL

The main issues to assess in the consideration of this application are;

- the appropriateness of the proposed use of the building, having regard to its location;
- impact on the character and appearance of the existing building and its surroundings, specifically Ashbourne Conservation Area;
- whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- whether there would be any adverse highway safety implications.

The appropriateness of the proposed use of the building, having regard to its location;

- 7.1 The site is located within the defined settlement boundary of Ashbourne. Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposal is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.
- 7.2 Policy S8 of the Adopted Derbyshire Dales Local Plan (2017) 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 encouraging local employment opportunities and diversification of local businesses which provide improvements to the range and quality of town centre retail and services in Ashbourne.
- 7.3 Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities.
- 7.4 Policy EC6 of the Adopted Derbyshire Dales Local Plan (2017) sets out that the District Council will seek to maintain and where possible, enhance the vitality and viability of town centres as defined on the Policies Map in accordance with their function, scale and identified development needs. This will be achieved by creating safe, attractive and accessible town centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment, leisure and cultural facilities, and high quality public spaces.
- 7.5 It is noted that the site lies within close proximity, but outside, the Primary Shopping Frontage, designated by Policy EC7 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.6 A number of objections have been received from local residents raising concerns with the principle use of the building as an adult gaming centre. Concerns relate to issues such as not being a desirable use, encouraging gambling and anti-social behaviour. Amenity concerns are discussed below but the consideration of the planning merits of an application does not extend to covering moral or ethical concerns associated with gambling uses which in any event are subject to separate Licensing arrangements.

7.7 As such, the proposed use, albeit sensitive from a moral perspective, is considered to be a viable reuse of the vacant ground floor premises within a defined Principal Town Centre location. The application represents an opportunity to re-use an otherwise empty building within the town centre which would help improve the range of entertainment facilities within the area, adding to the overall viability, vitality and mixed uses within the town centre. As such the change of use of the building, in principle, is considered to be acceptable.

Impact on the character and appearance of the existing building and its surroundings, specifically Ashbourne Conservation Area;

7.8 Policy PD1 relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

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

7.10 The proposed ramped access from the public highway has been omitted from the application following comments made by the Local Highway Authority. Therefore no external alterations are proposed as part of this application.

7.11 As there are no external alterations proposed the development is considered not to be harmful to the character and appearance of Ashbourne Conservation Area. The display of advertisements would require separate advertisement consent, and the impact of advertisements would be separately assessed as part of any future application.

7.12 Whilst concerns have been expressed with the potential harm to the Conservation Area, the, varying commercial uses with a town centre form an integral component of many principal town centre shopping areas and with no physical alterations to the building proposed there is no underlying planning justification for resisting this proposal on heritage grounds.

7.13 The Councils Conservation Officer raises no objection to the application.

Whether the development would result in a significant loss of amenity for residents of neighbouring properties;

7.14 Concerns have been expressed with regards to the close proximity of the proposed use to residential properties within the immediate area, particularly the properties to the north of the application site.

7.15 As previously explained 1 Union Street lies within Ashbourne town centre, classified a Principal Town Centre by Policy EC6 of the Adopted Derbyshire Dales Local Plan (2017).

7.16 Given the buildings approved use and its town centre location the use of the building as an adult gaming centre is deemed compatible with neighbouring uses. It considered that through appropriately worded conditions with respect to the use of the building, its associated hours of operation and amplified music that the change of use would be achievable without resulting in any significant adverse impact upon the occupants of neighbouring properties.

7.17 No objection has been raised by the Councils Environmental Health Officer, subject to conditions.

Whether there would be any adverse highway safety implications;

7.18 The former public toilets gained consent for change of use to retail on the ground floor with an apartment on the first floor, application reference 14/00640/FUL. The ramped access from the public highway has now been omitted from the application.

7.19 Ashbourne Town Centre benefits from a number of existing public car parks, principally the Market Place carpark which lies adjacent to the application site. Following consultation with the Local Highway Authority it is advised that the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should be within private curtilage only. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. This would of course also be required for the current authorised use.

7.20 The Local Highway Authority has raised no objection in relation to the development, given the former use of the building as A2 use (Financial and Professional Services), subject to conditions.

Conclusion

7.21 In conclusion, whilst it is appreciated that the application raises ethical and moral concerns they are not material land use planning considerations. Having due consideration to those matters which are material to the planning merits of the scheme the application represents an opportunity to re-use an otherwise empty building with a principal town centre location.

7.22 The use of the building would help improve the range of entertainment facilities within the centre of Ashbourne adding to the overall viability, vitality and mixed uses within the town centre through a conversion which preserves the character of the built and historic environment within Ashbourne Conservation Area.

7.23 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

Planning Permission to 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. The premises hereby permitted shall not be open for business between the hours of 9pm - 10am Monday to Sunday (including Bank Holidays).

Reason:

To protect the amenities of nearby residential properties in accordance with Policies S3 and

EC6 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to installation, details of any external CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The details shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Chapter 16 of the National Planning Policy Framework (2018).

4. There shall be no live amplified music from these premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to protect residential amenity in accordance with Policies S3 and EC6 of the Adopted Derbyshire Dales Local Plan (2017).

5. For avoidance of doubt there shall be no external ramped access to the building. Any difference in levels shall be accommodated within the building curtilage only.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application.

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:
Submitted plans date stamped 27th September 2018.

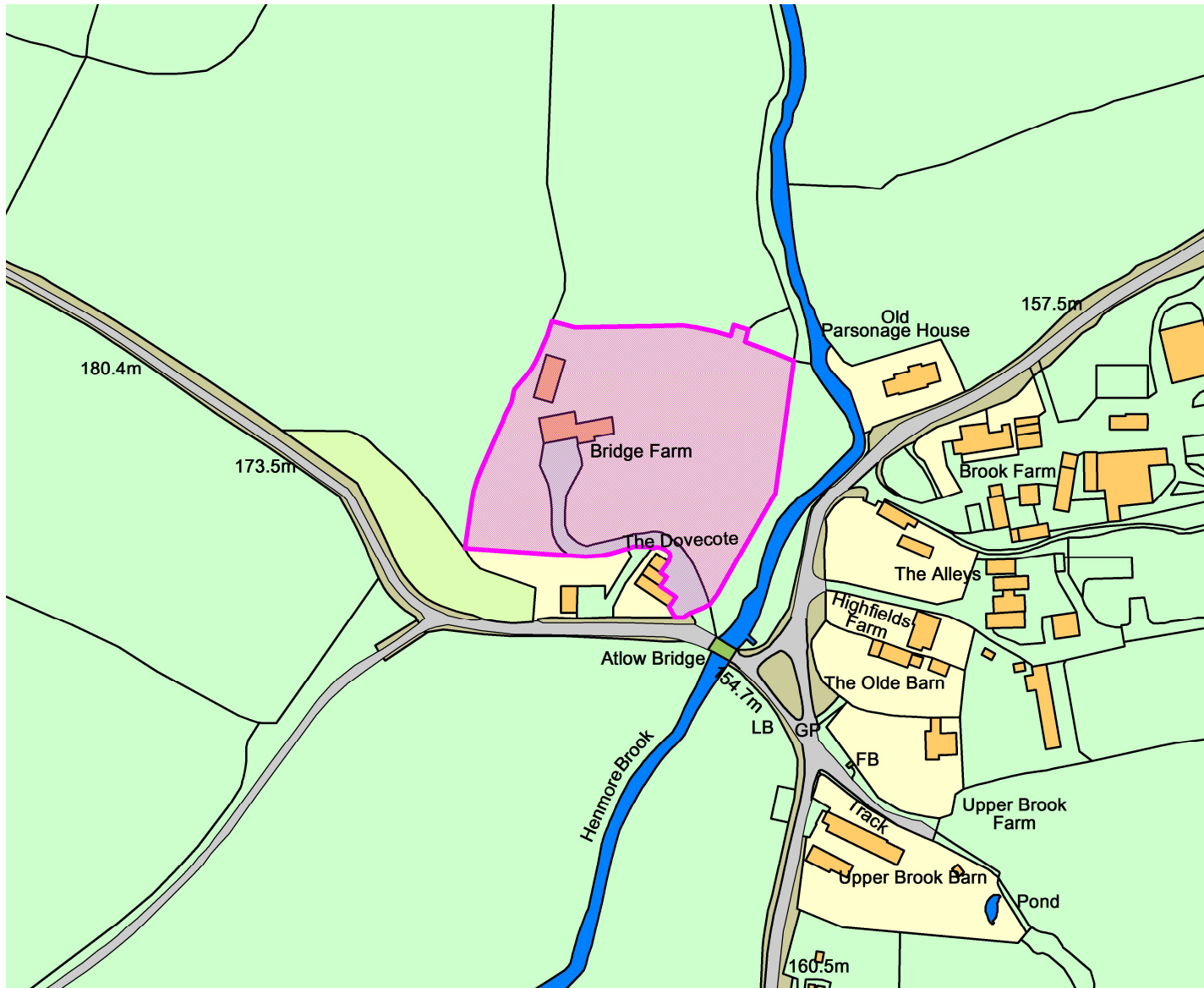
APPLICATION NUMBER		18/01133/FUL	
SITE ADDRESS:		Bridge Farm, Winn Lane, Atlow, Derbyshire, DE6 1NS	
DESCRIPTION OF DEVELOPMENT		First floor side extension	
CASE OFFICER	J Baldwin	APPLICANT	Mr & Mrs Jenkins
PARISH/TOWN	Atlow	AGENT	Mrs P Bargh
WARD MEMBER(S)	Cllr Lewis Rose	DETERMINATION TARGET	16/01/2019
REASON FOR DETERMINATION BY COMMITTEE	Applicants' status as an elected member.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

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

RECOMMENDATION
Approval with Conditions

18/01133/FUL

Winn Lane, Atlow, Derbyshire



Legend

1:2276

Organisation	Derbyshire Dales DC
Department	Department
Comments	Not Set
Date	03 January 2019
Licence No.	100019785

1. THE SITE AND SURROUNDINGS

- 1.1 The site is set back from the highway, in an elevated position on the northern side of Winn Lane on the north western edge of Atlow. The existing property is an unlisted, detached, 3 bedroom dwelling which is accessed via a shared driveway with The Dovecote. The Dovecote is a neighbouring detached dwelling to the south but Bridge Farm is otherwise surrounded by open countryside.



2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the construction of a first floor, side extension to the existing dwelling. The side extension would be located above the existing dining and utility room and would provide two additional bedrooms to the property. Following the receipt of amended plans, the proposed extension would be 7.8m (depth) x 4.4m (width) x 8m (height). A single window would be installed in the front and rear elevation. A solar panel above the existing dining and utility room would be removed and re-installed on the new roof slope. The attached plans show the creation of a terrace area above the existing guest rooms, as this is not included in the description of proposed development, this will not be considered as part of this application. A separate planning application would be required for the creation of the terrace.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
Policy PD1: Design and Place Making
Policy HC10: Extensions to Dwellings
2. National Planning Policy Framework (2018)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

- 4.1 None

5. CONSULTATION RESPONSES

- 5.1 None received.

6. REPRESENTATIONS RECEIVED

- 6.1 None received.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The impact of the development on residential amenity of the occupants of neighbouring properties, and;
- The impact of the development on the character and appearance of the existing dwellinghouse and its surroundings.

Character and Appearance

During consideration of this application amended plans have been received which reduced the overall height of the proposed extension by adding a small, rear projecting gable. Prior to these amendments, the ridgeline of the proposed extension had a greater height than the ridge line of the existing dwelling. The proposal now is marginally stepped down from the existing dwelling and set back from the principal elevation, resulting in the extension appearing as a subservient addition to the property. The proposed extension would be largely constructed using materials to match the existing dwelling. The proposal is not considered to have a detrimental impact on the character and appearance of the existing dwelling or its surrounding area. The proposal would therefore comply with policy PD1 and HC10 of the Adopted Derbyshire Dales Local Plan 2017.

Residential Amenity

The property is within an isolated position on the north western edge of Atlow. Whilst the neighbouring dwelling The Dovecote is located at a lower level it is not considered that there would be any increase in overlooking or loss of privacy of the occupants as a result of the extension. The distance between the two properties and small scale of the proposed works would not result in the property appearing overbearing or create any additional overshadowing. The proposal is considered to have a satisfactory relationship with surrounding properties and would comply with policy PD1 of the Adopted Derbyshire Dales Local Plan 2017 in this regard.

Conclusion

The proposed first floor extension would have a satisfactory relationship with surrounding developments and would not result in harm to the character and appearance of the existing dwelling. It is considered that the proposal would comply with policy PD1 and HC10 and a recommendation of approval is made 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 the 13/12/2018 numbered PL-04(Rev A) and PL-05(Rev A)

Reason:

For the avoidance of doubt.

3. The extension hereby permitted shall be constructed of facing and roofing materials to match in terms of colour, texture, size and material those used in the construction of the existing building.

Reason:

To ensure the use of appropriate materials in accordance with policy PD1 and HC10 of the Adopted Derbyshire Dales Local Plan 2017.

9. NOTES TO APPLICANT:

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 extension and its incongruous appearance.

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:

Design and Access Statement (12/10/18)

PL-01 - Site Location Plan (12/10/18)

PL-02 – Existing Plans (12/10/18)

PL-03 – Existing Elevations (12/10/18)

PL-04 (Rev A) – Proposed Plans (13/12/18)

PL-05 (Rev A) – Proposed Elevations (13/12/18)

APPLICATION NUMBER		18/01237/REM	
SITE ADDRESS:		Land East Of Les Ardennes, Hulland Ward	
DESCRIPTION OF DEVELOPMENT		Approval Of Reserved Matters For The Erection Of 22 Dwellings (Outline Application 16/00832/OUT)	
CASE OFFICER	H Frith	APPLICANT	Mr T Tomlinson
PARISH/TOWN	Hulland Ward	AGENT	Mr I McHugh of IMcH Planning and Development Consultancy
WARD MEMBER(S)	Councillor Bright	DETERMINATION TARGET	07.02.19
REASON FOR DETERMINATION BY COMMITTEE	Major development	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES

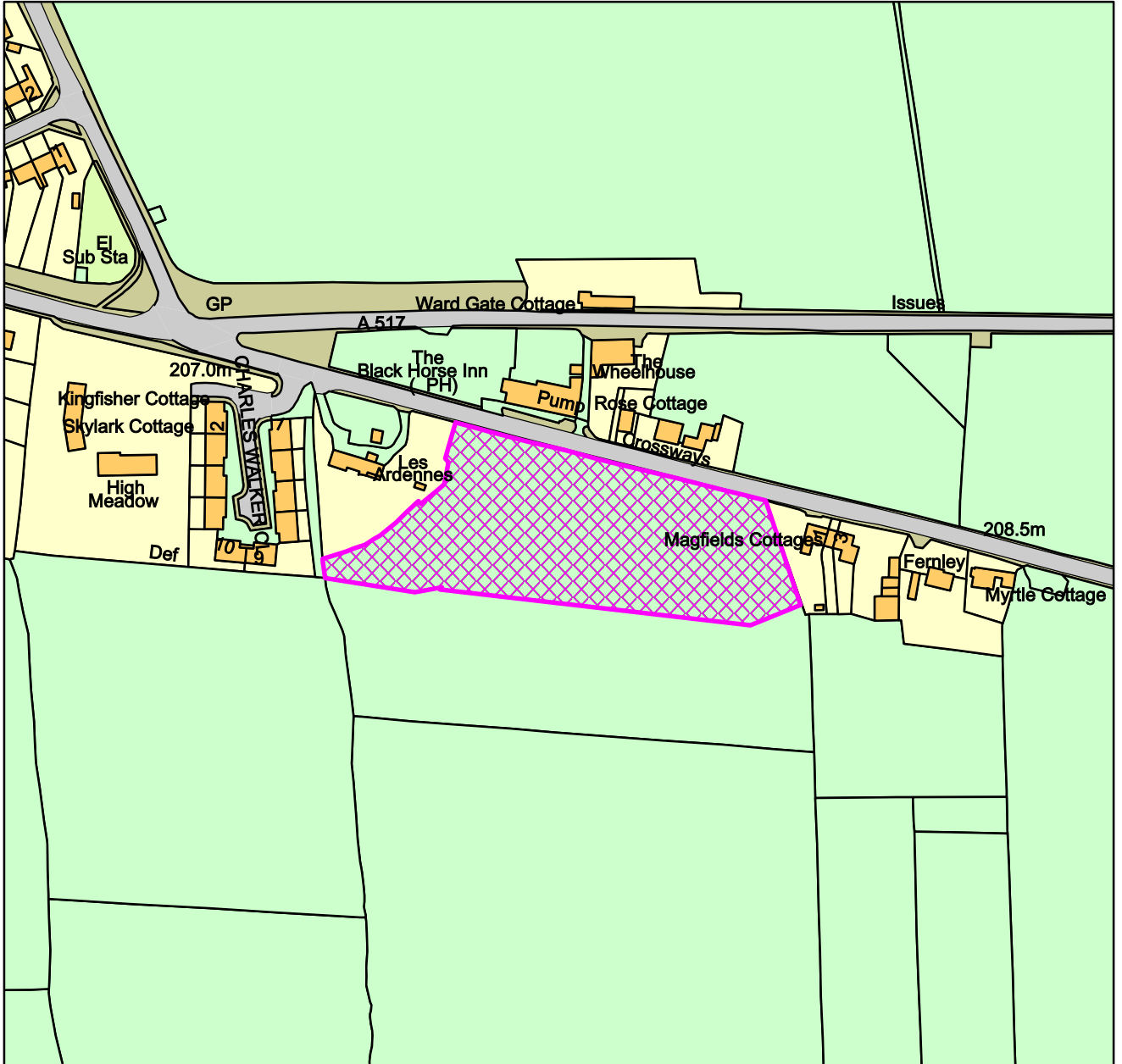
- Principle of Development
- Housing mix
- The reserved matters:
 - Appearance and Layout
 - Landscaping
 - Scale
- Highway safety
- Residential amenity
- Drainage

RECOMMENDATION

Approval subject to conditions

18/01237/REM

Land East of Les Ardennes, Hulland Ward, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 03/01/2019

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

1. THE SITE AND SURROUNDINGS

1.1 The application site is a green field fronted by hedgerow situated to the south eastern edge of Hulland Ward. The field is undulating but sits on a relatively level plateau. The site fronts onto a busy highway without a pavement to the frontage or to the opposite side of the road. There is a public house opposite the site with a few dwellings dotted to the east, north and west. A public footpath is located to the western side of the site which leads to the main road adjacent to Charles Walker Close.



2. DETAILS OF THE APPLICATION

- 2.1 Reserved matters approval is sought for the erection of 22 dwellings following the grant of Outline permission in 2017. The only matter established in the outline permission was the site of the access to the centre point of the site frontage. Through the outline permission no details of the layout, the design or number of dwellings was agreed.
- 2.2 The outline permission is subject to a legal agreement requiring 30% affordable housing contribution and provision of an education contribution.
- 2.3 The development proposed in this case includes:

Affordable dwellings:

There are 6 affordable units proposed in this case (plots 1, 2, 3, 10, 11, 12) with three being 3 bed terraces and three being 2 bed terraces situated along the site frontage onto Mugginton Lane End. The two terraced rows are to be sited to either end of the site frontage. The dwellings are of a traditional design. It is also proposed that an off-site contribution equivalent to 0.6 of a unit is provided.

Therefore the overall housing mix is as follows:

Plots 1 to 3 are a traditional row of 3 bedroom dwellings of a traditional design. Parking is to the side and rear of the units.

Plot 4 is a 3 bedroom detached dwelling fronting Mugginton Lane End. The dwelling is of a traditional design with gablet feature above the upper windows. Parking is provided to the rear of the unit.

Plot 5 is a 3 bedroom detached dwelling located side on to Mugginton Lane End with gable extension to the rear. The dwelling is of a traditional design with gablet detail to the upper floor windows. Parking is provided to the rear of the plot.

Plot 6 is a 4 bedroom detached dwelling of traditional design with windows to the side gable overlooking the access into the site. Parking is proposed to the side of the rear garden with a single detached garage.

Plot 7 is a 3 bedroom detached dwelling fronting Mugginton Lane End. The dwelling is of a traditional design with gablet feature above the upper windows. Parking is provided to the rear of the unit.

Plots 8 and 9 are attached units with plot 8 being gable onto the frontage of the site and plot 9 having a traditional double frontage design. The dwellings are 3 bedroom properties with plot 9 having gablet features above the upper floor windows. Parking is to the side of plot 9 and the rear of plot 8.

Plots 10, 11 and 12 are a traditional terraced row of two bedroom dwellings with parking to the rear.

Plots 13, 14, 19 and 20 are 5 bedroom detached dwellings with accommodation on three floors with the upper floor space being within the roof. The dwellings are more contemporary to the rear but reflecting on the traditions of dwellings in the area. There would be a porch to the frontage with a simple pattern of windows to the front elevation and an inset balcony feature to the rear. Parking would be provided in attached double garages.

Plots 15 and 22 are 5 bedroom detached dwellings with accommodation on three floors with the upper floor space being within the roof. The dwellings are more contemporary to the rear but reflecting on the traditions of dwellings in the area.

There would be a porch to the frontage with a simple pattern of windows to the front elevation. Parking would be provided in double garages.

Plot 16 is a 4 bedroom detached dwelling of traditional design with gablet feature above the upper windows. Parking is within a single detached garage.

Plot 17 is a 5 bedroom detached dwelling with accommodation on three floors with the upper floor space being within the roof. The dwellings are more contemporary to the rear but reflecting on the traditions of dwellings in the area. There would be a porch to the frontage with a simple pattern of windows to the front elevation and side elevations and an inset balcony feature to the rear. Parking would be provided in an attached double garage.

Plot 18 is a 5 bedroom detached dwelling with accommodation on three floors with the upper floor space being within the roof. The dwellings are more contemporary to the rear but reflecting on the traditions of dwellings in the area. There would be a porch to the frontage with a simple pattern of windows to the front elevation and side elevations and an inset balcony feature to the rear. Parking would be provided in an attached double garage.

Plot 21 is a 5 bedroom detached dwelling with accommodation on three floors with the upper floor space being within the roof. This dwelling is more contemporary with a double garage to the front elevation. There would be a porch to the frontage and an inset balcony feature to the rear. Parking would be provided in the attached double garage.

A footpath link is intended to run through the site from the west running into the centre of the site through a landscaped area which would also provide the require play space.

The applicant's agent has submitted a detailed Design and Access Statement to support the application.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S5 Strategic Housing Development
- S9 Rural Parishes Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD4 Green Infrastructure
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodland
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC2 Housing Land Allocations
- HC4 Affordable Housing
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC19 Accessibility and Transport

HC21 Car Parking Standards

Other:

National Planning Policy Framework (2018)

National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

18/00589/REM Approval of reserved matters for the erection of 23 dwellings (outline application 16/00832/OUT) – Refused

16/00872/OUT Erection of up to 17 dwellings (outline) on land to south – Refused – Appeal pending

16/00832/OUT Outline application for residential development and associated access - Granted with conditions

WED/0691/0444 residential development (outline) – Refused.

ASR/563/3 residential development – Refused.

5. CONSULTATION RESPONSES:

Parish Council

- 5.1 The PC are in favour of the development but would like to make the following strong comments:

Safety Aspects

Policy 6.57, 6.58, 6.59 and policy HC19 of the Local Plan says the development must show a safe travel plan or contribute towards one. The statement in the planning application that the footpath connects to the main village footpaths and the road junction is lightly trafficked is completely misleading.

The design and access statement 2.7 fig 12 shows a public footpath past Charles Walker Close, which is in fact a private footpath and not available for public use. It also shows a footpath by the side of the Black Horse public house which, again, is not a public footpath. The result is that Footpath No 2 and the site footpath exit onto Waterlagg Lane, with no connecting footpaths. Waterlagg Lane and the adjacent A517 are very busy roads with many HGV's servicing the local pits and concrete works. Many make dangerous turns at this junction when they do not take the preferred route to the local concrete works. The Parish Council SDR units have recorded between 5000 and 6000 traffic movements a day through Hullahd Ward.

Site Aspects

There should be a footpath connection between plots 20 and 21 to connect with the central footpath which accesses Footpath No2. The central footpath needs boundary fencing and the formation of a play area.

The car parking spaces for plots no 1, 7 & 8 are remote from the properties and a considerable distance to carry groceries and children etc. Remote parking spaces do not facilitate charging electric cars.

Design and access statement 2.8 figure 24 shows a significant flood risk in the vicinity of Deepdale Farm. The SUDs area, which is not within the planning boundary, will drain in that direction. Can the developer show an outfall point to a suitable watercourse which will not flood neighbouring fields? The developer's previous development at Highfields House shows significant winter flooding in the adjoining field.

The Parish Council would like to see a topological sectional view from Les Ardennes to Magfields Cottage, to ensure the heights of the properties in the development do not overshadow existing properties.

Environment Agency

5.2 No comments to make

Derbyshire County Council (Highways)

5.3 Following the submission of revised plans to address the initial concerns raised by the Local Highway Authority the following comments have been received:

A revised refuse vehicle swept path has not been provided, although given the dimensions of the initial part of the proposed estate street, shown at 5.5m wide, it is anticipated that there will be sufficient space for a refuse vehicle to enter, turn and exit the street in forward gear.

Whilst a footway has been shown across the frontage of plots 1 to 5, the Highway Authority would want to ensure that this is secured for public use throughout the life of the development. On this basis, this section of footway should be relocated directly adjacent to the carriageway edge, laid out 2m wide, with the extent of this footway falling outside existing highway limits being dedicated as public highway. Although it was highlighted in my initial comments that the plots fronting directly onto Muggington Lane End may encourage service/delivery and visitors vehicles to be parked on the highway fronting these plots, it appears that the orientation of the plots will remain fronting Muggington Lane End. It is therefore considered that the positioning of the proposed footway would likely have little effect on this.

It would be preferable for the vehicular access to be laid out as a vehicular dropped crossing rather than laid out with kerbed radii, to highlight that the street will not be adopted. The precise construction details could be agreed as part of the highway works in forming the access.

The principle of the proposed estate street remaining private is acceptable to the Highway Authority and therefore there are no objections in principle to the revised layout subject to the repositioning of the footway fronting plots 1 to 5. Conditions are recommended.

Derbyshire County Council (Flood Team)

5.4 Awaiting response

Derbyshire Wildlife Trust

- 5.5 there are some errors in the submitted LEMP document which need to be rectified. It is still not clear that the landscaped buffer refers to, this needs to be clarified.

The LEMP should be reviewed so that what it says is correct.

The LEMP has been re-submitted further comments from DWT are awaited and will be reported to the committee.

Natural England

- 5.6 No comments to make on the application

Peak and Northern Footpaths

- 5.7 The link to the footpath is welcome. This path should be adopted with the estate road, or be subject to a S25 Highways Act 1980 creation agreement with the County Council.

Derbyshire Dales Group of the Ramblers

- 5.8 No objections.
Paths Hulland 14 and Hulland 2 which run adjacent to the site should be kept clear apart from necessary temporary closures and should be restored to a condition no worse than their present condition if work affects them.

Trees and Landscape Officer (Derbyshire Dales)

- 5.9 Having reviewed the tree survey report appropriate tree protection details have not been fully provided. The report should be revised to contain the following:
- A plan showing the positions of protective fencing.
 - A plan showing the positions of ground protection.
 - Details of the ground protection systems to be used.

Further information has been provided to which a response is awaited from the Council's trees and landscape officer, this matter will be updated at the committee meeting.

6. REPRESENTATIONS RECEIVED

- 6.1 Two letters of representation have been received which raise the following concerns:

Required distances from existing properties have not been met.

The height of the buildings in relation to the existing have not been shown.

The application appears to show a tree in close proximity to my property I would not want to see trees planted within 6m of my property.

A condition restricting the future first floor development over the garage to plot 13 would be welcomed.

The garage to plot 13 is too close to my boundary.

The density of the development is still an issue.

A proper datum point is needed to control the heights of the dwellings.

All rainwater, including run off from driveways should be to a proper drainage system.

The plans show a hedge to the frontage of the site, who will maintain this?

The green line path shown on the path is privately owned and is solely for the use of High Meadow and Charles Walker Close residents and will be gated if the development is allowed.

The pedestrian link will therefore end next to the busy main road. The application states that the proposal will link into the village via existing footpaths, this is fictitious as the path is not for public use.

7. OFFICER APPRAISAL

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

- Principle of Development
- Housing mix
- The reserved matters:
 - Appearance and Layout
 - Landscaping
 - Scale
- Highway safety
- Residential amenity
- Drainage

Principle of Development

7.2 The principle of development on this site has been established through the Outline planning permission which set out the point of access for the development with all other matters reserved for subsequent approval including the layout and extent of the development in terms of the number of dwellings proposed. The site is allocated for development in the Adopted Local Plan under Policy HC2 (r) for 18 units. This reserved matters proposal is for 22 units which is above the allocated amount. Whilst in principle the additional numbers are not considered to be inappropriate given the sustainability of this third tier settlement the impact this has on the layout and density of the scheme and how this impacts on the ability of the scheme to assimilate into its context requires further consideration.

Housing Mix

7.3 The housing mix proposed for the development is not in accordance with the requirements of policy HC11 of the Adopted Local Plan which requires that the overall housing provision follows the mix of 15% 1 bed, 40% 2 bed, 40 % 3 bed, 5% 4+ bed. However, this housing mix was not an adopted policy requirement at the time of granting the outline permission. Whilst the failure to comply with this policy is a negative aspect of the scheme it would not form a sound basis for rejecting the scheme given the extant planning permission. However, it is legitimate and logical to fully consider how the scale of the housing proposed, the density of the layout and the appearance impact on the local sense of place. These matters are to be considered in more detail.

- 7.4 The on-site affordable housing provision proposed in this reserved matters application is at 27.27% of the total number of dwellings. An off-site contribution is required for the last 0.6 of a dwelling. As a percentage of £25,450 this requires £15,270 as an off-site contribution to achieve the required 30%. A variation to the legal agreement dated 24th April 2018 will be required to secure this contribution in lieu of the final dwelling. This provision accords with the requirements of policy HC4 of the Adopted Local Plan 2017.

The Reserved Matters:

- 7.5 The reserved matters are those relating to the appearance of the development, the landscaping of the site, the layout of the development and the scale of the development.

Appearance and Layout

- 7.6 The site is situated at the edge of Hulland Ward in an area where development is much more sporadic and tends to peter-out in a ribbon of development along the main road. The house types in Hulland Ward vary, with larger homes being present within the core of the village. However, to this eastern end of the village which has a more rural character surrounded by open fields, there is a distinct change in the character where the dwellings tend to be of a relatively small scale and traditional appearance with narrow gables, gable end chimneys and traditional window proportions with these properties set within reasonable sized gardens.
- 7.7 The proposed development in terms of the design and layout of the dwellings is considered to be generally acceptable. The layout of the dwellings on the site is informal with a central landscaped area giving views to the surroundings to the south of the site. The dwellings proposed along the site frontage range in fronting onto and being gable onto the road which is considered to reflect local character. The details of the dwellings in terms of chimneys, roof design, elevational treatments and window pattern are considered to generally reflect on the traditions in the area. However, a total of 5 units on the frontage incorporate gabled details. The proliferation of this detail is not typical and to strike a more appropriate balance units 6 and 7 should be revised to be flat fronted.
- 7.8 The larger dwellings to the rear of the site again fit well into the site with the central road being curved to accommodate a depth of two/three dwellings giving informality to the layout which again is a reflection on building in the village. The larger dwellings have a more contemporary approach to the elevational treatments. The larger dwellings to the rear of the site have inset balconies overlooking the countryside. The dwellings to the side of the play area have windows to the side to ensure natural surveillance of the area.
- 7.9 Plot 21 to the western corner of the site has an attached garage to the front of the building which is considered to result in a poor design to this plot with windows being inappropriately placed within the front elevation. This matter has been addressed with the applicant's agent and it is hoped that a revised plan for

this will be updated at the meeting. As proposed this plot is a negative element of the scheme.

- 7.10 The buildings are proposed to be a mix of render and brick with render being used sparingly along the frontage of the site. The roofing would be of tiles but rather than the large tiles proposed a smaller thinner tile is required to fit in with the locality. The windows are all proposed to be of a grey finish. This is not consistent with the surroundings and it is considered that a white or off-white finish is more appropriate. The doors should be a darker colour and grey is considered appropriate in this respect.
- 7.11 The siting of the play area is considered appropriate at the centre of the site, this will be secured via condition along with the details of the play equipment.
- 7.12 In regard to the appearance of the dwellings it is considered that subject to the design of plots 6, 7 and 21 being amended and appropriate roof tile and windows being selected the proposal can meet the requirements of policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

Landscaping

- 7.13 The application site is closely contained by residential properties to the east and west and is open to the countryside to the south. The central landscaped area to the site which will accommodate the play area is considered to appropriately integrate the site with the surrounding open countryside providing a landscaped buffer to the edge of the site. Whilst details have been provided of the intended boundaries this needs to be considered in detail as a condition of the scheme. It is not considered appropriate to have defined enclosures for bin collection so this detail will need to be addressed. All other hard surfacing and soft landscaping can be considered through the conditions. It is noted that the resident adjacent to the site does not wish to have trees planted close to his boundary.
- 7.14 Amended details have been provided in regard to tree protection measures and again this matter will be updated at the meeting as will the revisions to the submitted LEMP as requested by Derbyshire Wildlife Trust. The siting of the footpath to the frontage of the site will need to be amended to meet with the requirements of the Highway Authority, this is covered by condition.
- 7.15 Subject to conditions it is considered that the landscaping of the site is appropriate and meets the requirements of Policies S1, S3, PD1 and PD5 of the Adopted Local Plan 2017.

Scale

- 7.16 The local plan allocation for the development of this site is for 18 units. The planning policies relating to housing development require a mix that emphasises the need for smaller units of accommodation. Whilst increasing the number of units does not in itself result in a concern with the application this does raise issues in terms of the impacts of the development. The proposed development whilst including a number of larger properties is considered overall to be

appropriate within this context. The dwellings that are larger are situated to the rear of the site so that the smaller units are the more prominent dwellings to the most visible site frontage in keeping with the prevailing character. Whilst a detailed plan showing the finished levels of the dwellings has not as yet been provided a condition will appropriately secure the finished heights of the dwellings which whilst likely to be higher than the existing dwellings surrounding the site will be required to sit appropriately in this edge of village context. It is considered that the scale of the development proposed is acceptable in accordance with policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

Highway safety and pedestrian access

7.17 As was identified through the outline application and through local representations the pedestrian access to and from this site is poor and whilst a link to the existing public right of way to the west of the site is proposed, the development remains poorly connected to the village. This matter was considered at the outline stage and acknowledged as a weakness of the proposal. However, given the allocation of the site and the difficulty of improving pedestrian access, which would require the purchase of third party land, it is considered that this negative of the scheme remains and cannot be reconciled through this application.

7.18 In terms of vehicle access, the point of entry into and from the site was established in the outline permission to be centrally located within the site frontage. That access route remains as originally proposed. The layout has been amended to appropriately show a route through the site with space to turn a larger vehicle. The road would not be to adoptable standards but this alone does not result in an objection from the Local Highway Authority. The applicant has submitted some details in regard to the ongoing maintenance of the roads. However, the detail of securing the ongoing maintenance will need to be secured via condition. Subject to conditions the Local Highway Authority are satisfied with the proposed development.

Residential amenity

7.19 Through the application process the layout and design of dwellings has been amended to address issues of poor amenity. Balconies to the properties other than those facing towards the open fields have been removed. It is considered that sufficient distance between the proposed and existing dwellings has been secured. It is considered that some permitted development rights will need to be removed to prevent future amenity issues between existing and proposed properties. Subject to conditions the proposal is considered acceptable in terms of residential amenity in accordance with policies S1 and PD1 of the Adopted Local Plan 2017.

Drainage

7.20 This is a poorly drained site which has led to surface water flooding issues in the past. Whilst conditions were imposed on the outline application in respect of the drainage requirements the Lead Local Flood Authority have not as yet provided

detailed comments on the drainage of the site as submitted in the reserved matters application. Initially the proposal was to be for a balancing pond outside of the site boundary, this was not acceptable. Revised details have been submitted to which the Land Drainage Authority will provide comment. This matter will be updated at the committee meeting.

Conclusion

- 7.21 The principle of development on this site has been established by the outline permission and associated legal agreement. However, the reserved matters application should still assess the detail of the application particularly when no numbers of units or a layout scheme was approved at outline stage.
- 7.22 In this respect the proposed development for 22 dwellings is considered to be acceptable. The design, subject to securing the amendments suggested, is an appropriate reflection on the prevailing character and appearance of dwellings in the locality albeit introducing more contemporary elements to the design. The layout with the central landscaped area, better footpath connection into the site and an appropriate road layout are acceptable and again reflect the character of this edge of settlement location. The road layout is considered appropriate in terms of highway safety and the landscaping as demonstrated is considered generally acceptable subject to conditions. The siting of proposed dwellings is considered appropriate in terms of amenity impacts. The proposal is therefore recommended for approval subject to the variation of the S106 agreement dated 24th April 2018 as required for the part off-site contribution towards affordable housing.

8. RECOMMENDATION

- 8.1 That subject to the receipt of amended plans addressing the design revisions identified to plots 6, 7 and 21 planning permission be granted subject to the following conditions and subject to the variation of the legal agreement dated 24th April 2018 to secure the part off site contribution:

1. ST06 - Amended Plans:

Reason:

For the avoidance of doubt.

2. Prior to any works exceeding demolition and site clearance a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicles of site operatives and visitors.
 - Routes for construction traffic, including abnormal loads/cranes etc.
 - Hours of operation.

- Method of prevention of debris being carried onto highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local plan 2017.

2. Prior to any works exceeding demolition and site clearance, details of the proposed arrangements for future management and maintenance of the proposed street within the development shall be submitted to and be approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local plan 2017.

3. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageway and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local plan 2017.

4. The garages / car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local plan 2017.

5. Prior to any works exceeding demolition and site clearance, details of the following works to the highway shall be submitted to and be approved in writing by the Local Planning Authority:

New 2m wide footway on Muggington Lane End fronting plot numbers 1 to 5.

The building hereby permitted shall not be occupied until these works have been completed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local plan 2017.

6. No dwelling shall be occupied until new vehicular accesses have been created to the new estate street in accordance with the application drawings, laid out, constructed and provided with 2m x 17m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

7. Prior to their installation and notwithstanding the submitted details, details of all windows and doors and their recess, including garage doors, with the windows being of a white or off-white colour and rear and garage doors being of a darker colour shall be submitted to and agreed in writing by the local planning authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

8. Notwithstanding the submitted details and prior to works commencing on the external elevations, the elevational treatment to plot 5 shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

9. Notwithstanding the submitted details and prior to works commencing on the external elevations of any dwelling, details including samples where necessary, of the external facing and roofing materials of the dwellings shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

10. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-
- a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - e) finished site levels and contours along with an elevational plan to show the finished levels in relation to existing development;
 - f) means of enclosure/boundary treatments;
 - g) car park layouts;
 - h) other vehicle and pedestrian access and circulation areas;
 - i) hard surfacing materials;
 - j) minor artefacts and structures including street furniture, lighting, play equipment along with a schedule for its installation on site.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies S1, S3, PD1 and PD5 of the Adopted Local Plan 2017.

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S1, S3, PD1 and PD5 of the Adopted Local Plan 2017.

12. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape and play areas (other than small, privately owned, domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the site or building. The landscape management plan shall be carried out as approved in accordance with the approved details.

Reason:

To ensure the proper management of the landscaped areas in the interests of amenity.

13. Removal of permitted development rights for the erection of extensions to certain plots.

Reason:

To safeguard the future amenity of residential occupiers.

9. NOTES TO APPLICANT:

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

Highway Footnotes:

- a Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- b Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- c The applicant is advised that to discharge condition 2 that the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- d Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- e Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- f The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:
"The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts upon the northern boundary of Muggington Lane End, Hulland Ward".
- g Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

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/18/00020	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, 19, 21, 22 and 23 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ	Pending Consideration
ENF/18/00101	Formation of vehicular access onto a classified road	Parkfield Stable Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ	Pending Consideration
ENF/18/00130	Unauthorised erection of fence in excess of 1m in height adjacent to vehicular highway and unauthorised erection of timber structure within 2m of boundary, exceeding 2.5m in height.	16 Beresford Avenue Ashbourne Derbyshire DE6 1FW	Pending Consideration
ENF/18/00137	Erection of salon building in rear garden	91 Park Avenue Ashbourne Derbyshire DE6 1GB	Pending Consideration
ENF/18/00194	Change of use of former toilet block to A2 Use (professional and financial services) at ground floor and apartment at first floor	1 Union Street Ashbourne Derbyshire DE6 1FG	Pending Consideration
ENF/18/00205	Installation of projecting coffee cup and beans to front window	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	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/18/00092	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
ENF/18/00150	Vibration caused by construction of development 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/18/00207	Breach of Condition 13 (Wheel Washing) of Planning Permission 17/01248/REM	Land North East Of Lathkill Drive Ashbourne Derbyshire	Pending Consideration
ENF/18/00208	Incorporation of public open space (as approved under 12/00774/OUT and 14/00356/REM) into residential garden	12 Tutbury Hollow Ashbourne Derbyshire DE6 1TD	Pending Consideration
ENF/18/00215	Erection of shed(s) on land forward of a principal elevation	7 Weaver Close Ashbourne Derbyshire DE6 1BS	Pending Consideration
ENF/18/00222	Breach of condition 16 of planning permission 16/00519/FUL - Incorrect siting of windows to the rear of plots 4 and 5	Former R Silcock Clothing Manufacturers Derby Road Ashbourne Derbyshire DE6 1BE	Pending Consideration

ENF/18/00226	Unauthorised change of use of part of the building for residential purposes. 6A Henmore Trading Estate	Mr Wayne Travers 6A Henmore Trading Estate Mayfield Road Ashbourne Derbyshire DE6 1AS	Notice Issued
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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/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/18/00114	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	Notice Issued
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
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued
ENF/18/00159	Unauthorised erection of steel framed building on land at Bridge Cottage, Yeldersley Lane, Ednaston	Bridge Cottage Yeldersley Lane Ednaston Derbyshire DE6 3AX	Pending Consideration
ENF/18/00185	Erection of sign and car park barrier	Ednaston Park Painters Lane Ednaston Derbyshire DE6 3FA	Pending Consideration
ENF/18/00193	Relocation of boundary fence outside of approved residential curtilage (related planning permission 13/00826/FUL)	Land Off Luke Lane Brailsford Derbyshire	Pending Consideration
ENF/18/00214	Use of dwelling approved under 17/00847/PDA for commercial business operations	Converted Barn At West Mammerton Farm Sutton Lane Longford Derbyshire DE6 3DE	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	Notice Issued
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
ENF/18/00175	UNAUTHORISED ERECTION OF A NEW TWO STOREY BUILDING AT BARN 2, WALLANDS FARM, ASHBOURNE ROAD, BRASSINGTON, DERBYSHIRE, DE4 4DB	Wallands Farm Brassington Derbyshire DE4 4DB	Pending Consideration
ENF/18/00179	Unauthorised engineering works to facilitate a standing area for farm machinery and produce.	Land And Buildings Off Wester Lane Ashbourne Road Brassington Derbyshire	Pending Consideration
ENF/18/00195	Unauthorised engineering works to create a new agricultural vehicular access onto a classified Road from land opposite Carslow Farm, Brassington	Carslow Farm Ashbourne Road Brassington Derbyshire DE4 4DB	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration
ENF/18/00202	Breach of Section 106 Obligations - Agreement No. 1093 (Related planning permission 05/00729/FUL)	Bradbourne Mill Bradbourne Derbyshire	Pending Consideration
ENF/18/00203	Erection of retaining wall		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/18/00055	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/19/00002	Erection of shed in field	Land Between The A517 And Rear Of Kennels Cottages Yew Tree Lane Bradley Derbyshire	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 office building	Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	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	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Notice Issued
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	Pending Consideration
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/18/00086	Extension to agricultural building	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	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/18/00135	Garage not being built in accordance with 18/00457/CLPUD	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
ENF/18/00160	Siting of a Shepherd's Hut with Hot Tub for use as holiday accommodation	Oakstone Farm Old Hackney Lane Hackney Derbyshire DE4 2QJ	Notice Issued
ENF/18/00167	Unauthorised siting of temporary site cabin	St Elphins Park Darley Dale Derbyshire	Pending Consideration
ENF/18/00219	Siting of Caravans and Tents at Ameycroft, Farley Hill	Ameycroft Farm Farley Hill Farley Derbyshire DE4 5LR	Pending Consideration
ENF/18/00224	Erection of sign and possible business activity	Fintry House 18A Old Hackney Lane Hackney Derbyshire DE4 2QL	Pending Consideration

Dovedale And Parwich

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
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Doveridge And Sudbury

ENF/18/00029	Erection of Porches	17 West Drive Doveridge Derbyshire DE6 5NG	Pending Consideration
ENF/18/00037	Change of Use of shop / dwelling to Nursery (Use Class D1)	31A High Street Doveridge Derbyshire DE6 5NA	Pending Consideration
ENF/18/00165	Unauthorised change of use of agricultural building to use as commercial dog kennels.	Victory Farm 10 Marston Lane Doveridge Derbyshire DE6 5JS	Notice Issued
ENF/18/00168	Swale forming part of Doveridge Park Development (Planning application reference no. 17/00092/REM) being filled in and development closer to property boundary then was approved	Land Off Derby Road Doveridge Derbyshire	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 outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration

ENF/17/00064	Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton	Caravan At Valley View Broad Way Kirk Ireton Derbyshire	Pending Consideration
ENF/17/00109	Use as a collection point for County Council vehicles	Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Pending Consideration
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 Brunswood 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 Brunswood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00151	Non compliance with condition 3 of planning permission 06/00204/VCOND - Affordable housing to be provided onsite in perpetuity	High Meadow Hulland Ward Derbyshire DE6 3EE	Pending Consideration
ENF/18/00152	Plots 6 - 11 of 15/00776/FUL - Dwellings not built in accordance with approved plans	Darne Mews Development Hulland Ward Derbyshire DE6 3GQ	Pending Consideration
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/18/00174	Unauthorised change of use of land from agricultural land to storage of builders materials and a large container.	Land East Of Les Ardennes Hulland Ward Derbyshire	Pending Consideration
ENF/18/00181	Unauthorised change of use of holiday cottage to permanent dwelling - Barn to rear of Fairfields, Waterlagg House, Turnditch, Belper, DE56 2LW	Waterlagg House Turnditch Derbyshire DE56 2LW	Pending Consideration
ENF/18/00201	Agricultural storage building and associated access track not being built in accordance with approved planning permission 18/00249/FUL - Alterations to entrance including erection of stone gate piers	Pearl Well Farm Wirksworth Road Kirk Ireton Derbyshire DE6 3JX	Pending Consideration

ENF/18/00206	Unauthorised use of site for wood processing and storage	Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	Pending Consideration
ENF/19/00001	Storage of wood in yard area and planting of trees	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	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/16/00041	Unauthorised instalation of plastic windows and door.	2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS	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/18/00032	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/18/00069	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/18/00119	Unauthorised erection of sheds	The Barn Bakers Lane Cromford Derbyshire DE4 3QW	Pending Consideration
ENF/18/00136	Various Fencing erected around listed building	3 North Street Cromford Derbyshire DE4 3RG	Pending Consideration
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/18/00182	Unauthorised painting of a listed building	Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/18/00188	Unauthorised painting on the "Boat Inn" at Cromford	Boat Inn Scarthin Cromford Derbyshire DE4 3QF	Pending Consideration
ENF/18/00210	Erection of terraces to provide seating area	The Tors Cafe Derby Road Cromford Derbyshire DE4 3RP	Pending Consideration
ENF/18/00211	Unauthorised building of 3 bay lambing shed on land at Woodseats Farm, Cromford	Woodseats Farm Willersley Lane Cromford Derbyshire DE4 5JG	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/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
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/18/00081	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/18/00104	Unauthorised erection of an extension and associated retaining works	Formerly 46 Jackson Road Matlock Derbyshire DE4 3JQ	Pending Consideration

ENF/18/00183	Shared driveway being used for storage in association with a business	Land Between 23 & 27 Cavendish Road Matlock Derbyshire	Pending Consideration
ENF/18/00223	Boundary Dispute	Wellfield Cottage Rutland Street Matlock Derbyshire DE4 3GN	Pending Consideration
ENF/18/00225	Operation of a brewery	South Barn Wolds Farm Cavendish Road Matlock Derbyshire	Pending Consideration

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/16/00053	Unauthorised access off Riber Road.	Brookdale Riber Road Lea Derbyshire DE4 5JQ	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, erection of timber posts and the formation of an access	Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE	Pending Consideration
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/18/00093	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/18/00097	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
ENF/18/00132	Replacement windows and non compliance with planning permission 13/00762/FUL	27 - 29 Causeway Lane Matlock Derbyshire	Pending Consideration
ENF/18/00146	Unauthorised extensions to Public House	Gate Inn The Knoll Tansley Derbyshire DE4 5FN	Pending Consideration
ENF/18/00162	Unauthorised tipping of materials	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/18/00171	Alterations to access to the A615	Hill Top Farm Alfreton Road The Cliff Tansley Derbyshire DE4 5JU	Pending Consideration
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/18/00191	Erection of shed structure	Land To The Rear Of White Leas Oaksedge Lane Tansley Derbyshire DE4 5FQ	Pending Consideration
ENF/18/00213	Erection of front porch	7 The Rocks Tansley Derbyshire DE4 5ES	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/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/18/00147	Siting of a shipping container		Pending Consideration

ENF/18/00149	Alteration to listed building, enlarged window in gable end to west facing elevation.	Listed Barn At Waldley Manor Waldley Lane Waldley Doveridge Derbyshire	Pending Consideration
ENF/18/00158	Breach of condition 2 and 4 of planning permission 15/00299/FUL - Partial change of use of agricultural storage building to boarding kennels and associated building operations and car parking area	Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AQ	Pending Consideration
ENF/18/00218	Use of area of hard standing	Marston Brook Farm Barway Marston Montgomery Derbyshire ST14 5BT	Pending Consideration

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
ENF/18/00180	Illuminated signage	Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Pending Consideration
ENF/18/00192	Use of barn as dwelling and development of land potentially for equestrian use	Rowsley Barn Chesterfield Road Rowsley Derbyshire DE4 2EG	Pending Consideration

Winster And South Darley

ENF/18/00122	Unauthorised erection of garage	Stags House 35 Main Road Darley Bridge Derbyshire DE4 2JY	Pending Consideration
ENF/18/00189	Unauthorised building works - Failure to discharge pre-commencement conditions relating to 17/01014/FUL	Thorntrees Oker Road Oker Matlock Derbyshire DE4 2JJ	Pending Consideration

Wirksworth

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/18/00014	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/18/00100	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
ENF/18/00154	Listed building consent and planning permission expired Ref 22.04.2018, no work commenced on site.	3 Gate House Gatehouse Drive Wirksworth Derbyshire DE4 4DL	Pending Consideration
ENF/18/00157	Erection of decking area	Flats At Mountain View The Croft Greenhill Wirksworth Derbyshire DE4 4EN	Pending Consideration
ENF/18/00204	Removal of stone wall to facilitate off road parking	4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/18/00220	Unauthorised surfacing of car parking areas, provision of car park extension	Haarlem Mill Derby Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00221	Unauthorised Banner Advertisements		Pending Consideration
ENF/18/00227	Alleged unauthorised static caravan on land at The Racecourse, Hardhurst Farm, Ashleyhay, Wirksworth	Gorsey Bank Fields Farm Hey Lane Wirksworth Derbyshire DE4 4AF	Pending Consideration

Total Open Cases

181

Enforcement Investigations Closed

In the 6 Months Prior to 03/01/2019



Ashbourne North

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	Justification from Officer	12/12/2018
ENF/18/00066	Erection of gazebo style structure being used as a garage	52 St Oswald Crescent Ashbourne Derbyshire DE6 1FS	Complied Voluntarily	18/12/2018
ENF/18/00143	Erection of Flag Pole	Beechcroft 6A North Avenue Ashbourne Derbyshire DE6 1EZ	Complaint Unfounded	03/10/2018
ENF/18/00144	Breach of pre-commencement conditions relating to planning permission 15/00425/FUL - conditions 4 and 6, and listed building consent 15/00426/LBALT - conditions 6, 7, 8, 13, 14 and 15.	Grey House 61 Church Street Ashbourne Derbyshire DE6 1AJ	Not in the Public interest to pursue	12/12/2018

Ashbourne South

ENF/18/00018	Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL	47 South Street Ashbourne Derbyshire DE6 1DP	Complied Voluntarily	11/12/2018
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	Complied Voluntarily	06/07/2018
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	Complaint Unfounded	27/07/2018
ENF/18/00059	Development approved under application code ref. 16/00601/FUL not built in accordance with approved plans	7 Weaver Close Ashbourne Derbyshire DE6 1BS	Complaint Unfounded	30/11/2018
ENF/18/00145	Incorrect hanging tile to the roof - Breach of condition 1 of approval of reserved matters application 17/00250/REM	Plot 6 Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Complied Voluntarily	30/08/2018
ENF/18/00156	Erection of log structure between driveways	47 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY	Complaint Unfounded	12/09/2018
ENF/18/00197	Erection of side and rear extension	2 Booth Drive Ashbourne Derbyshire DE6 1SZ	Complaint Unfounded	16/11/2018

Brailsford

ENF/17/00125	Installation of Flue to Serve Biomass Generator	Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD	Planning Application Received	26/07/2018
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	Justification from Officer	23/08/2018

Clifton And Bradley

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	Notice complied with	18/12/2018
ENF/18/00072	Installation of external lighting	Snelston House Sides Lane Snelston Derbyshire DE6 2EN	Not in the Public interest to pursue	06/08/2018
ENF/18/00133	Breach of condition 3 of planning permission 16/00311/FUL (construction materials to match existing building)	3 The Greenacre Clifton Derbyshire DE6 2DW	Not in the Public interest to pursue	25/07/2018

Darley Dale

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	Appeal Allowed	14/11/2018
ENF/17/00159	Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Appeal Allowed	14/11/2018
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	Not in the Public interest to pursue	19/10/2018
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	Justification from Officer	30/11/2018
ENF/18/00118	Unauthorised Banner Advert on metal poles	Grounds Of St Elphins Park Darley Dale Derbyshire	Complied Voluntarily	05/07/2018
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	Justification from Officer	25/07/2018

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 complied with	23/07/2018
ENF/18/00076	Unauthorised erection of smoking shelter and adjacent timber fencing	Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB	Complied Voluntarily	23/07/2018

Doveridge And Sudbury

ENF/18/00131	Construction Noise and Dust Control in relation to planning permission reference numbers 15/00739/OUT (outline consent) and 17/00092/REM (reserved matters)	Land Off Derby Road Doveridge Derbyshire	Justification from Officer	10/07/2018
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Hulland

ENF/18/00173	Land clearance works including removal of trees and hedgerows	Land Adjacent Hulland House Smith Hall Lane Hulland Ward Derbyshire	Justification from Officer	22/10/2018
ENF/18/00200	Developer using Peats Close Car Park as an access to development at The Old Cottage, Kirk Ireton (17/00030/FUL) and associated removal of fence	Land At Peats Close Kirk Ireton Derbyshire	Complaint Unfounded	01/11/2018

Masson

ENF/15/00104	Unauthorised internal works and demolition of external boundary wall.	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Notice complied with	30/11/2018
ENF/16/00090	Erection of a shed, decking and fence.	2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ	Notice complied with	06/07/2018
ENF/18/00017	Unauthorised works to a listed building - Insertion of 3no. UPVC window frames	98 North Parade Matlock Bath Derbyshire DE4 3NS	Justification from Officer	18/10/2018
ENF/18/00039	Unauthorised Internal and External Alterations to a Listed Building	21 The Hill Cromford Derbyshire DE4 3RF	Planning Application Received	04/10/2018
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	Not in the Public interest to pursue	05/07/2018
ENF/18/00116	Repainting and removal of signage	Princess Victoria Public House 174 - 176 South Parade Matlock Bath Derbyshire DE4 3NR	Complaint Unfounded	10/08/2018
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	Not in the Public interest to pursue	18/10/2018

ENF/18/00139	Breach Of Condition 2 Of Planning Permission 17/00104/FUL	1 Water Lane Cromford Derbyshire DE4 3QH	Complied Voluntarily	08/11/2018
ENF/18/00148	Breach of conditions 6 (equipment) and 7 (securing refurbishment of the site) of planning permission 18/00135/FUL	Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire	Justification from Officer	06/11/2018
ENF/18/00176	Alleged unauthorised works to roof of property.	142 Dale Road Matlock Derbyshire DE4 3PS	Complaint Unfounded	04/10/2018
ENF/18/00184	Changes in land levels and creation of driveway	Townhead Farmhouse 70 High Street Bonsall Derbyshire DE4 2AR	Justification from Officer	24/10/2018

Matlock All Saints

ENF/17/00110	Development not being built in accordance with approved plans (Doors in Gable End)	The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ	Not in the Public interest to pursue	25/07/2018
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	Complaint Unfounded	28/11/2018
ENF/18/00058	Untidy site and breach of condition 12 of planning permission 13/00908/FUL	Land Off The Close Matlock Derbyshire DE4 3LE	Complied Voluntarily	23/08/2018
ENF/18/00084	Erection of a new retaining wall more than 8 feet in height	7 Hopewell Road Matlock Derbyshire DE4 3JN	Not in the Public interest to pursue	03/08/2018
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	Justification from Officer	07/08/2018
ENF/18/00096	Erection of two storage units to rear of building	Rubigo 68 Dale Road Matlock Derbyshire DE4 3LT	Complaint Unfounded	08/08/2018
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	Complaint Unfounded	05/07/2018
ENF/18/00153	Use of premises for storage	Hall Jackson Road Matlock Derbyshire	Justification from Officer	10/09/2018
ENF/18/00166	Unauthorised engineering works consisting of removal of mature trees, erection of fencing and gate, rear garden excavations and construction of drystone wall.	San Robryn/Woodland Bank Quarry Bank Matlock Derbyshire DE4 3LF	Not in the Public interest to pursue	22/10/2018
ENF/18/00186	Dwellings not being built in accordance with planning permission 17/00003/FUL	Land North West Of Megdale (Former DDDC Plant Nursery) Matlock Derbyshire DE4 3JZ	Complaint Unfounded	04/10/2018
ENF/18/00187	Felling of trees in connection with approved residential development 17/00003/FUL	Land North West Of Megdale (Former DDDC Plant Nursery) Matlock Derbyshire DE4 3JZ	Complaint Unfounded	05/10/2018

ENF/18/00198	Erection of pagoda style structure to garden terrace	Grasmere Pope Carr Road Matlock Derbyshire DE4 3FF	Complaint Unfounded	26/10/2018
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Matlock St Giles

ENF/16/00089	Breaches of Planning Control	ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL	Notice complied with	26/11/2018
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	Justification from Officer	10/08/2018
ENF/18/00094	Breach of Condition 5 of planning application 17/00025/REM (Hours of Operation)	Land At Asker Lane Matlock Derbyshire	Complied Voluntarily	22/11/2018
ENF/18/00134	Erection of a Boundary Fence	14 Lumsdale Crescent Matlock Derbyshire DE4 3EX	Complaint Unfounded	25/07/2018
ENF/18/00163	Installation of new shopfront	Costcutters Supermarket Lynholmes Road Matlock Derbyshire DE4 3DW	Planning Application Received	04/12/2018

Norbury

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	Planning Application Received	07/12/2018
ENF/18/00141	Breach of condition 6 relating to planning permission 17/01087/FUL - Subdivision of farmhouse to form two dwellings including associated external alterations.	Lower House Farm Can Alley Roston Derbyshire DE6 2EF	Justification from Officer	12/12/2018
ENF/18/00170	Roof alterations to Bungalow	The Firs Rodsley Lane Yeaaveley Derbyshire DE6 2DT	Justification from Officer	28/09/2018
ENF/18/00190	Alterations to Listed Building	Rose And Crown New Road Boylestone Derbyshire DE6 5AA	Complaint Unfounded	02/11/2018
ENF/18/00199	Use of fishing hut as a retreat/ leisure facility/ holiday home	Fishing Hut Field No. 6692 Finny Plantation Finny Lane Rodsley Derbyshire	Complaint Unfounded	05/11/2018

Stanton

ENF/18/00169	Erection of sign	Field Adjacent To Oldfield Lane Warren Carr Derbyshire	Justification from Officer	05/10/2018
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ENF/18/00212	Erection of additional stabling, excavation works, installation of a TV aerial to building and site being used for equestrian purposes rather than agricultural purposes	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Complaint Unfounded	10/12/2018
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Winster And South Darley

ENF/17/00053	Unauthorised rear extension	72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW	Planning Application Received	26/07/2018
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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 complied with	08/10/2018
ENF/18/00002	Unauthorised erection of raised platform, above 0.3m from ground level.	14 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Planning Application Received	05/07/2018
ENF/18/00010	Camping Pods not erected in the approved location	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Planning Application Received	21/09/2018
ENF/18/00079	Installation of a Stair Lift in property	2 Gells Flats Church Walk Wirksworth Derbyshire DE4 4DP	Planning Application Received	16/07/2018
ENF/18/00161	Unauthorised change of use from one dwelling to two dwellings	Mountain View The Croft Greenhill Wirksworth Derbyshire DE4 4EN	Complaint Unfounded	18/09/2018

Total Closed Cases **68**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 15th January 2019

PLANNING APPEAL – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00155/CLEUD	Poplars Farm, Hulland Ward	IH	Appeal being processed
18/00117/PDA	Marsh Meadows Forge, Hollington, Ashbourne	WR	Appeal allowed - copy of appeal decision attached
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
18/00696/FUL	Norman House, Painters Lane, Brailsford	WR	Appeal being processed
18/00843/FUL	3 Rectory Gardens, Main Road, Sudbury	HH	Appeal being processed
ENF/15/00024	Land at Blackbrook Lodge Caravan & Camping, Intakes Lane, Turnditch	PI	Appeal being processed
Central			
18/00318/FUL	The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth	WR	Appeal being processed
18/00751/FUL	9 Mornington Rise, Matlock	HH	Appeal dismissed - copy of appeal decision attached
ENF/17/00117	Land opposite Willersley Lane Plantation, Matlock	WR	Appeal being processed
ENF/18/00067	Land at former Bent Farm, Farley Hill, Matlock	WR	Appeal being processed
18/00586/FUL	74 Eversleigh Rise, Darley Bridge	WR	Appeal being processed
18/00547/REM	North Park Farm, Whitworth Road, Darley Dale	WR	Appeal being processed

ENF/18/00104	46 Jackson Road, Matlock	WR	Appeal Withdrawn
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WR - Written Representations
IH - Informal Hearing
PI – Public Inquiry
LI - Local Inquiry
HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 23 October 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2018

Appeal Ref: APP/P1045/W/18/3203394

Marsh Hollow, Shirley Lane, Hollington, Ashbourne DE6 3GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended)(the Act) against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
 - The appeal is made by Mr Nick Skill against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00117/PDA, dated 30 January 2018, was refused by notice dated 23 March 2018.
 - The development proposed is change of use of agricultural building to dwelling house (Use Class C3).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for change of use of agricultural building to dwelling house (Use Class C3), at Marsh Hollow, Shirley Lane, Hollington, Ashbourne DE6 3GD, in accordance with the terms of the application Ref 18/00117/PDA, dated 30 January 2018, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Layout 01D.

Application for costs

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

Procedural Matters

3. The appeal site address varies slightly on the application and appeal forms, and within the main parties' submissions. The address in the banner heading is thus taken from the appellant's appeal documents, where it appears most consistently. I have also taken the description of development from the appeal form as it was not described in Section 4 of the application form.
4. The appellant submitted a further drawing, 1668-01E, as part of the appeal. However, the Procedural Guide – Planning Appeals England (September 2018) states that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have not therefore taken the amended plan into account.

5. Class Q(a) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.¹ Class Q(b) permits development under Class Q(a) together with any building operations reasonably necessary to convert the building. The application form confirms that the proposal is made under Class Q(a) only, and I have therefore dealt with the appeal on that basis.
6. The Council refused the application on the basis that the proposal did not qualify for consideration under Class Q by reason of the size of the curtilage which would be required to accommodate access, parking, turning and manoeuvring.
7. Schedule 2, Part 3, Paragraph X of the GPDO defines 'curtilage' for the purposes of Class Q as: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
8. Therefore, if the proposal fails to meet the definition at Paragraph X, it would not amount to permitted development. My attention is drawn by the parties to a previous appeal decision² in respect of the same site and also relating to prior approval under Class Q(a), where the Inspector considered the question of the curtilage of the building subject to the appeal.

Main Issue

9. The main issue, therefore, is whether the proposed change of use would be permitted development under Schedule 2, Part 3, Class Q(a) of the GPDO, with specific reference to the proposed curtilage, and if so, whether the effects of the development are such as to require refusal of prior approval under paragraphs Q.2.(1) and (2) and W.(3).

Reasons

Curtilage

10. The submitted plan 01D shows the building in question, a Nissen hut located towards one corner of the site, with an area of 87 square metres. Immediately adjacent to it an area is identified as curtilage being 86 square metres in area. This contrasts with the previous appeal decision where the curtilage was established to extend to the whole of the wider site in the appellant's control.
11. The Council argues that this curtilage is not connected to the highway (Shirley Lane), and cites requirements of the Highway Authority for the provision of two parking spaces. The Council further argues that the combined area required for access, parking areas and turning and manoeuvring would exceed the size of the curtilage shown on the appellant's plan, and would exceed the size of the Nissen hut, thus not meeting the definition of curtilage under Paragraph X.
12. The Council refers to the omission of details regarding engineering works needed to provide access and hardstanding for the parking, turning and manoeuvring areas. However, the appellant states that the application was

¹ SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.

² APP/P1045/W/17/3185649, dismissed 17 January 2018

made under Class Q(a) only, relating solely to the question of the change of use. There is no requirement under Class Q for a proposed development to include a curtilage. It is ultimately for the applicant to decide whether to include a curtilage of any size, or at all, in an application for prior approval. That being the case, it follows that an application need not show access from the nearest highway in order to be properly considered under Class Q. The plans submitted are clear in identifying the proposed curtilage which would be subject to the change of use. On the basis of the plans submitted, the curtilage would accord with the definition at Paragraph X.

13. In addition, whilst the question of whether the curtilage would be used in connection with the proposed dwellinghouse is a relevant consideration under Class Q, I am not drawn to any part of Class Q which requires that the curtilage included in the application is used for a particular purpose, such as parking, nor does Class Q include any restriction on development that does not explicitly provide a parking and/or turning area. Moreover, the comments of the Highway Authority before me do not make any reference to the need for two parking spaces to be provided, or the inability of the curtilage to accommodate parking.
14. For these reasons, I conclude that the proposed curtilage of the appeal building would meet the definition at Paragraph X of the GPDO. Accordingly, the proposal would constitute permitted development under Class Q(a), subject to the other considerations, limitations and restrictions of Class Q, to which I now turn.

Paragraph Q.1. limitations

15. Paragraph Q.1 sets out restrictions to the permitted development right. The Council's delegated report cites the Inspector in the aforementioned appeal decision wherein it was concluded that there was no reason to doubt that the appeal met the relevant restrictions of Paragraph Q.1. The question of whether the building was in agricultural use on 20 March 2013, as required by Q.1.(a), was addressed in the previous appeal decision, and is not raised now by the Council as a concern. I have also had regard to the comments of the interested party in this respect. Given the evidence before me, however, I conclude that the proposal would not conflict with any of the limitations of paragraph Q.1.

Prior approval matters

16. For applications made under Class Q(a) only, Paragraph Q.2.(2) requires that each of the matters (a) to (e) under Paragraph Q.2.(1) are considered. The Council did not consider the prior approval matters under Paragraph Q.2.(1) in its delegated report, and it offers no further commentary in its appeal statement. The appellant offers justification in his planning statement.
17. In terms of matter (a) transport and highway impacts, the Highway Authority raised no objection to the proposal and I have no reason to reach a different conclusion. Moreover, there is no substantive evidence before me to indicate any adverse effects in respect of matters (b) noise, (c) contamination risks, or (d) flood risk.
18. In terms of matter (e), whether the location of the building would make it impractical or undesirable to change to a dwelling, the Council does not raise objection in this respect. I have had regard to the comments of an interested party, who raises concern at the potential effect on local hydrology and

habitats. The proposal is, however, for change of use, and does not include building operations. Therefore I am not persuaded that there would be material effects on either hydrology or habitats.

19. Concern is also raised regarding the disruption which would be caused by the provision of services to the site, potentially across third party land. This would be a separate matter not falling within the scope of the assessment of prior approval under Class Q.
20. Having regard to the evidence before me, therefore, I conclude that the proposal would satisfy the relevant prior approval matters under Paragraphs Q.2(1) and (2).

Conditions

21. Paragraph Q.2.(3) of the GPDO stipulates that development under Class Q must be completed within a period of three years from the approved date. Paragraph W(12) requires the development to be carried out in accordance with the approved details. I shall therefore impose a condition specifying the approved plans, in the interests of certainty.
22. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. The Council seeks a condition requiring the developer to apply for matters of prior approval relating to Class Q(b). However, the application was not made under Class Q(b). Moreover, should the developer wish to undertake building operations in connection with the change of use, then the requirements of Class Q fall to be complied with. A condition is not therefore necessary as it would duplicate the GPDO requirement.
23. The Council further seeks the removal of permitted development rights in respect of external alterations or additions, curtilage buildings and gates, fences or walls, which would equate respectively to Part 1, Classes A and E and Part 2, Class A of the GPDO. Rights under Part 1 Classes A and E do not apply to dwellings which have been granted only by virtue of Class Q, and so a condition to this effect is unnecessary. The Planning Practice Guidance makes it clear that conditions removing permitted development rights should only be used in exceptional circumstances. No specific reason for the removal of permitted development rights to construct boundary treatments has been put forward, and given the enclosed nature of the site in views from public vantage points, I am not persuaded there are significant risks associated with the provision of boundary treatments under permitted development. I consider that this does not represent an exceptional circumstance and I shall not therefore impose the condition.

Conclusion

24. For the reasons given, I conclude the appeal should be allowed.

Kevin Savage

INSPECTOR



Costs Decision

Site visit made on 23 October 2018

by **Kevin Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th November 2018

Costs application in relation to Appeal Ref: APP/P1045/W/18/3203394 Marsh Hollow, Shirley Lane, Hollington, Ashbourne DE6 3GD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Nick Skill for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for change of use of agricultural building to dwelling house (Use Class C3).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant made the application under Class Q(a) of Schedule 2, Part 3 of the GPDO only, and argues that the Council's reason for refusal was related to matters, namely lack of access, parking and manoeuvring space within the curtilage, which are not related to the change of use sought under Class Q(a), but to works that would fall to be considered only under an application made under Class Q(b) of the GPDO.
4. The applicant refers to the comments of the Inspector in a previous appeal decision¹ on the same land relating to the Council's consideration, under that proposal, of matters relevant only to an application made under Class Q(b), despite that application being made only under Class Q(a). The applicant considers the Council has repeated this course of action and contends that this amounts to unreasonable behaviour and wasted time and expense.
5. The Council states that its reason for refusal related specifically to the question of the proposed curtilage, which is an essential consideration under Class Q(a), given the wording of the GPDO. Class Q(a) permits development consisting of a change of use of a building *and any land within its curtilage* from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the

¹ APP/P1045/W/17/3185649, dismissed 17 January 2018

Schedule to the Use Classes Order.²

6. Schedule 2, Part 3, Paragraph X of the GPDO defines 'curtilage' for the purposes of Class Q as: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
7. Given that conflict with this definition would result in the proposal not constituting permitted development under Class Q(a) the Council was entitled to consider the question of whether the curtilage complied with the definition. This formed the basis of the Council's delegated report and subsequent arguments at appeal. The Council also had regard to the previous appeal decision, wherein the main issue was also whether the curtilage complied with the definition at Paragraph X.
8. The area of curtilage identified in an application would benefit from any change of use granted under Class Q, and therefore the question of whether it would be used in connection with the dwelling would, in my view, fall within the scope of matters to be considered under Class Q(a). Although the Council makes reference to engineering works, it is the potential area of curtilage required for the aforementioned purposes which forms the crux of the Council's reason for refusal. This falls within the scope of matters to be considered under Class Q(a), given the definition of curtilage under Paragraph X refers to a specific measurement relative to the size of the agricultural building.
9. Moreover, for applications made under Class Q(a) only, Paragraph Q.2.(2) requires that each of the prior approval matters (a) to (e) under Paragraph Q.2.(1) are considered. Matter (a) is transport and highways impacts of the development. It was not unreasonable, therefore, for the Council to consider whether a potentially greater area of curtilage might be required for access, turning and parking.
10. I find, therefore, that the Council considered the proposal as made under Class Q(a), and did not repeat the approach taken under the previous appeal. Although I have not agreed with the Council's conclusions in my Appeal Decision, I find no unreasonable behaviour by the Council in this respect.
11. For these reasons, I do not therefore agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

12. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Kevin Savage

INSPECTOR

² SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.



Appeal Decision

Site visit made on 4 December 2018

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 10th December 2018

Appeal Ref: APP/P1045/D/18/3215291

9 Mornington Rise, Matlock, DE4 3EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Mhairi Shepherd against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00751/FUL, dated 10 July 2018, was refused by notice dated 6 September 2018.
 - The development proposed as described on the application form is a 2 story flat roof extension to the front of the house. At ground level there will be a porch and at first floor level the additional floor space will form an extension in which a new bedroom will sit. The existing small bedroom to the rear will be replaced with a bathroom which will now be large enough to accommodate a WC (the previous front bathroom could not fit a wc in). Materials are proposed to match existing - grey render to masonry structure and white pvc windows and door. Additionally, a new lean to, timber shed is proposed to the side of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council considers that the proposed single storey side extension would be permitted development under the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). I see no reason to disagree.

Main Issue

3. The main issue is the effect of the proposed two storey front extension on the character and appearance of the existing dwelling and its surroundings.

Reasons

4. Number 9 is a semi-detached house typical in appearance of many of the other semi-detached houses on Mornington Rise which date from the 1930s. Most of these houses are externally rendered with pitched or hipped main roofs. A number of the houses, including the appeal property, have two storey forward projecting wings with dual pitched gables facing the street as an integral part of the original design. The houses are stepped upwards along Mornington Rise from the A615 and the roofscape is of varying heights.
5. The proposed two storey extension would extend in front of the existing forward projecting wing. As it would be two full stories in height its scale would

be much more imposing and dominant than other added front extensions on Mornington Rise which are generally single storey. The proposed roof would be flat with a bitumen finish which is a significantly different form to the predominantly pitched or hipped roofs of adjacent properties. Moreover, the top of the roof would be higher than the eaves of the main roof and that of the existing forward projecting wing. This would be a discordant feature in relation to the host property and would be particularly prominent and obtrusive in the surroundings due its height, form, design and siting, relative to the land levels along Mornington Rise and the openness of the front gardens.

6. The first floor window would be disproportionately wide compared to the width of the front wall of the proposed extension, and would be wider than the other first floor windows of the appeal property. Had the proposal been otherwise acceptable I would have sought more information on this matter.
7. During my site visit I saw a flat roofed wing projecting behind the property on the corner of Mornington Rise and the A615. However, that stands behind its host property and, as it is well set back from Mornington Rise, it is not prominent in the street scene. Other examples of nearby flat roofs are generally of single storey porches and garages and again are not so prominent. Other front extensions tend to have pitched rather than flat roofs. Nothing I saw on my visit had the same combination of height, flat roof, relationship with the existing roof or forward projection, or leads me to conclude that the proposal is appropriate for the appeal site.
8. I acknowledge the desire of the appellant to have an affordable property with larger rooms; a more satisfactory internal layout, particularly a combined bathroom and toilet, and more storage space including a porch; and to address drainage, damp and thermal efficiency. However, the social benefit of an improved house does not outweigh the harm to the character and appearance of the house and the surroundings that I have identified. There may be other ways, with a more appropriate external appearance, in which improvements could be achieved.
9. The appellant has expressed dissatisfaction that the Council did not discuss the proposal during the progress of the planning application. Alternative suggestions have been put forward as part of the appeal evidence which the appellant considers could overcome the concerns raised on the planning decision notice. However, I have not seen any plans illustrating alternative proposals and the appeal process should not normally be used to evolve a scheme¹. As set out in the Appeals Guide if an applicant is of the view that amending the proposal could overcome the Council's reason for refusal a fresh planning application should normally be made. The Council should be open to discussions on whether it is likely to view an amended scheme favourably.
10. There have been no objections from the Town Council or neighbours. However, the lack of expressed objections in itself would not be a reason for permitting an otherwise unacceptable proposal.

Conclusion

11. For the reasons set out above I conclude that the proposed front extension due to its height, form, design and siting would appear as an incongruous addition

¹ Procedural Guide Planning Appeals England 26 January 2018 (the Appeals Guide)

that would be out of scale and would be harmful to the character and appearance of the existing dwelling and its surroundings. Accordingly it would conflict with Policies PD1 and HC10 of the Derbyshire Dales Local Plan 2017. These amongst other things seek high quality design that is in keeping with the design, scale and character of the original building and responds positively in terms of the site's wider setting and location. The appeal is dismissed.

S Harley

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