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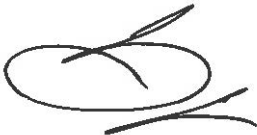
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

8 July 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 16 July 2019 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely



Sandra Lamb  
Head of Corporate Services

## **AGENDA**

**SITE VISITS:** The Committee is advised a coach will leave the Town Hall, Matlock at 2.35pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

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

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

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

Planning Committee – 18 June 2019

### **3. INTERESTS**

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

## 4. APPLICATIONS FOR DETERMINATION

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

### PUBLIC PARTICIPATION

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

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<b>4.1 APPLICATION NO. 19/00077FUL (Site Visit)</b> Extension and Conversion of garage to Holiday Let at Park House, Matlock Green, Matlock	<b>6 - 15</b>
<b>4.2 APPLICATION NO. 19/00115/FUL (Site Visit)</b> Formation of car parking area, removal of section of boundary wall and erection of retaining wall at Fountain House, 13 Main Street, Middleton by Wirksworth, Derbyshire, DE4 4LQ	<b>16 - 24</b>
<b>4.3 APPLICATION NO. 19/00151/LBALT (Site Visit)</b> Remove section of boundary wall at Fountain House, 13 Main Street, Middleton by Wirksworth, Derbyshire, DE4 4LQ	<b>25 - 30</b>
<b>4.4 APPLICATION NO. 19/00501/FUL (Site Visit)</b> Two-storey rear extension at Fair View, Derby Road, Wirksworth	<b>31 - 34</b>
<b>4.5 APPLICATION NO. 19/00082/REM (Site Visit)</b> Approval of reserved matters for the erection of 10 no. dwellings (outline permission reference 15/00043/OUT) at Land off Main Road, Brailsford	<b>35 - 46</b>
<b>5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>47 - 68</b>
<b>6. APPEALS PROGRESS REPORT</b> To consider a status report on appeals made to the Planning Inspectorate.	<b>69 - 97</b>

### Members of the Committee

Councillors Jason Atkin (Chairman), Richard Bright (Vice Chairman)

Robert Archer, Matthew Buckler, Sue Bull, Sue Burfoot, Richard FitzHerbert, David Hughes, Stuart Lees, Joyce Pawley, Garry Purdy, Peter Slack and Alasdair Sutton.

### Nominated Substitute Members

Jacqueline Allison, Martin Burfoot, Paul Cruise, Tom Donnelly, Helen Froggatt, Chris Furness, Susan Hobson, Michele Morley, Tony Morley, Peter O'Brien, Mike Ratcliffe, Steve Wain and Mark Wakeman.

## **PUBLIC PARTICIPATION**

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

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

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

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

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers
- j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

## **SITE VISITS**

Members will leave the Town Hall, Matlock at **2.30pm prompt** for the following site visits:

		<b>Page No.</b>
<b>2.35pm</b>	<b>APPLICATION NO. 19/00077/FUL</b> <b>PARK HOUSE, MATLOCK GREEN, MATLOCK</b> To assess the proposed development in its context.	<b>6 - 15</b>
<b>3.15pm</b>	<b>APPLICATION NO. 19/00115/FUL</b> <b>FOUNTAIN HOUSE, 13 MAIN STREET, MIDDLETON BY WIRKSWORTH</b> To appreciate the impact of the proposal on the grade II listed building and Middleton Conservation Area.	<b>16 - 24</b>
<b>3.15pm</b>	<b>APPLICATION NO. 19/00151/LBALT</b> <b>FOUNTAIN HOUSE, 13 MAIN STREET, MIDDLETON BY WIRKSWORTH</b> To assess the proposed development in its context.	<b>25 - 30</b>
<b>3.35pm</b>	<b>APPLICATION NO. 19/00501/FUL</b> <b>FAIR VIEW, DERBY ROAD, WIRKSWORTH</b> To assess the proposed development in its context.	<b>31 - 34</b>
<b>4.15pm</b>	<b>APPLICATION NO. 19/00082/REM</b> <b>LAND OFF MAIN ROAD, BRAILSFORD</b> To appreciate the proposal in the context of its surroundings.	<b>35 - 46</b>
<b>5.00pm</b>	<b>RETURN TO TOWN HALL, MATLOCK.</b>	

## **COMMITTEE SITE MEETING PROCEDURE**

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

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

<b>APPLICATION NUMBER</b>		19/00077/FUL	
<b>SITE ADDRESS:</b>		Park House, Matlock Green, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Extension and Conversion of garage to Holiday Let	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Sharron Seal
<b>TOWN</b>	Matlock	<b>AGENT</b>	GRT Architecture
<b>WARD MEMBERS</b>	Cllr. P. Cruise Cllr. S. Flitter Cllr. D. Hughes	<b>DETERMINATION TARGET</b>	20 <sup>th</sup> March 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the proposed development in its context.

## MATERIAL PLANNING ISSUES

- Principle of Development
- Impact on the Character and Appearance of the Area
- Highway Safety
- Impact on Residential Amenity

## RECOMMENDATION

Approval

19/00077/FUL

Park House, Matlock Green, Matlock



Derbyshire Dales DC

1:1,250

Date: 05/07/2019

100019785

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Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website :www.derbyshiredales.gov.uk

# 1. THE SITE AND SURROUNDINGS

- 1.1 The site contains a stone faced, flat roofed garage set on a raised area of land to the rear of Park House; the site is flat given the intervention of a retaining wall to what would otherwise be sloping land. The garage is accessed via the private drive to the east which also serves four other properties.
- 1.2 The building has a garage door facing the private drive. There is also a door and window in the north facing elevation. The property is outside of the Settlement Boundary for Matlock.





## **2. DETAILS OF THE APPLICATION**

- 2.1 Full planning permission is sought to place a pitched roof, to match that of the dwellinghouse, on the garage and to alter the building to form a holiday let. This includes blocking up the garage door with a glazed window/door frame and horizontal timber boarding. Timber boarding is proposed to be placed in the upper part of the gables created by the addition of the pitched roof. The door and window to the north side of the building are proposed to be replaced with two windows. The rainwater goods are proposed to be powder coated aluminium.
- 2.2 The building measures some 7.3m long by 3.5m wide and 3m high. The proposals, with the pitched roof, would increase the overall height to 4.5m. The accommodation would provide an open plan area for a kitchen/dining/living room/bedroom area and a separate shower room.
- 2.3 Access and car parking spaces would be provided by removing part of the boundary wall fronting the private drive and by re-profiling the land. There is also a need to extend the retaining wall further to the north by 1.1m to accommodate the car parking spaces. This would provide for two car parking spaces to the side of the building to serve the existing dwellinghouse and a space in front of the building to serve the holiday let. A modest amenity space is proposed to be provided towards the north and rear of the site with a fence erected to provide privacy.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
  - S4 Development in the Countryside
  - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
  - PD1 Design and Place Making
  - HC8 Conversion and Re-use of Buildings for Residential Accommodation
  - HC19 Accessibility and Transport
  - HC21 Car Parking Standards
  - EC8 Promoting Peak District Tourism and Culture
  - EC9 Holiday Chalets, Caravan and Campsite Developments
- 3.2. National Planning Policy Framework
- 3.3. National Planning Practice Guidance

## **4. RELEVANT PLANNING HISTORY**

- 4.1 None

## **5. CONSULTATION RESPONSES**

### Town Council

- 5.1 - no comment

### Local Highway Authority (Derbyshire County Council)

- 5.2 - access and parking scheme, as amended, considered acceptable
- require a condition that be provided in accordance with the additional plan
  - condition that one car parking space to serve holiday let and two spaces to serve dwellinghouse and retained as such.

### Environmental Health (DDDC)

5.3 - no objection

## **6. REPRESENTATIONS RECEIVED**

6.1 Representations have been received by the occupiers of four neighbouring residential properties and the comments are summarised as follows:

- loss of privacy to dwellinghouses on Webster Terrace
- the building, with a pitched roof, will dominate the view from the back of neighbour's dwellinghouse at 1 Webster Terrace and will lead to a loss of light and put garden into shadow
- noise of people coming and going and doors banging
- impact of lights from cars and from the holiday let
- property has very limited, safe parking allowing for the parking of only two cars
- doubt that the parking proposed can be provided and there would be no provision for visitors
- parking area to the side of the proposed conversion would not be utilised as any vehicle would be boxed in by other vehicles – potential to result in parking on the shared element of Park Close as a more convenient parking solution which would contravene the terms of the property deeds
- drains/sewers were constructed to only serve four existing properties and another dwelling would put pressure on this facility
- previous applications to seek to convert the garage/workshop at 4 Park Close were turned down because of increasing vehicle access off Park Close onto the busy highway
- contest the conclusion of the Local Highway Authority that a holiday let would generate less traffic than a permanent residential dwelling
- query advice given in 2005 with regard to inadequacy of visibility splay onto A615 where the Local Highway Authority now consider this to be good
- was advised that the visibility from a minor 2m road looking east measures less than 30m rather than the 120m normally required for 40mph speed restricted roads
- Local Highway Authority may have overlooked the lack of visibility for vehicles coming from the main road for vehicles exiting the northern side of the site – seems foolish to introduce additional dangers that don't currently exist
- Local Highway Authority limited private driveways to 5 dwellings unless the road was to adoptable standards
- private drive maintenance and upkeep is the joint responsibility of 1-4 Park Close and Park House
- additional parking could breach the parking covenant and cause social disharmony amongst the residents
- would be easy to overlook the wall removal to facilitate the access resulting in a breach of the covenant
- live in a residential neighbourhood - if holiday let approved, which will be a commercial business, will this affect taxes, services?

## **7. OFFICER APPRAISAL**

### Principle of Development

7.1 The site is within the open countryside and as such Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) is the principal policy for consideration. This advises that such developments in the open countryside will be acceptable subject to the redevelopment and

the conversion of an existing building being appropriate to its location, it not having an adverse impact on the character and appearance of the rural area, it involves the conversion of a building that contributes to the established local character and sense of place, it represents the sustainable growth of tourism in a sustainable location where identified needs are not met by existing facilities and it have a safe means of access.

- 7.2 In terms of the proposed use as a holiday let, Policy EC8 advises that the District Council will support the development of Peak District tourism and encourages the provision of new tourist facilities. To this end, the principle of providing for such accommodation is acceptable just outside Matlock's Settlement Boundary but within walking distance of the town centre and its facilities and means of public transport. However, there are site specific matters which need to be considered which include the character and appearance of the building to be extended and utilised for tourist accommodation and the impact of the proposed development on the amenities of the area and highway safety which are considered below.

#### Impact on the Character and Appearance of the Area

- 7.3 The building is currently a functional garage and has little architectural merit; it is a simple stone built, flat roofed garage. Policy SF4 states that the conversion should be of a building that contributes to the established local character and sense of place and this building does not meet with such criteria. However, this is not a barn set within open fields; it is a garage building within a group of dwellinghouses. The proposal to add the pitched roof will elevate the appearance of the building to some extent and take on some of the vestiges of a more traditional outbuilding. The introduction of the modern, metal framed windows and door, and the timber detailing on the gables, will give a more contemporary appearance to the building and elevate its visual appearance. Therefore, strictly from a design perspective, the proposals will enhance the character and appearance of the building. To this end, the principal matters for consideration are the appropriateness of its change of use to a holiday let.

#### Impact on Neighbour's Amenity

- 7.4 Several concerns have been raised with regard to the impact of the proposals on light, outlook and privacy of the occupiers of neighbouring dwellinghouses. In terms of outlook and light, the proposal will increase the height and mass of the building and an assessment is required as to the extent this will harm the amenity of neighbours.
- 7.5 The building is on the south eastern side of properties at Webster's Terrace. In this regard, whilst there may be some loss of sunlight to the upper levels of the rear gardens to the nearest properties in the morning, any overshadowing would cease by the late morning given the orientation of the building to the dwellinghouses. It is not considered that such overshadowing could reasonably sustain a reason for refusal of planning permission.
- 7.6 In terms of loss of outlook, it is appreciated that the building is on a raised level and that the proposals will increase the height of the building by 1.5m. However, this is not a wall but a rooflope sloping away from the properties to the north west at Websters Terrace. The nearest neighbouring dwellinghouse of the terrace is some 17m away. To this end, whilst there is a change in levels, it is not considered that the increase in height of a building of this scale would be such that it could be deemed to significantly harm the outlook to that property. Similarly, the properties of 1-4 Park Close are some 15-30m away.
- 7.7 In terms of privacy, the main impact from within the building is looking out of the proposed entrance/main window towards 1 Park Close. However, it is likely that when the building would be occupied that there would be a car parked in front of this opening obscuring the outlook. In addition, as a holiday let, it would be expected that the use of the premises would be in the morning and evening as holiday makers tend to go out for day trips.

- 7.8 There are windows proposed to face towards the applicant's dwellinghouse and those at Webster Terrace. However, it is considered that the siting of the proposed screen fence will obscure the outlook to the properties of Websters Terrace.
- 7.9 One point of concern is the sitting out area and the potential for holiday makers to overlook the neighbouring residents. There is obviously a potential for this area to be used for such by the existing residents of Park House. However, these would not be strangers to the neighbours nor would the use of the area be likely to be so intensively used as it could be when being used as the amenity space to a holiday let.
- 7.10 To this end, the applicant has detailed that a screen fence would be provided. The concern from the drawings is that this would not prevent overlooking to the west, across the rear gardens to the dwellinghouses of Webster's Terrace. However, it is considered reasonable to attach a condition that details of the fence and other boundary treatments be submitted as a condition on any grant of planning permission, for approval of such details prior to the holiday let being brought into use.
- 7.11 Given the interrelationship of the proposed holiday let to Park House, it is considered reasonable to require that the holiday let remains as an ancillary part of that property and that it is not sold or let out separately. This also has the advantage that in the unlikely instance that issues of disturbance arise, that the owners of Park House would be likely to be on site to address such matters.

#### Impact on Highway Safety

- 7.12 Neighbours have raised concern with the proposals given that the Local Highway Authority has previously advised of their concern with the visibility to drivers of vehicles exiting Park Close onto the A615 in 2005 when permission was sought to change the use of a garage/workshop at 4 Park Close to a dwellinghouse. The Local Highway Authority has been made aware of these concerns and responded accordingly.
- 7.13 It is advised that the preferable splays are 2.4m by 103m and that minimum splays should be 2.4m by 89m. However, the Local Highway Authority has advised that these are guidelines and, whilst the fully preferred splay cannot be achieved, a splay close to the minimum can be. In addition, there is also adequate forward visibility for vehicles turning into the site. Each proposal is assessed on its merits and based on the TRICs data held Local Highway Authority, they consider a single bedroomed holiday let would not generate the same level of vehicular activity as a permanent dwelling and that the existing access is acceptable in this regard.
- 7.14 The Local Highway Authority did raise some concern with the site levels and gaining access onto the parking area. The applicant has submitted further details, to include a cross section to detail how access can be achieved. The Local Highway Authority has advised that this is acceptable subject to condition of its provision. In this regard, the proposals comply with Policies S1, S2 and HC21 of the Adopted Local Plan (2017).

#### Conclusion

- 7.15 Whilst within an area deemed to be open countryside, the site is in a reasonably sustainable location within walking distance of the facilities of the town and local tourist attractions such as the Lumsdale Valley and High Tor. Therefore, the principle of conversion of the building to support tourism, and the benefits this brings to the economy of the District, is considered acceptable.
- 7.16 Whilst the building is not attractive, the proposals to provide the pitched roof, replace the garage door and to upgrade the openings are considered to be an enhancement of the building. A condition is required that sample/details of the materials for the roof, windows, door, cladding, barge board colour and rainwater goods be submitted for approval.

7.17 It is considered that there will be no significant impact to the amenities of neighbouring residents subject to ensuring the holiday let remains within the ownership of Park House and subject to a condition to achieve a reasonable level of screening of the proposed amenity area to safeguard the privacy of neighbours. Further conditions will be required to address the matters of parking and access provision at the site.

7.18 On this basis, whilst the conversion and alteration of such a building in a more remote location may not be considered sustainable, this site has the advantage of being close to Matlock and its transport links and facilities. It therefore has the potential to be a sustainable form of tourist accommodation. On this basis, it is recommended that planning permission be granted.

## 8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

Reason:  
Reason ST02a

2. The development hereby approved shall be carried out in accordance with the original submitted plans and specifications except as amended by Drawing 004 received on 21<sup>st</sup> March 2019 and except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason:  
To define the permission for the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modifications), the accommodation hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 28 days in any calendar year or more than a total of 56 days in a calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Authority in writing by no later than 31<sup>st</sup> December each year.

Reason:  
The development is considered inappropriate for use as a permanent dwellinghouse and to comply with Policies S1, S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017)

4. The holiday let shall remain within the ownership of the owners of Park House.

Reason:  
To safeguard the amenities of the area and in the interests of highway safety to comply with Policies S1, S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

5. Notwithstanding the details on the approved drawings and application details, prior to being provided, details/samples of the following shall be submitted to and approved in writing by the Local Planning Authority:

- the roofing materials;
- the timber facing;
- the colour of the barge boards;
- the door and window frames, to include their colour;
- the depth of recess of the windows and door;
- the facing materials for the retaining wall and its coping;
- the hardsurfacing and landscaping of the external area associated with the holiday let; and
- the screen fence, to include fencing on the western boundary.

The development shall be carried out fully in accordance with the approved details/samples prior to the holiday first being brought into use.

Reason:

To ensure the satisfactory appearance of the development and to safeguard the amenities of the area to comply with Policies S1, S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before the holiday let is brought into use, the area shown on the approved plans as reserved for parking of vehicles, and the access to this space, shall be provided in accordance with the approved details. Thereafter, the area shall be used for those purposes only and maintained free from any impediment to its designated use.

Reason:

To ensure the provision of adequate off road parking in the interests of highway safety to comply with Policies S1, S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

7. At such times that the holiday let is in use, the parking space directly in front of the holiday let doorway shall be allocated solely to those persons using the holiday let and shall be retained as such for the life of the development.

Reason:

To ensure the provision of adequate off road parking in the interests of highway safety to comply with Policies S1, S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To preserve the character and appearance of the original building and its surroundings and to safeguard the amenity of the occupiers of neighbouring residential properties in accordance with Policies S1, S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017).

## **NOTES TO APPLICANT:**

1. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. 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 the submission of further details to address access and car parking provision on the site.
3. This decision notice relates to the following documents:

Drawing Nos. 001, 002 and 003 received on 23<sup>rd</sup> January 2019  
Additional Drawing No. 004 received on 21<sup>st</sup> March 2019.

<b>APPLICATION NUMBER</b>		19/00115/FUL	
<b>SITE ADDRESS:</b>		Fountain House, 13 Main Street, Middleton by Wirksworth, Derbyshire, DE4 4LQ	
<b>DESCRIPTION OF DEVELOPMENT</b>		Formation of car parking area, removal of section of boundary wall and erection of retaining wall	
<b>CASE OFFICER</b>	Mr J Baldwin	<b>APPLICANT</b>	Mr A Street
<b>PARISH/TOWN</b>	Middleton by Wirksworth	<b>AGENT</b>	
<b>WARD MEMBER(S)</b>	Cllr Peter Slack Cllr Mike Ratcliffe Cllr Elisa McDonagh	<b>DETERMINATION TARGET</b>	08/04/2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Called to committee by Cllr Mike Ratcliffe	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To appreciate the impact of the proposal on the grade II listed building and Middleton Conservation Area.

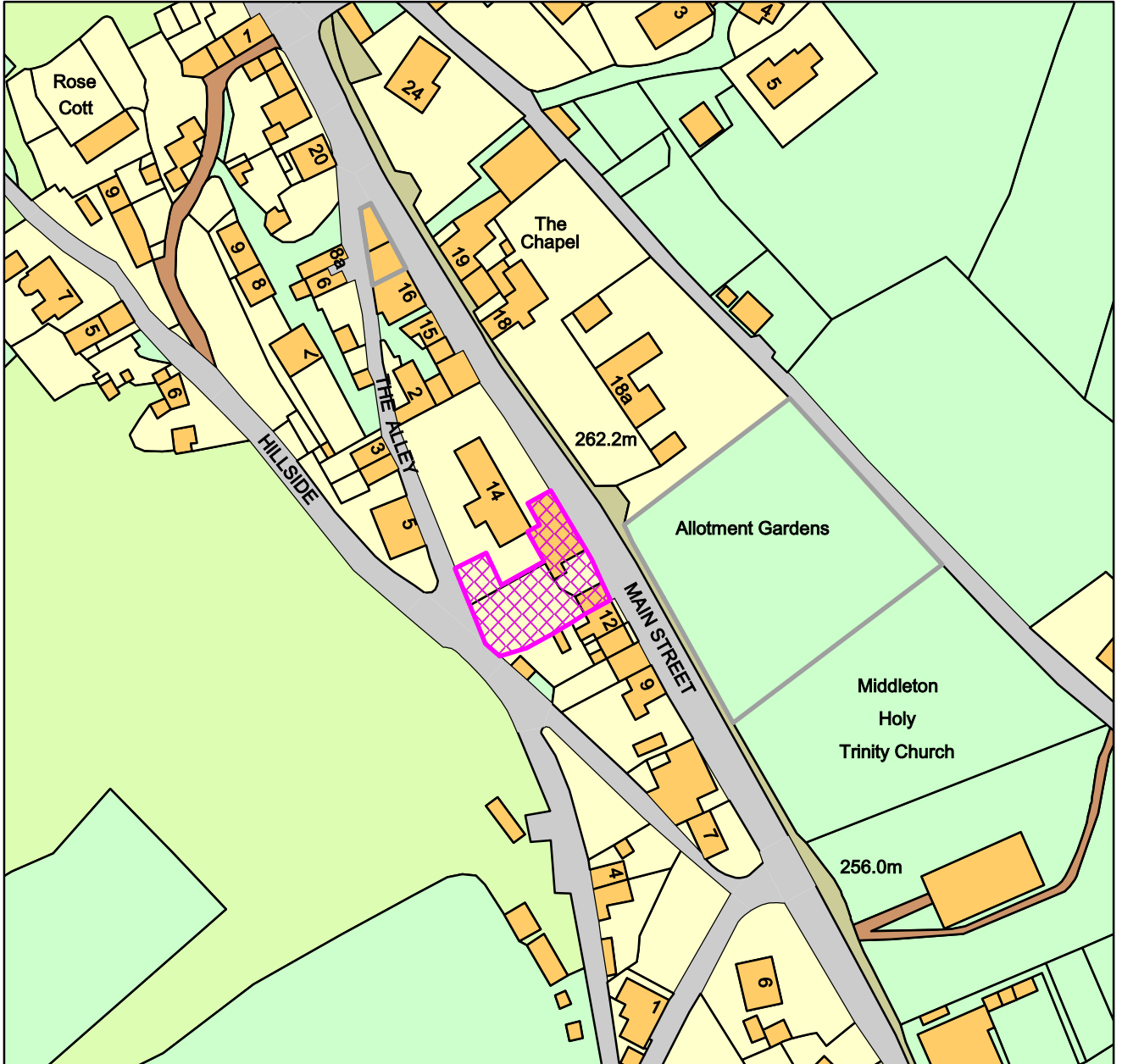
<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>-Principle of development</li> <li>-Impact on highway safety</li> <li>-Impact on heritage assets</li> <li>-Impact on residential amenity</li> </ul>

<b>RECOMMENDATION</b>
Refusal



19/00115/FUL

Fountain House, 13 Main Street, Middleton by Wirksworth



Derbyshire Dales DC

1:1,250

Date: 05/07/2019

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

## 1.0 THE SITE AND SURROUNDINGS

1.1 The site is located on the eastern side of Main Street toward the southern edge of Middleton by Wirksworth and within the Middleton Conservation Area. Fountain House is a grade II listed property of rubble stone construction which immediately fronts Main Street. The tiered rear garden and curtilage of the property to the east rise up toward Hillside, a single track lane to the rear of the group of properties along Main Street. An existing limestone wall running alongside Hillside forms the existing boundary to the rear garden. The limestone wall is curtilage listed.



## 2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the formation of a car parking area, construction of a retaining wall and the removal of a section of the existing boundary wall to the rear of the property. During the application process, amended plans have been received. The current proposal presents a 3m opening in the curtilage listed wall with a sliding timber gate. To each side of the new opening a 3m section of the wall would be lowered to a height of 1m for improved emerging visibility. The parking area would be 6m in depth from the carriageway edge and would extend across the width of the western boundary of the property to the existing steps along the southern boundary. The parking area would be accommodated by constructing a 1.5m retaining wall immediately adjacent to the existing retaining wall within the garden. The wall would be constructed using random coursed stone with an artificial stone coping and wrought iron balustrading above. The parking area would be surfaced in a porous surface with a 1 in 30 fall away from the highway.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
  - S3: Development Within Defined Settlements
  - PD1: Design and Place Making
  - PD2: Protecting the Historic Environment

2. National Planning Policy Framework  
National Planning Practice Guidance

**4.0 RELEVANT PLANNING HISTORY:**

0294/0121	Alterations to dwelling including rebuilding of north wing and formation of car parking space	A	20/04/1994
0294/0095	Alterations to listed building including part demolition and rebuilding	A	20/04/1994
0294/0121/DCOND	Discharge of condition(s) 3 and 4	DISNOT	16/11/2018
03/08/0618	Listed Building Consent - Replacement door and alterations to door canopy	A	24/12/2003
03/07/0553	Alterations to listed building - Conversion of outbuilding to provide ancillary residential accommodation	A	04/12/2003
03/07/0512	Conversion of outbuilding to provide ancillary residential accommodation	A	04/12/2003

**5.0 CONSULTATION RESPONSES**

Middleton Parish Council

- 5.1 The planning application was considered at a meeting of the Parish Council where it was resolved to defer to the professional view of Derbyshire County Council and to note that strong representations, both for and against the proposal, were received at the meeting. It is felt that the application needs to be assessed in the context of wider parking issues within the village and the pressures in this area in particular.

Design and Conservation Officer (Derbyshire Dales)

- 5.2 The curtilage-listed wall is approx. 1.5m in height and of traditional limestone construction with half-round cappings. The proposal is to remove a 5m length or section of the curtilage-listed limestone wall to create a vehicular access point. That access point will lead onto a levelled area with metal railings and a horizontal sliding gate (of solid timber construction). The section of walling in question is located at a triangular junction in the road system where The Alley meets Hillside.

Whilst there appear to have been historical breaches made within the boundary walling to Hillside, including the large opening to the level platform & garage to No. 12 (the latter may have been formed/built prior to the designation of the Conservation Area) it is considered that the recognised contribution and distinctive nature that the walls to Hillside make to the special character and appearance of this part of the Conservation Area are significant. Furthermore, the wall in question comes under the protection of the grade II listing and in that regard the loss of a section of that wall (or its alteration, i.e. such as reduction in height or angling for visibility splays etc.), resulting in change to its existing integrity, form and completeness, would be deemed harmful to the setting of the listed building and a detrimental erosion of the character and appearance of this part of the Middleton Conservation Area.

Derbyshire County Council (Highways)

5.3 The applicant wishes to form a vehicular access at the rear of Fountain House to the Alley (AC). The Alley is a lightly trafficked and very narrow single width access way; perceived vehicles speeds are thought to be <10mph. The application drawings show a 5m wide access, with a parking area shown as 6m from the highway boundary at the shallowest point, however this 6m dimension does not scale off accurately. For the avoidance of doubt, parking area should be no less than 5.5m deep from the back of the highway. Given the very low vehicles and pedestrian activity operating in this area, maximum achievable visibility splays are considered acceptable at this site, however this will require further adjustments to the boundary wall, and a revised drawing should be submitted. The existing designs would result in vehicles egressing from between high walls which would restrict visibility and potentially be a detriment to highway safety. As submitted the Local Highway Authority recommends refusal.

The applicant could overcome this recommendation of refusal by submitting a revised design which demonstrates the lowering of the boundary walls to less than 1m in height relative to the carriageway level, thus maximising emerging visibility. Subject to an acceptable design, there are no highway objections.

Following the receipt of amended plans - Although the applicant was advised how they may overcome a recommendation of refusal on highway grounds, unfortunately this drawing does not address the visibility concerns raised by the Highway Authority. As such, the recommendation of refusal still stands.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 A total of 9 local residents have commented in objection to the proposed development. A summary of the representations is outlined below.

- The works would have a harmful impact on the character of the listed property which is one of the most architecturally notable buildings in the village and the Middleton Conservation Area.
- The height of the parking area would increase levels of overlooking into neighbouring gardens.
- The noise from vehicles would be harmful to the amenity of neighbouring occupants.
- The headlights of vehicles parking would harm the amenity of neighbouring occupants.
- The proposal would exacerbate existing car parking/traffic issues along both The Alley and Main Street.
- The car parking issues that arise could further impact on local bus services and bin collection services.
- Fountain House previously had car parking off Main Street which could be re-opened and would not impact on the existing parking issues.
- The Alley is difficult to access in the winter and the applicant would need to park on Main Street regardless of the proposal.
- The applicant may not be aware of how busy the traffic can be along The Alley.
- It would not be reasonable to allow a resident of Main Street to deprive residents of The Alley and Hillside of two parking spaces which would be lost by the removal of the wall.
- The proposal would cause extra vehicular movement up The Alley where there are no passing places.
- There are concerns that the road could subside following the removal of the wall.
- The applicant states that The Alley only serves a small number of properties which is incorrect it serves 20 properties and approximately 30 vehicles.
- Any further traffic along The Alley would have highway safety implications.
- Whilst approval was granted in 1994 the current circumstances are different with an increased number of vehicles.
- The proposal would result in more pollution in the area.

- The proposal may set a precedent in knocking down historic walls/features.
  - Concerns relating to the use of The Alley during the implementation of the works due to obstruction by lorries, skips, deliveries etc.
- 6.2 One representation has been received in support of the proposed application, a summary of the representation is outlined below:
- The proposal is a good idea which will remove vehicles from a congested narrow Main Street which is likely to get worse in years to come.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on highway safety
- Impact on heritage assets
- Impact on residential amenity

### 7.1 Principle of Development

Planning permission has previously been granted in 1994 under application reference code WED/0294/121/C for alterations to the dwelling, rebuilding of the northern wing and the formation of a car parking space. The approved car parking space was to the rear garden in the same location as the current proposal. Although a start was made to the alterations and rebuilding of the northern wing of the property, the conditions of the planning permission had not been discharged. Although significant time passed since the alterations to the listed building were carried out under the previous approval and the works are now immune from enforcement action, the works did not constitute a lawful start of the approved development and as a result the 1994 planning permission has now lapsed.

Whilst permission has been granted previously for a car parking space and the removal of part of the curtilage listed wall, the Local Planning Authority has to assess the current application against the current policies within the Adopted Derbyshire Dales Local Plan (2017) and national guidance within the National Planning Policy Framework (2019) which require different assessments and considerations than the policies which were applied to the 1994 application.

### 7.2 Impact on highway safety

Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) states that planning permission will be granted for development where “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”. Concerns have been raised by local residents in relation to highway safety. The Local Highway Authority shared these concerns with a particular focus on emerging visibility.

Amended plans have been received which now show a reduced wall height 3m either side of the gateway at a height of 1m in order to increase the emerging visibility. The Local Highway Authority have been re-consulted following the submission of the amended plans and do not consider that the plans have overcome the initial concerns. The consultation response from the Local Highway Authority stated that the “maximum achievable visibility splays would likely be considered acceptable”. Whilst the amended plans would improve emerging visibility, in order to achieve maximum achievable visibility splays, the entire

length of the wall would need to be reduced to 1m in height from the highway edge. Although the vehicles speeds along The Alley are likely to be less than 10mph, the proposal does not meet the required visibility splays and is considered to have a detrimental impact on highway safety as vehicles leaving the parking area will have limited forward visibility which could lead to conflict with other road users contrary to the aims of policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

### 7.3 Impact on heritage assets

Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) seeks to preserve or enhance the character and appearance of heritage assets within the Derbyshire Dales. Concerns have been raised by both the Design and Conservation Officer (Derbyshire Dales) and neighbouring residents that the proposed works would have a harmful impact on the special character and appearance of the grade II listed building and this part of the Middleton Conservation Area.

The proposed removal of the 3m section of curtilage listed stone wall and a reduction in the height of a further 6m are major concern. Whilst it is acknowledged that there are existing examples of openings within the wall along The Alley including the neighbouring property at 12 Main Street, the remaining stone walls are considered to make a significant and distinctive contribution to the character and appearance of this part of the Middleton Conservation area and the setting of the grade II listed Fountain House. The curtilage listed wall remains intact despite the historic opening along The Alley and continues to contribute to the character and appearance of the area. Whilst the amended plans show the width of the opening has been reduced from 5m to 3m it is considered that the removal and/or a significant reduction in the height of any part of this wall would have a harmful impact on the setting of the listed building and would result in the detrimental erosion of the character and appearance of this part of the Middleton Conservation Area.

Paragraph 193 of the National Planning Policy Framework (2019) states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

In this case, the harm to the heritage assets is considered to be less than substantial harm and as a result, paragraph 196 of the National Planning Policy Framework (NPPF) 2019 requires the harm to be outweighed by the public benefits of the proposal. The applicant has identified that there may be some public benefit through the removal of vehicles at a ‘pinch point’ in the highway along Main Street, and that with vehicles no longer parked to the front of the property, the principal elevation of the grade II listed building would be visible to the public. Notwithstanding the fact that there is nothing in place to prevent other vehicles parking in front of the property which would remove both of the public benefits identified, the Local Planning Authority do not consider that the suggested public benefit is significant and consequently will not outweigh the harm caused through the removal and lowering of the curtilage listed wall. As a result, the proposal would be harmful to the integrity, character and appearance of the curtilage listed wall and the setting of the grade II listed building and the character and appearance of this part of the Middleton Conservation Area which would not be outweighed by any public benefit to be derived. The application would therefore conflict with the aims of policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2019).

### 7.4 Impact on residential amenity

Neighbouring residents have raised concerns that following the construction of the raised car parking area/retaining wall, there would be increased potential for overlooking and a loss of privacy within neighbouring gardens. It is acknowledged that the car parking area would be set on a 1.5m high retaining wall and there is likely to be some increase in the potential for overlooking the boundary fence into neighbouring properties. However, due to the topography of the land, there is existing overlooking between properties located on The Alley, Hillside and Main Street. It is also considered that due to the proposed use of the area for car parking, the applicants would be more likely to spend the majority of the time in the garden below rather than stand for long periods on the raised area. As a result, it is considered in this case, that the increased level of overlooking which would result from the proposed development would not be sufficient to warrant the refusal of planning permission in this case. As such the proposed development would have a satisfactory relationship with surrounding properties and would comply with policy PD1 of the Adopted Derbyshire dales Local Plan (2017) in this regard.

## 7.5 Conclusion

The main issues to assess in the consideration of this application are the impact on the amenity of neighbouring occupants, the impact on highway safety and the impact on the setting, character and appearance of heritage assets. The Local Planning Authority do not consider the proposal would be harmful to the amenity of neighbouring occupants and the proposal would comply with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

The applicants have attempted to overcome the concerns raised by the Local Highway Authority through the submission of amended plans. Despite the emerging visibility being improved following the amended plans, they visibility splays are still considered to be substandard and the proposed development is considered to result in harm to highway safety, contrary to policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

There are also concerns that the proposed removal of the curtilage listed boundary wall in particular would have a detrimental impact on its integrity, character and appearance, the setting of the grade II listed building and the character and appearance of this part of the Middleton Conservation Area. This harm would not be outweighed by any public benefit to be derived and the proposal would therefore conflict with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the aims of the NPPF (2019).

Based on the impact of the proposed development on highway safety and the integrity, character and appearance, the setting of the grade II listed building and the character and appearance of this part of the Middleton Conservation Area a recommendation of refusal is made.

## 8.0 RECOMMENDATION

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

1. The removal of part of the curtilage listed boundary wall would be harmful to its integrity, character and appearance, the setting and significance of the grade II Fountain House and the character and appearance of the Middleton by Wirksworth Conservation Area. That harm is not outweighed by any public benefit and, therefore, the works as undertaken are contrary to policy guidance contained within the National Planning Policy Framework (Part 12) 2012 and policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan 2017.

2. The proposed development if permitted, involving the creation of a new vehicular access to The Alley, would introduce traffic movements to and from the public highway at a point where emerging visibility is severely restricted due to the frontage alignment and wall height, thereby leading to danger and inconvenience to other highway users. As a result, the proposal would conflict with policy S3 of the Adopted Derbyshire Dales Local Plan 2017.

## **9.0 NOTES TO APPLICANT:**

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

This decision notice relates to the following documents:

ABDS Planning Statement (11/02/2019)

Site Location Plan – 1:1250 (11/02/2019)

Site Plan – 1:500 (11/02/2019)

ABDS 1847/01 Existing Plans and Elevations – 1:50 (11/02/2019)

Planning Design 2390-001 (Rev A) Proposed Plans and Elevations – 1:50 (25/06/2019)

Letter from Agent (10/05/2019)



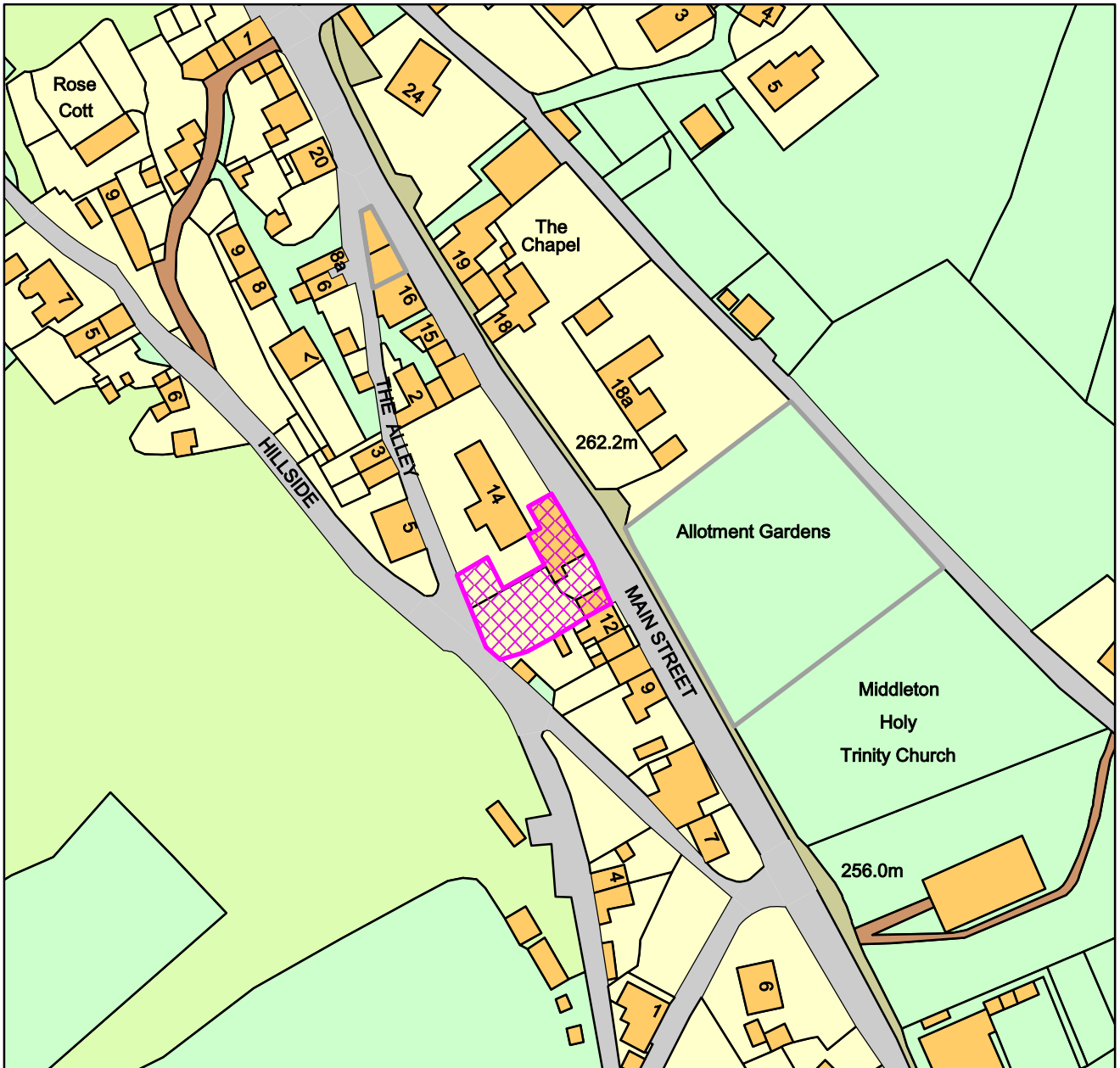
<b>APPLICATION NUMBER</b>		19/00151/LBALT	
<b>SITE ADDRESS:</b>		Fountain House, 13 Main Street, Middleton by Wirksworth, Derbyshire, DE4 4LQ	
<b>DESCRIPTION OF DEVELOPMENT</b>		Remove section of boundary wall	
<b>CASE OFFICER</b>	J Baldwin	<b>APPLICANT</b>	Mr A Street
<b>PARISH/TOWN</b>	Middleton by Wirksworth	<b>AGENT</b>	
<b>WARD MEMBER(S)</b>	Cllr Peter Slack Cllr Mike Ratcliffe Cllr Elisa McDonagh	<b>DETERMINATION TARGET</b>	08/04/2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Called to committee by Cllr Mike Ratcliffe	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To appreciate the impact of the proposal on the grade II listed building and Middleton Conservation Area.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>– Whether the works would preserve the building, its setting and any features of special architectural or historic interest.</li> </ul>

<b>RECOMMENDATION</b>
Refusal

19/00151/LBALT

Fountain House, 13 Main Street, Middleton by Wirksworth



Derbyshire Dales DC

1:1,250

Date: 05/07/2019

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

## 1.0 THE SITE AND SURROUNDINGS

1.1 The site is located on the eastern side of Main Street toward the southern edge of Middleton by Wirksworth and within the Middleton Conservation Area. Fountain House is a grade II listed property of rubble stone construction which immediately fronts Main Street. The tiered rear garden and curtilage of the property to the east rise up toward Hillside, a single track lane to the rear of the group of properties along Main Street. An existing limestone wall running alongside Hillside forms the existing boundary to the rear garden. The limestone wall is curtilage listed.



## 2.0 DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for the removal of a section of curtilage listed boundary wall forming the western boundary of the site and the lowering of the wall within 3m of the new opening to 1m in height. The wall is of limestone construction and varies in height. It was initially proposed to remove a 5m section of the wall however following the receipt of amended plans, this has been reduced to 3m. The removal of the wall would provide access off the highway onto a new parking area which would be constructed subject to the approval of the concurrent application 18/00115/FUL. A sliding timber gate would be installed on the inside face of the wall.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2019)  
National Planning Practice Guidance

#### 4.0 RELEVANT PLANNING HISTORY:

0294/0121	Alterations to dwelling including rebuilding of north wing and formation of car parking space	A	20/04/1994
0294/0095	Alterations to listed building including part demolition and rebuilding	A	20/04/1994
0294/0121/DCOND	Discharge of condition(s) 3 and 4	DISNOT	16/11/2018
03/08/0618	Listed Building Consent - Replacement door and alterations to door canopy	A	24/12/2003
03/07/0553	Alterations to listed building - Conversion of outbuilding to provide ancillary residential accommodation	A	04/12/2003
03/07/0512	Conversion of outbuilding to provide ancillary residential accommodation	A	04/12/2003

#### 5.0 CONSULTATION RESPONSES

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

- 5.1 The curtilage-listed wall is approx. 1.5m in height and of traditional limestone construction with half-round cappings. The proposal is to remove a 5m length or section of the curtilage-listed limestone wall to create a vehicular access point. That access point will lead onto a levelled area with metal railings and a horizontal sliding gate (of solid timber construction). The section of walling in question is located at a triangular junction in the road system where The Alley meets Hillside.

Whilst there appear to have been historical breaches made within the boundary walling to Hillside, including the large opening to the level platform & garage to No. 12 (the latter may have been formed/built prior to the designation of the Conservation Area) it is considered that the recognised contribution and distinctive nature that the walls to Hillside make to the special character and appearance of this part of the Conservation Area are significant. Furthermore, the wall in question comes under the protection of the grade II listing and in that regard the loss of a section of that wall (or its alteration, i.e. such as reduction in height or angling for visibility splays etc.), resulting in change to its existing integrity, form and completeness, would be deemed harmful to the setting of the listed building and a detrimental erosion of the character and appearance of this part of the Middleton Conservation Area.

#### 6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 4 neighbouring occupants have submitted representations in objection to the application. A summary of the issues raised which are relevant to this listed building application are outlined below:
- The works would have a harmful impact on the character of the listed property which is one of the most architecturally notable buildings in the village and the Middleton Conservation Area.
  - The proposal may set a precedent in knocking down historic walls/features.
  - An original wall should not be removed in an attempt to increase the value of a property.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Whether the works would preserve the building, its setting and any features of special architectural or historic interest.

- 7.1 The main issues to assess in the consideration of this application are the impact of the proposed development upon the character, appearance and integrity of the curtilage listed wall and the setting of the grade II listed Fountain House.

Fountain House is grade II listed building and the boundary wall to which this application relates is curtilage listed. Concerns have been raised by both local residents and the Design and Conservation Officer (Derbyshire Dales) that the removal of a section of wall and a reduction its height would be harmful to the character of the listed building.

Whilst the boundary wall is located to the rear of the listed building off Main Street, the stone walls along Hillside and The Alley are considered to make a significant and distinctive contribution to the character and appearance of this part of the Middleton Conservation area and the setting of the grade II listed Fountain House. Although sections of the walls have been removed and in some cases replaced with timber fencing the application relates to a curtilage listed wall which remains fully intact and contributes to the integrity and completeness of the listed building. Despite the reduction in the proposed opening through amended plans, it is considered that the removal and lowering of any part of this curtilage listed wall would result in harm to its integrity, character and appearance and the setting, of the grade II listed building.

Paragraph 193 of the National Planning Policy Framework (2019) states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

In this case, the removal of, and lowering of sections of the wall is considered to result in less than substantial harm to the principal heritage asset. As a result, the National Planning Policy Framework (NPPF) 2019 paragraph 196 requires the harm to be outweighed by the public benefits of the proposal. The applicant has identified that there may be some public benefit through the removal of vehicles at a ‘pinch point’ in the highway along Main Street, and that with vehicles no longer parked to the front of the property, the principal elevation of the grade II listed building would be visible to the public. Notwithstanding the fact that there is nothing in place to prevent other vehicles parking in front of the property which would remove both of the public benefits identified, the Local Planning Authority do not consider that the suggested public benefit is significant and consequently will not outweigh the harm caused through the removal and lowering of the curtilage listed wall. In addition to causing harm to the listed wall, the proposal also causes harm to the setting of Fountain House and this harm compounds the imbalance between damage to the heritage asset and minimal public benefit. As a result, the proposal would be harmful to the integrity, character and appearance of the curtilage listed wall and the setting of the grade II listed building contrary to the aims of paragraph 196 of the National Planning Policy Framework (2019). A recommendation of refusal is made on this basis.

## **8.0 RECOMMENDATION**

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

The proposed removal and lowering of sections of the curtilage listed boundary wall would be harmful to its integrity, character and appearance of the wall and the setting and significance of the grade II Fountain House. Without any overriding public benefit the development would conflict with the aims of paragraph 196 of the National Planning Policy Framework (2019).

## **9.0 NOTES TO APPLICANT:**

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

This decision notice relates to the following documents:

ABDS Planning Statement (11/02/2019)

Statement of Significance and Impact (11/02/2019)

Site Location Plan – 1:1250 (11/02/2019)

Site Plan – 1:500 (11/02/2019)

ABDS 1847/01 Existing Plans and Elevations – 1:50 (11/02/2019)

Planning Design 2390-001 (Rev A) Proposed Plans and Elevations – 1:50 (25/06/2019)

Letter from Agent (10/05/2019)



## Planning Committee 16<sup>th</sup> July 2019

<b>APPLICATION NUMBER</b>		19/00501/FUL	
<b>SITE ADDRESS:</b>		Fair View, Derby Road, Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Two-storey rear extension.	
<b>CASE OFFICER</b>	Mr. Ecclestone	<b>APPLICANT</b>	Mr. Petts
<b>TOWN</b>	Wirksworth	<b>AGENT</b>	Clive Yeomans
<b>WARD MEMBERS</b>	Cllr. E. McDonagh Cllr. M. Ratcliffe Cllr. P. Slack	<b>DETERMINATION TARGET</b>	25 <sup>th</sup> June 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the proposed development in its context.

### MATERIAL PLANNING ISSUES

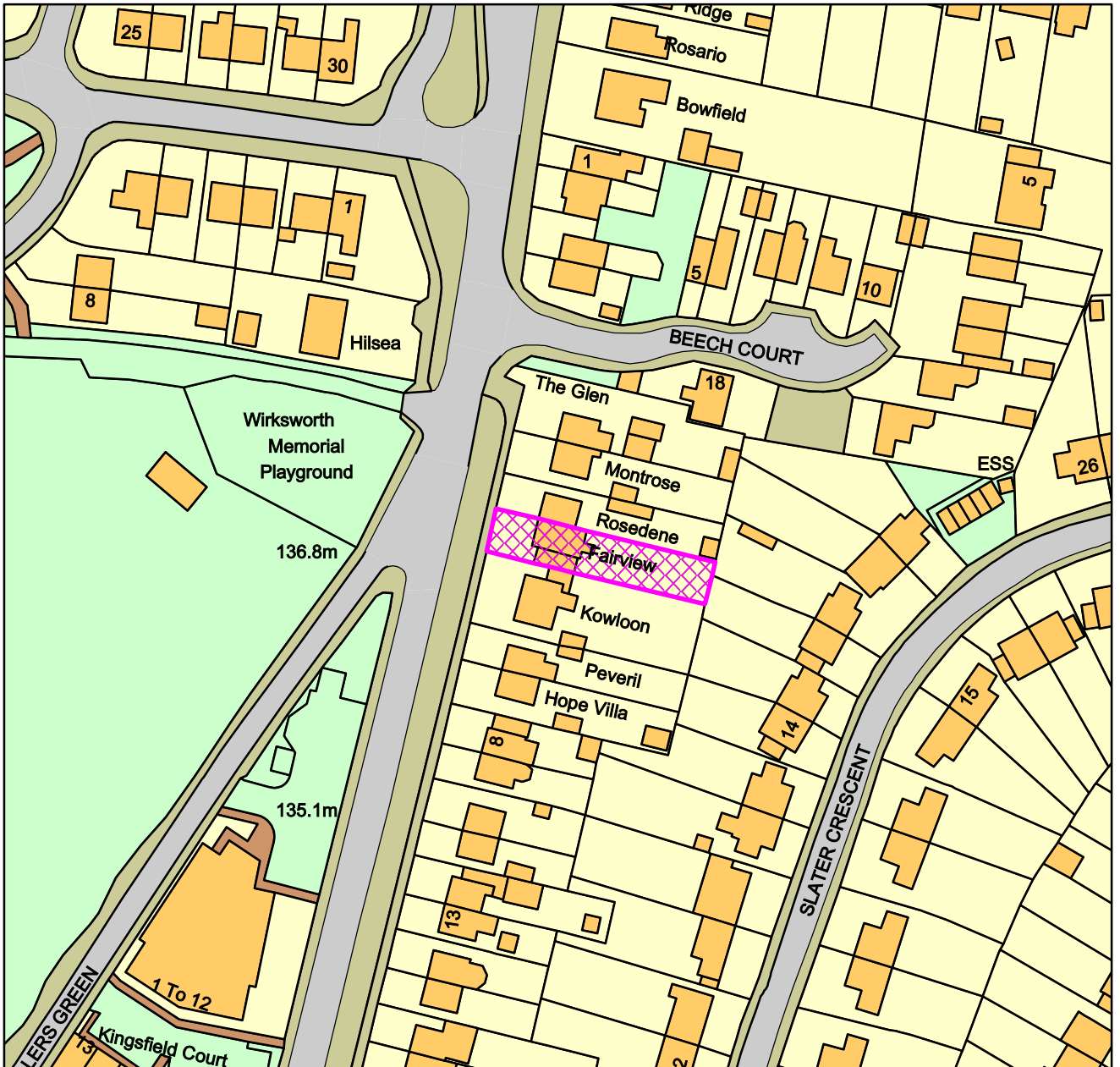
- Impact on the house
- Impact on neighbouring amenity

### RECOMMENDATION

Approval

19/00501/FUL

Fair View, Derby Road, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 05/07/2019

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



## THE SITE AND SURROUNDINGS

The application property is a semi-detached house, situated on the main road in the southern part of Wirksworth (B5023, Derby Road).



## DETAILS OF THE APPLICATION

The proposal is for a two-storey rear extension. The rear extension extends out 3m and sits up against the common boundary to the north and approximately 2.6m from the boundary to the south. The extension is brought out to a gable roof to the rear. Matching brick and render are proposed for the external materials.

## PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan (2017)

S3: Development Within Defined Settlement Boundaries

PD1: Design and Place Making

HC10: Extensions to Dwellings

National Planning Policy Framework

National Planning Practice Guidance

## RELEVANT PLANNING HISTORY

None.

## CONSULTATION RESPONSES

Town Council:

No comment.

## REPRESENTATIONS RECEIVED

Representations both supporting and objecting to this planning application have been received, which can be summarised as follows:

Support:

The application is in line with other recent developments of neighbouring and nearby properties. The proposal will improve the visual appearance of the area. Nearby residents will be affected no greater than other developments in the area. We need fellow occupants to invest in improving existing dwellings.

Object:

The proposal will break the 45 degree line and will lead to overshadowing and loss of light. Would not object however to an extension that did not affect my house and garden. Have they considered a side extension?

## **OFFICER APPRAISAL**

The main issues to assess are the impact that the proposed two-storey rear extension will have on the character and appearance of the house and also the impact that it will have on the surrounding area.

### Impact on the house

The proposed change to the property that requires planning permission is the two-storey rear extension.

The proposed two-storey rear extension will not be very visible or prominent from public view. It will be similar to the next-door-but-one neighbour 'Montrose', which was granted Planning Permission in 2017 (17/00106/FUL). It is not considered to appear disproportionate or to have an adverse impact on the character and appearance of the house.

### Impact on neighbouring amenity

The neighbouring dwelling to the north is that most affected as the separation from the property to the south largely mitigates any impact.

The neighbour to the north has a single-storey rear extension which projects to roughly the same extent as the proposal. A first-floor rear window lies close to the common boundary.

The proposed two-storey rear extension, as it is located to the south, will lead to some overshadowing and loss of light to the adjoining semi (Rosedene). Light will be lost from roof windows and the extension will also impact to some degree on light to the first-floor. Whilst some adverse impact will result, the ground-floor room to the neighbouring dwelling will retain a reasonably light outlook as it has patio doors and a window facing out onto the garden.

### Conclusion

The proposed extension is not considered to appear disproportionate or to have an adverse impact on the house. Whilst the two-storey rear extension will have some impact on neighbouring amenity, the adverse impact on amenity is not of a magnitude that refusal is justified in this case.

## **RECOMMENDATION**

Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

Reason:

Reason ST02a.

Note to applicant:

This Decision Notice relates to the following documents:

Drawings numbered 1, 2, 3 and 4, received by the Council on 30<sup>th</sup> April 2019.

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

## Planning Committee 16<sup>th</sup> July 2019

<b>APPLICATION NUMBER</b>		19/00082/REM	
<b>SITE ADDRESS:</b>		Land off Main Road, Brailsford	
<b>DESCRIPTION OF DEVELOPMENT</b>		Approval of reserved matters for the erection of 10 no. dwellings (outline permission reference 15/00043/OUT)	
<b>CASE OFFICER</b>	Mr. Andrew Stock	<b>APPLICANT</b>	Mather Jamie Ltd
<b>PARISH/TOWN</b>	Brailsford	<b>AGENT</b>	Matthew Montague Architects
<b>WARD MEMBER(S)</b>	Cllr. M Morley	<b>DETERMINATION TARGET</b>	21 <sup>st</sup> May 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To appreciate the proposal in the context of its surroundings

### MATERIAL PLANNING ISSUES

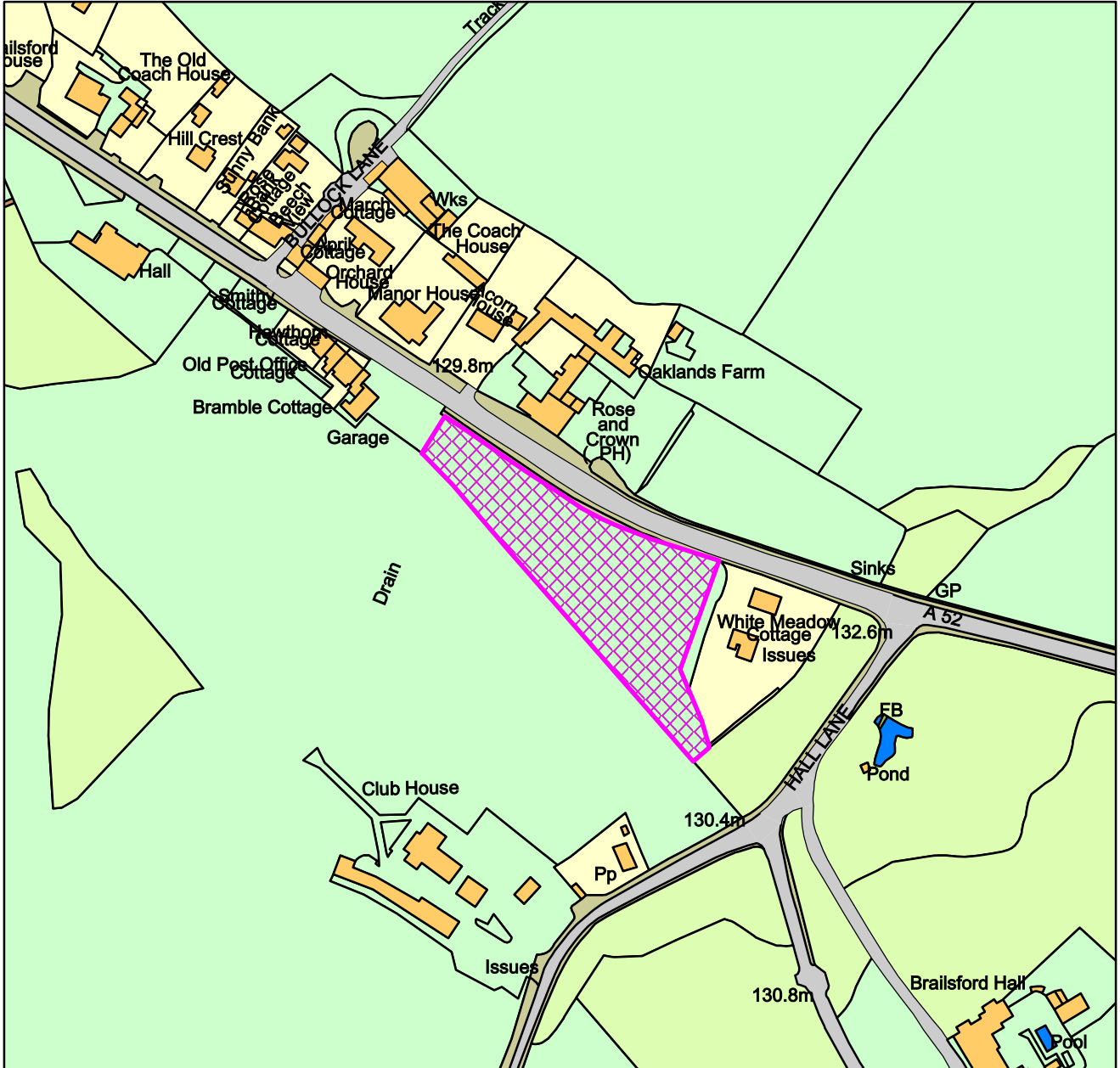
- Whether the development, in terms of its scale, layout, density, appearance, landscaping and relationship to adjacent buildings and landscape features contributes positively to the character, history and identity of the area;
- Impact on residential amenity;
- Housing mix and the level of affordable housing to be provided;
- highway impacts, and;
- Impact on the local environment, including contribution towards mitigating global warming and adapting to climate change.

### RECOMMENDATION

Approval, subject to conditions.

19/00082/REM

Main Road, Brailsford



Derbyshire Dales DC

1:2,500

Date: 05/07/2019

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 a 0.56 hectare agricultural field bordering A52 Main Road on its southern side, at the eastern approach into Brailsford village. It is bordered by the Funeral Directors premises at White Meadow Cottage to the east, golf course land to the south and a garage premises to the west, the boundary with which is the Settlement Framework Boundary of Brailsford as defined in the Adopted Derbyshire Dales Local Plan (2017). Roughly rectangular in shape but narrowing at its western end, a watercourse, which is dry for most of the year, runs along the sites southern boundary in a northwest to southeast direction. Across the A52 to the north is the Rose and Crown public house and its car park; to the pubs eastern side is a small field and to the west are dwellings.
- 1.2 The site is a fairly level parcel of grazing land enclosed by hedgerow with occasional trees, except along its eastern boundary with White Meadow Cottage along which is post and rail fencing. Access to the field is via a recessed gateway facing the Rose and Crowns car park.



## 2. DETAILS OF THE APPLICATION

- 2.1 The application seeks approval of all matters which were reserved in respect of outline application 15/00043/OUT including access, appearance, landscaping, layout and scale. A total of 10 dwellings are proposed with associated works, as illustrated on submitted revised plans date stamped 18<sup>th</sup> June 2019.
- 2.2 The application proposes the erection of 10 dwellings; including 5 two storey detached units and 2 pairs of two storey semi-detached units. The development would be accessed via single vehicular access directly off Main Road (A52).
- 2.3 Pavements will swing into the body of the site after which shared surfaces will be provided to some of the dwellings. The internal private driveway would follow the southern boundary in a north-west direction into the site and would serve Plots 4 to 10. The remaining Plots 1, 2 & 3 would be accessed directly off the new roadway. The pavement along Main Road will be widened to a full 2m width, which can be achieved without cutting into the existing

hedgerow. Pedestrian access would be provided directly of the pavement adjacent to the Main Road (A52).

- 2.4 A traditional design concept with the use of red brick and plain clay tiles is proposed throughout. Design details include the incorporation of corbelled brickwork to verges, flat roofed porch canopies, swept brick arches over windows and re-constituted stone cills.
- 2.5 The housing comprises of the following mix: -

House Type	Number	%
Three bed houses	4	40%
Four bed houses	4	40%
Five bed houses	2	20%
<b>Total</b>	<b>10</b>	

### 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
  - S2 Settlement Hierarchy
  - S3 Development With Defined Settlement Boundaries
  - S9 Rural Parishes Development Strategy
  - PD1 Design and Place Making
  - PD3 Biodiversity and the Natural Environment
  - PD5 Landscape Character
  - PD6 Trees, Hedgerows and Woodlands
  - PD8 Flood Risk Management and Water Quality
  - PD9 Pollution Control and Unstable Land
  - HC1 Location of Housing Development
  - HC4 Affordable Housing
  - HC11 Housing Mix and Types
  - HC14 Open Space, Sport and Recreation Facilities
  - HC19 Accessibility and Transport
  - HC21 Car Parking Standards
- 3.2 National Planning Policy Framework (2019)  
National Planning Practice Guidance

### 4. RELEVANT PLANNING HISTORY

15/00043/OUT Residential development (outline) GRANTED

### 5. CONSULTATION RESPONSES

- 5.1 Parish Council  
No comments received.
- 5.2 Derbyshire County Council (Highways)

Initial response:

It seems from the application as submitted the applicant intends on the initial section of access road which leads to a turning head becoming adopted. This is not an adoptable layout as submitted. The carriageway width is only 4.2m wide according to drawing No 01001. Should the applicant want the road adopting the layout should be in accordance with current design guidance - Delivering Streets and Places.

Also, swept path drawings should be submitted to illustrate how a refuse vehicle can enter the site, turn and exit in a forward gear.

Should the applicant intend of the access road remaining private, the carriageway width should be a minimum of 5m for the initial 10m.

The proposed level of emerging visibility onto the A52 is adequate, as is the proposed parking layout for the dwellings.

Second response:

No further comments received following the submission of amended plans date stamped 18<sup>th</sup> June 2019.

5.3 Environmental Health Team

No objections raised.

5.4 Derbyshire Wildlife Trust

When comparing the current layout to that approved at the outline planning stage, there appear to be few significant differences. The southern boundary hedgerow is retained in its entirety, as are the small number of boundary trees. We do not particularly support the multiple severance points in the northern hedgerow to provide footpath access as this will considerably degrade the integrity of the hedgerow. It is already being reduced from a 3 m width to 1 m width, which seems excessive and suggest 1.5 m to be more appropriate – retaining an established hedge and providing a substantial boundary feature. We do acknowledge that new garden boundaries will be formed by mixed native hedges, which is welcomed, as is the planting of native trees including fruit trees.

5.5 Derbyshire County Council (Archaeologist)

No objections raised.

5.6 Derbyshire County Council (Flood Risk Management Team)

No further comments received.

5.7 Derbyshire Dales District Council (Housing Team)

They wish to continue with the agreed off-site financial contribution.

## 6. REPRESENTATIONS RECEIVED

- 6.1 A single letter of representation has been received from the occupants of The Old Rectory, The Green, Brailsford (also acting on behalf of Action Team Brailsford) objecting to the planning application on the grounds of a validation matter. They suggest that the approval of reserved matters cannot be considered as the outline approval (15/00043/OUT) is out of time. No comment have been received with regard to the application details.

## 7. OFFICER APPRAISAL

- 7.1 This application follows the grant of outline planning permission (application ref: 15/00043/OUT) for residential development of up to 13 no. dwellings on Land south of Main Road, Brailsford at planning committee in August 2016. The decision notice was issued on the 7<sup>th</sup> March 2016 following the completion of a S106 legal agreement also dated 7<sup>th</sup> March 2016. The S106 agreement secured a contribution towards affordable housing. It was agreed that an off-site affordable housing contribution equivalent to 33% of the total housing provision will be made.

- 7.2 The principle of new residential development of up to 13 no. dwellings has been established following the approval of outline application 15/00043/OUT. Having regard to the relevant policies of the Adopted Derbyshire Dales Local Plan (2017) the main issues to assess are:
- Whether the development, in terms of its scale, layout, density, appearance, landscaping and relationship to adjacent buildings and landscape features contributes positively to the character, history and identity of the area.
  - Impact on residential amenity;
  - Housing mix and the level of affordable housing to be provided;
  - highway impacts, and;
  - Impact on the local environment, including contribution towards mitigating global warming and adapting to climate change

***Whether the development, in terms of its scale, layout, density, appearance, landscaping and relationship to adjacent buildings and landscape features contributes positively to the character, history and identity of the area***

- 7.3 Policy S3 of the Adopted Derbyshire Dales Local Plan advises that within defined settlement boundaries planning permission will be granted for development where it 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.
- 7.4 Policy PD1 of the Adopted Derbyshire Dales Local Plan 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.
- 7.5 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.6 The proposed layout illustrates the development would be accessed via single vehicular access directly off Main Road (A52) and that most of the dwellings would face towards the A52. The proposal generally follows the layout of the outline approval. A traditional design concept with the use of red brick and plain clay tiles is proposed throughout. Design details include the incorporation of corbelled brickwork to verges, flat roofed porch canopies, swept brick arches over windows and re-constituted stone cills. The principle of a traditional design approach on this edge of settlement location is considered to be acceptable.
- 7.7 Officers have engaged with the applicant in seeking improvements following initial concerns relating to the proximity of the dwellings to Main Road (A52), use of external chimney stacks, arched glass canopies, fenestration details, use of dormer windows and the adoptability of the new roadway. Following a meeting with the applicants' agent a full set of revised plans have submitted for formal consideration which look to address concerns raised by Officers and the Local Highway Authority.
- 7.8 The amended plans submitted are considered to address Officers concerns. The realignment of the dwellings closer to the Main Road (A52), which is consistent with adjacent development, the omission of external chimneys with chimneys which sit on the ridge close to the gable ends, the inclusion of flat roofed porch canopies, consistent double fronted fenestration detailing, the omission of cat-slide projections and reduction in the amount of visible dormer windows has contributed to the development responding more positively to its surroundings.



- 7.9 It is considered that the general design, scale and appearance of the dwellings in their revised form responds positively to the character of this edge of settlement location in terms of an appropriate layout and formation of detached and semi-detached properties in a linear formation front the highway. The amendments have significantly improved the scheme which look to creating a strong street scene within this prominent location along Main Road (A52).
- 7.10 The development would be partially screened in views, being set down from the roadside and behind existing vegetation along the site boundaries. Much of the existing hedgerows and trees will be retained where possible and supplemented with new native hedgerow if required. As such it is considered that the development would not have any significant adverse impact on either landscape character or visual amenity in this regard. The layout, scale and appearance of the development would satisfy the relevant provisions of the development plan and national guidance.
- 7.11 Having due regard to the sites immediate context, the scheme for 10 dwellings following the approval of up to 13 dwellings is considered to be acceptable.

### ***Impact on residential amenity***

- 7.12 Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.13 The application site is bordered by the Funeral Directors premises at White Meadow Cottage to the east, golf course land to the south and a garage premises to the west. Across the A52 to the north is the Rose and Crown public house and its car park; to the east the pub's eastern side is a small field and to the west are dwellings.
- 7.14 The closest proposed dwelling, Plot 1 would sit approximately 17m to the west of White Meadow Cottage which is closest residential dwelling. A single storey garage building would sit along the eastern boundary in southerly direction. Given the distances and orientation of the building to White Meadow Cottage it is considered any impact on light, based on the path of the sun, would not be excessive due to its setting in the west.
- 7.15 With regard to the internal layout, the siting, scale and design of the dwellings are such that they would not have an overbearing or overshadowing impact between them and would provide adequate privacy and outlook not to result in a significant loss of privacy or amenity for the future occupants of the dwellings.
- 7.16 It is acknowledged that a commercial garage premises lies adjacent to the western edge of the site, however it is considered that the type and scale of business is such that it would not have minimal environmental health impacts upon future occupations of the proposed dwellings. There are no records of contaminated land within the vicinity of the site and as such there appears to be no potential contamination risks to future occupants of the building.
- 7.17 The District Councils Environmental Health Team have raised no objection to the application.

### ***Housing mix and the level of affordable housing to be provided***

- 7.18 Policy HC4 of the Adopted Derbyshire Dales Local Plan seeks to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities.

- 7.19 When the application was considered at planning committee on the 11<sup>th</sup> August 2015 the Councils Head of Housing considered an off-site financial contribution towards the provision of affordable housing to be acceptable. This was secured by a Section 106 Obligation, dated 7<sup>th</sup> March 2016, which secured an off-site affordable housing contribution equivalent to 33% of the total housing provision only.
- 7.20 With regards to the housing mix, the principle of development was established following the approval of outline planning permission on the 7<sup>th</sup> March 2016, prior to the adoption of the current Local Plan (2017) and without any conditions relating to mix. Therefore, Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) which advises all new residential developments (both market and affordable and whether general needs or specialised) will be required to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure can only be applied in relation to the suitability of the scale, layout and appearance of the development.
- 7.21 The proposed housing mix comprises 2 five bed units, 4 four bed units and 4 three bed units. Whilst at variance with Policy HC11 having a larger percentage of 4+ bed units, when the off-site affordable housing is factored in the proposed housing mix and having due regard to the sites context, the mix is considered to be acceptable.

#### ***Highway safety impacts;***

- 7.22 The Local Highway Authority has previously commented that although the application was made in outline, with all matters reserved for subsequent approval, based upon the imposed speed limit in that location, the required visibility sightlines can be achieved from the single vehicular access from the A52, towards the eastern end of the frontage
- 7.23 It is proposed that the development would be accessed via a single vehicular access directly off Main Road (A52). Following consultation with the Local Highway Authority it is commented that the initial section of access road which leads to a turning head is not up to an adoptable layout when assessed against recently updated design guidance - Delivering Streets and Places. It is acknowledged that the proposed level of emerging visibility onto the A52 is adequate, as is the proposed parking layout for the dwellings.
- 7.24 Officers have engaged with the applicants in seeking highway improvements which has resulted in the submission of swept path drawings to illustrate how a refuse vehicle can enter the site, turn and exit in a forward gear and alterations to carriageway widths to achieve a layout to an adoptable standard.
- 7.25 No further comments have been received from the Local Highway Authority following the submission of these amended plans date stamped 18<sup>th</sup> June 2019. On the basis that a safe means of access onto the A52 can be achieved and amendments to the layout have been made to the estate roads to meet the Local Highway Authority requirements, the Local Planning Authority is satisfied that, with conditions, the development is likely to be acceptable from a highway safety perspective and to enable the estate road to be adopted. Confirmation or otherwise from the Local Highway Authority, that they are satisfied with the amendments will be presented to members at the planning committee meeting.

#### ***Impact on the local environment, including contribution towards mitigating global warming and adapting to climate change***

- 7.26 Policies contained within the Adopted Derbyshire Dales Local Plan (2017) not only seeks to ensure that development responds to local distinctiveness and sense of place, they also seek to respond positively to the challenge of climate change. Policy PD7 Adopted

Derbyshire Dales Local Plan (2017) advises in addressing the move to a low carbon future for the Derbyshire Dales, the District Council will promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits.

7.27 The application is accompanied by a Sustainability and Energy Statement which sets out various environmental criteria for the development which include;

- Incorporation of a sustainable urban drainage solution (SUDS), ensuring that surface water runoff from paved areas and roofs will be provided with sufficient capacity on site to prevent excessive surcharging to the surrounding surface water drainage system and causing potential for future flooding.
- The Usage of water for domestic use will be limited to the requirements of the Building Regulations by requirement to select efficient fittings and appliances that minimise the demand for fresh potable water.
- The building envelope will be designed and constructed to exceed the current Building regulation guidance in terms of low air permeability and high thermal insulation.
- The materials used in the construction of the houses will, as far as reasonably practicable, be sourced in an environmentally responsible way and as far as possible to have a low carbon impact over the life of the buildings. All timber and related products will be specified as being FCS marked legally harvested and treated timber from a sustainable source.
- Houses designed to comply with the Building Regulations requiring a professional SAP assessment for each dwelling. This method uses the Governments Standard Assessment Procedure for energy rating of Dwellings, SAP 2012 and is aimed at limiting the CO<sub>2</sub> emissions of dwellings.
- Houses have been designed to focus the rear roof on a southerly aspect optimising the prospect of using PV units to assist in providing an energy efficient building should residents choose to install them in future.

7.28 Having read the supporting Sustainability and Energy Statement the use of sustainable design principles, sustainable construction techniques and sustainable materials throughout the development in terms of its design, construction and materials will help minimise the effects of the new development on the environment, in accordance with Policies S1, PD1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

### ***Other matters***

7.29 The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority (LLFA) have previously advised surface water disposal schemes will need to be approved as part of the building regulations approval process in compliance with Part H of the Building Regulations 2000. This will ensure that surface water from the site is appropriately disposed of and should prevent future flooding on the site.

7.30 The proposed development has previously been assessed by Derbyshire Wildlife Trust with comments in respect to bats, newts and loss of hedgerow. A number of planning conditions were imposed to both protected retained vegetation and require compensatory hedgerow planting. Following further consultation with Derbyshire Wildlife Trust they have advised that they do not support the multiple severance points in the northern hedgerow to provide footpath access and reduction in its width, however comments that new garden boundaries will be formed by mixed native hedges, which is welcomed. The previous condition therefore still applies.

7.31 Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017) advises that new residential development of 11 dwellings or more to provide should provide or contribute towards public open space and sports facilities in line with the Derbyshire Dales local open space and recreation provision standards. The proposed development would fall short of the threshold of 11 dwelling or more and therefore does not apply to this reserved matters application. However, a financial contribution towards off-site improvements to local play provision within the locality has already been secured by a Section 106 Obligation, dated 7<sup>th</sup> March 2016, following outline approval.

### **Conclusion**

7.32 Subject to confirmation being received from the Local Highway Authority that the amendments to the estate road layout are acceptable ahead of committee consideration on the 16<sup>th</sup> July 2019 the Local Planning Authority are satisfied that the development would comply with the relevant provisions of the development plan and a recommendation of approval is put forward on this basis.

## **8. RECOMMENDATION**

That the Approval of Reserved Matters application be granted subject to the following conditions:

1. The development shall be carried out in accordance with the additional information and plans and amended plans received on 18<sup>th</sup> June 2019 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S3 and HC1 of the Adopted Derbyshire Dales Local Plan (2017).

2. Samples of all materials to be used for the facing materials of the dwellings and garages site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the use of appropriate materials and a satisfactory external appearance of the development in accordance with the aims of Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to installation, details of the windows and doors (inc treatment and/or colour) shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the submitted plan MRB-MMA-Z1-ZZ-DR-A-02002, the roof above the garage shall not incorporate a dormer window. Revised details prior to construction shall

be submitted to and approved in writing by the Local Planning Authority. The revised roof design shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To preserve the appearance of the dwelling and to protect the amenity of neighbouring properties in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. All soft and hard landscaping comprised in the approved details of landscaping (Plan AW0032-LSC-PL-001, date stamped 20<sup>th</sup> June 2019 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:

In the interests of preserving the character and appearance of the area in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. Notwithstanding the approved soft landscaping scheme details of all boundary treatments to the site (inc gates) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017)

8. The submitted Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) shall be carried out in accordance with the submitted details prior to any works on site or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity in accordance with Policies S3, PD5 and PD6 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:

Plan - MRB-MMA-ZA-ZZ-DR-A-01001, date stamped 18<sup>th</sup> June 2019

Plan - MRB-MMA-ZA-ZZ-DR-A-02002, date stamped 18<sup>th</sup> June 2019

Plan - MRB-MMA-ZA-ZZ-DR-A-02000, date stamped 18<sup>th</sup> June 2019

Plan - MRB-MMA-ZA-ZZ-DR-A-02001, date stamped 18<sup>th</sup> June 2019

Plan - MRB-MMA-ZA-ZZ-DR-A-02003, date stamped 18<sup>th</sup> June 2019

Plan - MRB-MMA-ZA-ZZ-DR-A-02004, date stamped 18<sup>th</sup> June 2019

Landscape Proposal - AW0032-LSC-PL-001, date stamped 20<sup>th</sup> June 2019

Arboricultural Method Statement prepared by Braemar Arboricultural Limited

Flood Risk Assessment prepared by Lumax

Design & Access Statement prepared by Matthew Montague Architects

Sustainability and Energy Statement prepared by Matthew Montague Architects

## 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/17/00094	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	Notice Issued
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/18/00137	Erection of salon building in rear garden	91 Park Avenue Ashbourne Derbyshire DE6 1GB	Pending Consideration
ENF/19/00016	Installation of artificial grass to steps, neon internal signage and spotlights to Grade II Listed Building	5 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/19/00028	Replacement fascia and hanging sign and repainting of shop front	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Pending Consideration
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/19/00088	Signage scheme to Grade II Listed Building	Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP	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/18/00092	Holiday homes being used as permanent residences	Peak Gateway Leisure Club Osmaston Derbyshire DE6 1NA	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	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	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	Notice Issued
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 Conditions 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 - by failing to provide obscure glazing in the rear 1st floor east elevation windows of plots 4 and 5.	Former R Silcock Clothing Manufacturers Derby Road Ashbourne Derbyshire DE6 1BE	Notice Issued
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
ENF/19/00007	Removal of Bin on development site (related planning application 14/00722/FUL)	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Pending Consideration
ENF/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration
ENF/19/00046	Breach of Condition 4 (working hours) of planning permission 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration



## Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/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	Pending Consideration
ENF/18/00129	Breach of conditions 2 (opening times) and 3 (number of customers) of planning permission 17/00540/FUL	The Spruces Main Road Brailsford Derbyshire DE6 3DA	Pending Consideration
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/18/00193	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
ENF/19/00043	Breach of Condition 7 (Working Hours) of planning permission 18/00711/REM	Land At Luke Lane / Mercaston Lane Brailsford Derbyshire	Pending Consideration
ENF/19/00056	Engineering works	Ednaston Park Painters Lane Ednaston Derbyshire DE6 3FA	Pending Consideration
ENF/19/00062	Creation of new fishing lake	Birch House Fishing Lake Derby Lane Ednaston Derbyshire	Pending Consideration
ENF/19/00063	Unauthorised building of hay store. Building in different location to that approved under 16/00946/AGR.	Land North Of Willow Croft New Road Mercaston Derbyshire	Pending Consideration
ENF/19/00095	Has access road been built to correct width and planting on verge (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Pending Consideration

## Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	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.	Turlov Fields Farm Turlovfields 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/18/00105	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	Notice Issued
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/18/00196	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
ENF/19/00021	Breach of conditions 3-4 of planning permission 15/00894/FUL, Erection of 4 garages, boundary wall and gates	Home Farm Main Street Hopton Derbyshire	Pending Consideration
ENF/19/00066	Breach of Condition 2 (Time Limit for siting of chalet) of planning permission 13/00158/EXF	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Notice Issued
ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration

ENF/19/00089	Creation of dog play park	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Pending Consideration
ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	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
ENF/19/00065	Erection of solar panel array on boundary	8 Cross Side Clifton Derbyshire DE6 2GJ	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	Notice Issued
ENF/18/00070	Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees	Land Off Morledge Bakewell Road Matlock Derbyshire	Pending Consideration
ENF/18/00086	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/18/00160	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/19/00031	Garage not being built in accordance with plans (related application 18/00457/CLPUD) and agricultural building with office and rest area above being used as ancillary accommodation (related application 18/00104/FUL)	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
ENF/19/00068	Dwelling not being built in accordance with planning permission 17/00809/FUL	Rear Of Sunnyside Terrace Farley Hill Matlock Derbyshire	Pending Consideration
ENF/19/00097	Siting of a marquee and untidy land	The Plough Inn Wheatley Road Two Dales Derbyshire DE4 2FF	Pending Consideration
ENF/19/00102	Continued siting of mobile home (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	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
ENF/19/00073	Siting of 40+ containers for rental	Ash Tree Farm Spend Lane Sandybrook Ashbourne Derbyshire DE6 2AR	Pending Consideration

## Doveridge And Sudbury

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/19/00017	Unauthorised commencement of development prior to correctly discharging planning conditions relating to planning permissions 15/00389/OUT - residential development of upto 70 dwellings and 18/00891/REM - Approval of reserved matters for the erection of 62 dwellings- Land East of Bakers Lane, Doveridge	Land To The East Of Bakers Lane 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	Notice Issued
ENF/17/00064	Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton	Caravan At Valley View Broad Way Kirk Ireton Derbyshire	Pending Consideration
ENF/17/00109	Use as a collection point for County Council vehicles	Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Pending Consideration
ENF/18/00087	Unauthorised building works. Buildings not in accordance with approved plans - 17/00309/FUL - Erection of 2 no. dwellings	The Smithy Main Road Hulland Ward Derbyshire DE6 3EF	Pending Consideration
ENF/18/00110	Breach of Condition 3 (Lighting Details) and Condition 5 (Restricted Use) of 17/00159/FUL	Common End Farm Bradley Derbyshire DE6 1PL	Pending Consideration
ENF/18/00111	Breach of Condition 9 (Events Management) of 12/00581/FUL	Land Off A517 North Of Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00112	Unauthorised use of buildings for storage of mowers in connection to an off site business	Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration

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	Timber and forestry storage in yard area and planting of trees	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	Pending Consideration
ENF/19/00048	Breach of Condition 3 (building to be incidental/ connected to existing farmhouse) of planning permission 15/00538/FUL	Outbuilding At Blackbrook Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
ENF/19/00069	Dependent relative accommodation not being built in accordance with planning permission 17/00661/FUL - Installation of skylight	Penfold Lodge Penfold Farm Hulland Village Derbyshire DE6 3EQ	Pending Consideration
ENF/19/00077	Siting of 2no. shipping containers	Penfold Farm Hulland Village Derbyshire DE6 3EQ	Notice Issued
ENF/19/00093	Use of outbuilding as a dwelling	Mukkibruk Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration

ENF/19/00105	Works to Apple Store building - Installation of flue and use of log burner and erection of timber shelter.	Land To The East Of Innisfree Nether Lane Biggin Ashbourne Derbyshire	Pending Consideration
ENF/19/00106	Unauthorised engineering works including the creation and extension of a new access, the re-surfacing of an access track and the excavation of new footings around the existing hay barn, on land opposite Hullah Grange, Upper Lane, Hullah Ward.	Land Opposite Hullah Grange Upper Lane Hullah Ward Derbyshire DE6 3EH	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/16/00097	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/17/00147	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/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/18/00136	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/18/00210	Erection of terraces to provide seating area	The Tors Cafe Derby Road Cromford Derbyshire DE4 3RP	Pending Consideration
ENF/19/00014	Erection of advertisement hoardings	Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/19/00019	Unauthorised painting of shop front (Article 4), and erection of external hanging lights	Gifts Galore 40 - 42 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/19/00037	Formation of raised platform and associated retaining walls	21 Castle View Drive Cromford Derbyshire DE4 3RL	Pending Consideration
ENF/19/00038	External re-painting of premises and change of use to A3 use (Cafes and Restaurants)	192 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00070	Installation of chimney	The Barn Bonsall Lane Bonsall Derbyshire DE4 2AT	Pending Consideration
ENF/19/00071	Display of flag advertisements	Surf Shack 20 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/19/00076	Use of flat above public house as a holiday let accommodation	Barley Mow The Dale Bonsall Derbyshire DE4 2AY	Pending Consideration
ENF/19/00084	Tipping of limestone chippings on former tennis court at The Rock House, Cromford.	The Mews Derby Road Cromford Derbyshire DE4 3RP	Notice Issued
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00087	Installation of new fascia signage	16 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/19/00098	Demolition of wall	15 Alabaster Lane Cromford Derbyshire DE4 3QJ	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
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ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
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/18/00183	Shared driveway being used for storage in association with a business	Land Between 23 & 27 Cavendish Road Matlock Derbyshire	Pending Consideration
ENF/18/00225	Operation of a brewery	South Barn Wolds Farm Cavendish Road Matlock Derbyshire	Pending Consideration
ENF/19/00044	Erection of verrandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00078	Use of premises as therapeutic centre	The Old Sunday School Bank Road Matlock Derbyshire DE4 3GL	Pending Consideration
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued

## Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	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/18/00063	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/18/00093	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/18/00099	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/18/00162	Unauthorised tipping of materials/stone	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Notice Issued
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	Notice Issued
ENF/18/00213	Erection of front porch	7 The Rocks Tansley Derbyshire DE4 5ES	Pending Consideration
ENF/19/00003	Landscaping works	Land South West Of 116 Church Street Matlock Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00011	Erection of lighting on premises	Matlock Gurkha Inn Alfreton Road The Cliff Tansley Derbyshire DE4 5FY	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Pending Consideration
ENF/19/00026	Increased size of residential curtilage and installation of septic tank (plot 2 of approved planning permission 16/00779/FUL)	High View 13 Oak Tree Gardens Tansley Derbyshire DE4 5WA	Pending Consideration
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00041	Garage building being used as a dwelling	Three Lane Ends Whitelea Lane Tansley Derbyshire	Notice Issued

ENF/19/00050	Unauthorised use of residential outbuilding	Kubong-Sa High Tor Road Matlock Derbyshire DE4 3DG	Notice Issued
ENF/19/00080	Engineering works and changes to land levels	64 Tor Rise Matlock Derbyshire DE4 3DL	Pending Consideration
ENF/19/00083	Excavation works and removal of trees	Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ	Pending Consideration
ENF/19/00099	Removal of dry stone wall and creation of paths at Bull Lane in connection to residential development approved under 14/00089/OUT, 17/00025/REM and 18/01297/FUL	Land At Asker Lane Matlock Derbyshire	Pending Consideration
ENF/19/00101	Breach of Condition 11 (hedgerows, trees and brambles removal restrictions) of planning permission 16/00941/OUT	Land At Pump Close Matlock Derbyshire	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/17/00137	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	Notice Issued
ENF/18/00218	Use of area of hard standing	Marston Brook Farm Barway Marston Montgomery Derbyshire ST14 5BT	Pending Consideration
ENF/19/00024	Breach of conditions 2 (bat activity surveys) and 3 (mitigation plan) of planning permission 17/01023/FUL	Marston Park Farm Cubley Lane Marston Montgomery Derbyshire DE6 2FG	Pending Consideration

ENF/19/00030	Garage being used for business purposes as a joinery workshop	Doverdale House Audishaw Lane Boylestone Derbyshire DE6 5AE	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Pending Consideration
ENF/19/00060	Breach of Condition 21 (Great Crested Newt mitigation and monitoring) of planning permission 16/00587/FUL	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Pending Consideration
ENF/19/00064	Unauthorised addition of second flue pipe protruding from roof slope.	Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD	Pending Consideration
ENF/19/00079	Breach of condition 11 of planning permission 16/00587/FUL - No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Pending Consideration
ENF/19/00081	Formation of pond/ lake and installation of ground sourced heating to site	Woodhay Farm Marston Common Marston Montgomery Derbyshire DE6 2EJ	Pending Consideration
ENF/19/00107	Breach of condition 2 (use restriction) of planning permission 18/00807/FUL - Use of workshop/ store building for HGV repairs	Woolliscroft (Garage Services) Former Abattoir Green Lane Norbury Derbyshire DE6 2EL	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
ENF/19/00018	Creation of soil platform	Land Adjacent Rowsley Bar Farm Chesterfield Road Rowsley Derbyshire	Pending Consideration

## Winster And South Darley

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
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## 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/17/00154	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/18/00204	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
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/19/00005	Unfinished Wall	Land Opposite 86 Greenhill Wirksworth Derbyshire	Pending Consideration
ENF/19/00010	Unauthorised replacement window - The Gate House	3 Gate House Gatehouse Drive Wirksworth Derbyshire DE4 4DL	Pending Consideration
ENF/19/00020	Alterations to balcony	Farthing House Greenhill Wirksworth Derbyshire DE4 4EN	Pending Consideration
ENF/19/00029	Internal works to listed building	4 St John Street Wirksworth Derbyshire DE4 4DR	Pending Consideration
ENF/19/00036	Formation of raised deck and incorporation of land into domestic curtilage	14 Water Lane Middleton By Wirksworth Derbyshire DE4 4LY	Pending Consideration
ENF/19/00059	Siting of a static caravan	Land To East Of Kings Lot Wood Longway Bank Whatstandwell Derbyshire	Notice Issued
ENF/19/00072	Rear timber window to rear replaced with UPVC window	9 Baileycroft Mews Cemetery Lane Wirksworth Derbyshire DE4 4FZ	Pending Consideration
ENF/19/00074	Erection of 2m high boundary fence	The Old Tape Works Speedwell Mill Millers Green Wirksworth Derbyshire DE4 4BL	Pending Consideration
ENF/19/00075	Unauthorised change of use of agricultural land for the erection of a timber cabin/caravan for use as a dwelling, on land to The West Of Millers Green Farm, Callow Lane, Wiksworth.	Farm Buildings To The West Of Millers Green Farm Callow Lane Wirksworth Derbyshire	Notice Issued
ENF/19/00092	Untidy Land	High Peak Trail Near Intake Quarry (Disused) Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/19/00094	Garage approved under planning permission 18/00591/FUL not being built accordance with plans (garage location)	Preservation House Speedwell Mill Millers Green Wirksworth Derbyshire DE4 4BL	Pending Consideration
ENF/19/00104	Internal works to Grade II Listed Building	16 North End Wirksworth Derbyshire DE4 4FG	Pending Consideration

**Total Open Cases**

**218**

# Enforcement Investigations Closed

In the 6 Months Prior to 05/07/2019



## Ashbourne North

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	Justification from Officer	25/03/2019
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	Complied Voluntarily	24/05/2019
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	Justification from Officer	12/03/2019
ENF/18/00205	Installation of projecting coffee cup and beans to front window	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Complied Voluntarily	11/02/2019

## Ashbourne South

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	Justification from Officer	21/01/2019
ENF/18/00120	Soil Dust from Development site - Breach of Condition 3 of 15/00319/OUT and Condition 7 of 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Justification from Officer	21/01/2019
ENF/18/00150	Vibration caused by construction of development 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Justification from Officer	21/01/2019

## Brailsford

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	Planning Application Received	09/01/2019
ENF/18/00185	Erection of sign and car park barrier	Ednaston Park Painters Lane Ednaston Derbyshire DE6 3FA	Planning Application Received	08/05/2019

## Carsington Water

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	Complied Voluntarily	01/04/2019
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ENF/18/00016	Unauthorised demolition/conversion of barn.	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Complied Voluntarily	05/04/2019
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	Planning Application Received	25/03/2019
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	Planning Application Received	26/03/2019

## Clifton And Bradley

ENF/19/00055	Land clearance works including felling of trees and works to hedgerow	Land At Wyaston Road Ashbourne Derbyshire	Justification from Officer	29/04/2019
ENF/19/00061	Unauthorised erection of satellite antenna on front elevation of curtilage listed building - The Malthouse, Bradley Pastures, Ashbourne, Derbyshire, DE6 1PL	Malthouse Belper Road Bradley Derbyshire DE6 1LP	Complied Voluntarily	27/06/2019

## Darley Dale

ENF/18/00135	Garage not being built in accordance with 18/00457/CLPUD	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Justification from Officer	25/03/2019
ENF/19/00009	Formation of a equestrian menage and engineering works being carried out to rear of property	Morfu Farley Hill Matlock Derbyshire DE4 5LT	Justification from Officer	03/06/2019
ENF/19/00054	Alleged change of use of land. Corner of Dale Road and Moorledge	158 Bakewell Road Matlock Derbyshire DE4 3AZ	Complaint Unfounded	19/03/2019
ENF/19/00103	Increased traffic to site outside of approved opening/ delivery and despatch hours	Molyneux Business Park Whitworth Road Darley Dale Derbyshire	Justification from Officer	24/06/2019

## Doveridge And Sudbury

ENF/18/00029	Erection of Porch	17 West Drive Doveridge Derbyshire DE6 5NG	Justification from Officer	07/05/2019
ENF/18/00037	Change of Use of shop / dwelling to Nursery (Use Class D1)	31A High Street Doveridge Derbyshire DE6 5NA	Planning Application Received	05/03/2019
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	Complied Voluntarily	04/04/2019
ENF/19/00052	Erection of summerhouse	3/ 3A Alms Road Doveridge Derbyshire DE6 5JZ	Justification from Officer	15/03/2019

## Hulland

ENF/19/00039	Breach of conditions' relating to planning permission 16/00832/OUT - Outline application for residential development and associated access. And 18/01237/REM - Approval of reserved matters for the erection of 22 dwellings (outline application 16/00832/OUT)	Land East Of Les Ardennes Hulland Ward Derbyshire DE6 3EE	Complied Voluntarily	26/03/2019
ENF/19/00051	Use of extension as seperate dwellinghouse	The Cottage Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	Complied Voluntarily	07/05/2019
ENF/19/00058	Breach of conditions 3 (permitted development rights restriction) and 7 (unobstructed parking and manoeuvring) of planning permission 01/04/0296	Buxton Hall Cottage And Hazel Cottage Main Street Kirk Ireton Derbyshire DE6 3JP	Complaint Unfounded	04/06/2019

## Masson

ENF/16/00041	Unauthorised installation of plastic windows and door.	2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS	Notice complied with	22/01/2019
ENF/17/00061	Unauthorised works to a Listed Building	RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS	Complied Voluntarily	06/06/2019
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	Justification from Officer	25/03/2019
ENF/18/00182	Unauthorised painting of a listed building	Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS	Planning Application Received	06/06/2019
ENF/18/00188	Unauthorised painting on the "Boat Inn" at Cromford	Boat Inn Scarthin Cromford Derbyshire DE4 3QF	Complied Voluntarily	31/01/2019
ENF/18/00211	Unauthorised building of 3 bay lambing shed on land at Woodseats Farm, Cromford	Woodseats Farm Willersley Lane Cromford Derbyshire DE4 5JG	Planning Application Received	18/04/2019
ENF/19/00012	Breach of condition 6 (opening hours) of planning application 11/00504/FUL	Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU	Justification from Officer	29/04/2019

## Matlock All Saints

ENF/17/00043	Engineering operations to create a raised patio area.	161 Smedley Street Matlock Derbyshire DE4 3JG	Justification from Officer	09/01/2019
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	Justification from Officer	14/01/2019

ENF/18/00223	Boundary Dispute	Wellfield Cottage Rutland Street Matlock Derbyshire DE4 3GN	Justification from Officer	15/02/2019
ENF/19/00022	Alleged unauthorised building works to rear of 13 Jackson Road	Gaymer Cottage 13 Jackson Road Matlock Derbyshire DE4 3JQ	Complaint Unfounded	28/01/2019

## Matlock St Giles

ENF/16/00053	Unauthorised access off Riber Road.	Brookdale Riber Road Lea Derbyshire DE4 5JQ	Notice complied with	25/03/2019
ENF/18/00044	Breach of condition 7 of planning permission 15/00566/FUL	Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire	Complied Voluntarily	14/01/2019
ENF/18/00080	Alleged unauthorised building works at 44 The Knoll, Tansley	44 The Knoll Tansley Derbyshire DE4 5FN	Justification from Officer	05/03/2019
ENF/18/00097	Erection of unauthorised retaining wall	Land East Of Chesterfield Road / South Of Quarry Lane Matlock Derbyshire	Complied Voluntarily	10/05/2019
ENF/18/00146	Unauthorised extensions to Public House	Gate Inn The Knoll Tansley Derbyshire DE4 5FN	Planning Application Received	24/04/2019
ENF/19/00032	Scraping off top layer of land at West Yard, Tansley and unauthorised creation of another access onto Thatchers Lane.	Land Off Thatchers Croft Thatchers Lane Tansley Derbyshire	Justification from Officer	12/06/2019
ENF/19/00033	Engineering works - Scraping off top layer of land at West Yard, Tansley and unauthorised creation of another access onto Thatchers Lane.	Land Off Thatchers Croft Thatchers Lane Tansley Derbyshire	Justification from Officer	12/06/2019
ENF/19/00042	Ground clearance/ engineering works including the felling of trees	Land To The Rear Of 225 Starkholmes Road Matlock Derbyshire	Complaint Unfounded	01/03/2019

## Norbury

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	Complied Voluntarily	26/03/2019
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	Complied Voluntarily	20/02/2019
ENF/19/00090	Trailers parked blocking the southern entrance and overgrown headrow blocking the northern stile	Land To The South Of West View Shields Lane Roston Derbyshire	Complaint Unfounded	04/06/2019

## Winster And South Darley

ENF/18/00122	Unauthorised erection of garage	Stags House 35 Main Road Darley Bridge Derbyshire DE4 2JY	Planning Application Received	07/03/2019
ENF/19/00047	Breach of Condition 14 of planning permission 17/00732/FUL (Construction work hours)	9 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW	Complied Voluntarily	27/03/2019
ENF/19/00100	Two storey side and rear extensions at 15 Eversleigh Rise, Darley Bridge (application reference 18/00825/FUL) - Has development been built in accordance with the approved plans	Box House 15 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW	Complaint Unfounded	21/06/2019

## Wirksworth

ENF/17/00140	Unauthorised building works to raise the height of building approved under 16/00536/FUL	5 Cromford Road Wirksworth Derbyshire DE4 4FH	Not in the Public interest to pursue	14/01/2019
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	Planning Application Received	07/02/2019
ENF/18/00157	Erection of decking area	Flats At Mountain View The Croft Greenhill Wirksworth Derbyshire DE4 4EN	Complied Voluntarily	24/01/2019
ENF/19/00023	Alleged change of use of dwelling to commercial scaffolding store.	The Old Police Station Oat Hill Wirksworth Derbyshire DE4 3AQ	Complaint Unfounded	31/01/2019
ENF/19/00035	Erection of fence between driveways	4 Willows Terrace Cromford Road Wirksworth Derbyshire DE4 4JF	Justification from Officer	12/03/2019
ENF/19/00053	Alleged unauthorised change of use of land and works being carried out without planning permission	Land Adjacent Middleton Road Wirksworth Derbyshire	Complaint Unfounded	18/03/2019
ENF/19/00057	Erection of fence to front between properties	7 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Complied Voluntarily	24/05/2019

**Total Closed Cases** **58**

**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 16<sup>th</sup> July 2019

**PLANNING APPEAL – PROGRESS REPORT**

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
18/00696/FUL	Norman House, Painters Lane, Brailsford	WR	Appeal being processed
18/00286/FUL	Land to the rear of "Whiteleas", Oaksedge Road, Tansley	WR	Appeal allowed - copy of appeal decision attached
18/00883/FUL	Keepers Field, Bullhill Lane, Hillcliff Lane, Turnditch	IF	Appeal allowed - copy of appeal decision attached
18/00859/FUL	1 Union Street, Ashbourne	WR	Appeal being processed
18/00801/FUL	Round Oak Farm, Slade Lane, Mercaston	WR	Appeal being processed
18/00675/FUL	Land adjacent to Hulland House, Smith Hall Lane, Hulland Ward	WR	Appeal being processed
18/01433/FUL	Newlands Farm, Longford, Ashbourne	WR	Appeal being processed
19/00086/FUL	Land Between 1 - 2 Beresford Avenue Ashbourne	WR	Appeal being processed
19/00042/LBALT	Barn At Waldley Manor Waldley Lane Waldley	WR	Appeal being processed
19/00031/OUT	1 Park Avenue, Ashbourne	WR	Appeal being processed
18/01345/FUL	Agricultural Land off Kniveton Lane, Offcote	WR	Appeal being processed

19/00129/FUL	The Firs, Rodsley Lane, Yeaveley, Ashbourne	HOUSE	Appeal being processed
Central			
18/00547/REM	North Park Farm, Whitworth Road, Darley Dale	WR	Appeal being processed
18/00922/FUL	Matlock Ford, 31-33 Causeway Lane, Matlock	PI	Appeal withdrawn
17/00125/FUL	Red Lion Hotel, Market Place, Wirksworth	IH	Appeal Dismissed – Appeal Decision Attached
17/00126/LBALT	Red Lion Hotel, Market Place, Wirksworth	IH	Appeal dismissed - copy of appeal decision attached
18/00838/FUL	Ox Close Farm, Carr Lane, Riber	WR	Appeal allowed - copy of appeal decision attached
19/00148/OUT	Penzer House, Dale Road South, Matlock	WR	Appeal being processed
18/01328/FUL	Bent Farm, Farley Hill, Matlock	WR	Appeal being processed
19/00168/FUL	Building to rear of Doone Cottage, Ladygrove Road, Two Dales	WR	Appeal being processed
18/00910/LBALT	Old Coach House Gatehouse Drive Wirksworth	WR	Appeal being processed
18/01011/FUL	Rock House, Derby Road, Cromford	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

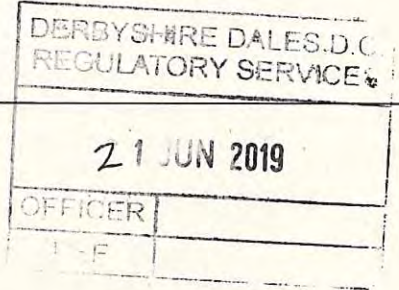
PI – Public Inquiry

LI - Local Inquiry

HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.



## Appeal Decision

Site visit made on 10 April 2019

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2019

### Appeal Ref: APP/P1045/W/18/3219122

#### Land to the rear of Whiteleas, Oaksedge Lane, Tansley, DE4 5FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs D Smith against the decision of Derbyshire Dales District Council.
- The application Ref 18/00286/FUL, dated 12 March 2018, was refused by notice dated 20 June 2018.
- The development proposed is conversion and re-use of disused stable to create 1no. 2 bedroom dwelling

### Decision

1. The appeal is allowed and planning permission is granted for conversion and re-use of disused stable to create 1no. 2 bedroom dwelling at land to the rear of Whiteleas, Oaksedge Lane, Tansley, DE4 5FQ, in accordance with the terms of the application, Ref 18/00286/FUL, dated 12 March 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 2017/05/02, 2017/05/03 and 2017/05/04.
  - 3) The external materials shall be those detailed on approved drawing number 2017/05/02 and shall thereafter be retained as such.
  - 4) Details of any new boundary treatments shall be submitted to and approved in writing by the local planning authority prior to its erection on the site.
  - 5) Prior to occupation of the dwelling, the parking spaces shall be provided in accordance with the details shown on approved drawing 2017/05/03 and shall thereafter be retained for their intended use.
  - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, including to its roof, shall be made to the dwelling hereby approved and no buildings, gates, walls or fences (other than those approved under condition 4) shall be erected within its curtilage.

### **Main Issue**

2. The main issue is whether the proposal represents a sustainable form of development in the countryside with regard to its effect upon the character and appearance of the area.

### **Reasons**

3. The appeal site comprises a modest stable block, which is constructed from breeze blocks that are externally clad with timber boards. It has a concrete tiled roof with rooflights, a concrete hardstanding to the front and an existing vehicular access to the side. It is set within a small enclosed parcel of land, which is distinctly separate from the adjacent orchard and larger open paddocks.
4. The site is set part way down a valley on a hillside that slopes upwards to the south and east. There is a log cabin located roughly opposite the site access (to the north), beyond which a new stone dwelling is under construction. The dwellings to the east are constructed from a mixture of materials including natural stone, artificial stone and render beneath slate, clay and concrete roof tiles. Large modern agricultural buildings are located to the south east of the site. The upper part of the building is visible in long distance views from Whitelea Lane, where it is seen in context with other sporadically located dwellings, stables and farm buildings. The curtilage of the stable building is not visible outside of the site.
5. Although the site is located close to the village and its associated facilities, I am advised that it lies outside of the defined settlement limits for Tansley and thus, in planning policy terms, it is considered to be in the open countryside. Neither party has provided me with a plan identifying the location of the settlement boundary. However the Council's report confirms the site abuts this.
6. Policy S4 of the Derbyshire Dales Local Plan (DDLPL) relates to development in the countryside and states that planning permission will be granted for, amongst other things, the conversion and re-use of buildings for residential purposes, subject to compliance with Policy H8. Policy H8 of the DDLPL permits the conversion of buildings outside of development limits to residential use subject to four criteria.
7. It is not disputed by the Council that the building is of permanent and substantial construction or that it could be converted without extensive alteration, re-building or extension in accordance with criteria a and c of Policy H8. Criteria b and d of Policy H8 require that the building to be converted makes a positive contribution to the area and that its conversion would not be detrimental to either the character and appearance of the building or to its surroundings.
8. The building to be converted is modest in scale and simple in terms of its design and materials. Its appearance is typical of a rural stable block, which is what it was designed to be and as such it sits comfortably within its rural surroundings. I acknowledge that the building is not of any historic or architectural merit, which is not a policy requirement for residential conversions, and that it does not necessarily make a positive contribution to



the character and appearance of the area. However, nor do I consider that the building has a negative impact on the area. It is in fact very neutral.

9. The works required to convert the building would be minimal. One new window opening would be created in the western elevation, windows and doors would be replaced in existing openings and some internal alterations would be made. Externally there is already a small area of hardstanding, a grassed area enclosed by timber post and rail fencing, a few small trees, a small pond and an access drive. Whilst the grass may be kept shorter and the building and driveway tidied up the proposal would not lead to domestic encroachment into the open countryside and would not be detrimental to its character and appearance.
10. I therefore conclude that although there would be some conflict with the development plan, in terms of the building not making a positive contribution to the appearance of the area, the proposal does not involve any extensions and the minimal external alterations would retain the rural appearance of the building. As such the development would not result in any harm to the rural character and appearance of the countryside and would comply with the general spirit of national and local policies aimed at making efficient use of previously developed land and buildings.
11. Based on the above reasons, I have found no conflict with Policy S1 of the DDLP, which seeks to achieve sustainable development by, amongst other things, making efficient and effective use of previously developed land and buildings or with Policy PD1, which requires new development to be well designed and socially integrated. I am also mindful of the fact that the national planning policy framework (the Framework) is generally supportive of residential conversions in the countryside.
12. Despite the site being located outside of the village development limit, I observed on my site visit that there is a public house and restaurant within a 2 minute walk of the site and other facilities including a playground, bus stops, a church offering a weekly post office service, a village hall offering various classes, a playing field and a pavilion within a 5 minute walk. As such I do not consider that the site is isolated from other dwellings or from local services and facilities. Furthermore a new dwelling in this location would make a modest contribution towards supporting local services within the village and other nearby settlements.
13. On balance, given the neutral impact of the building and the absence of any harm to the character and appearance of the area, I consider that the benefits of providing a new rural dwelling, within an existing building, in an accessible location would outweigh the partial conflict with Policy H8 of the DDLP.

### **Other Matters**

14. Reference has been made to a Supplementary Planning Document, which provides design guidance in relation to the conversion of farm buildings. As the building to be converted is not a farm building I have not had regard to this document in reaching my decision.
15. I have also been referred to an appeal decision<sup>1</sup> relating to a similar proposal albeit in the Green Belt and in a different local authority area. As the main

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<sup>1</sup> APP/N3020/W/15/3153884

issues and the local plan policies were different in that case I have given that decision very little weight and have determined this appeal on its own merits. I have also given very little weight to the appellants suggestion that the proposal would improve the appearance of the site as the Council have other powers to address untidy and/or the unauthorised use of land.

16. I have considered the representations made by the Parish Council and local residents but agree with the main parties that the issues raised, which relate mainly to the access, would not justify withholding planning permission.

### **Conditions**

17. The Council has suggested nine conditions, which I have considered against the advice set out in the Framework and the Planning Practice Guidance (PPG). I have imposed condition 1, which confirms the standard time limit in which the development should be commenced. Suggested conditions 2, 3 and 4 relate to materials and finishes. The window and door materials are shown in sufficient detail on the drawings. I have conditioned these drawings and the materials shown on them to provide certainty as to what has been approved. As painting and staining is not development, I do not consider suggested condition 3 to be reasonable or necessary. The existing black UPVC rainwater goods and flue on the building do not appear to be in need of replacement or repair and a condition to control these minor details is not considered necessary.
18. A condition confirming that the permission relates to a conversion and not a replacement is unnecessary. It is clear what has been applied for and what has been approved.
19. Given that the proposal relates to the conversion of an existing building, with no extensions and minimal external alterations I do not consider that any existing landscaping would be harmed during the course of the development or that any further landscaping would be required.
20. The PPG is clear that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. In this case, the scope for extensions and outbuildings would be limited given that, in my view, the rear elevation would be that which abuts the access road and the only garden is to the front of the building. However, given the nature of the existing building and its location, I agree that even a relatively small extension to the side or to the roof could be detrimental to the character and appearance of the area and as such, whilst I am not suggesting the building could never be extended or altered, I consider it reasonable and necessary to ensure that any future changes are subject to the control of the local planning authority. For the avoidance of doubt, I have also removed permitted development rights for curtilage buildings.
21. The site is currently bound by timber post and rail fencing, which retains the open and rural character of the area. Alternative forms of enclosure may overly domesticate the appearance of the site and as such I consider it reasonable to impose a condition requiring any new or replacement boundary walls, fences or gates to be approved by the Council prior to their erection.
22. Finally, I have imposed a condition to ensure that appropriate parking space is provided on site, prior to occupation of the new use, and is thereafter retained

in order to prevent any obstruction of the access track, which appears to be shared by other users.

**Conclusion**

23. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be allowed.

*Rachael Bartlett*

INSPECTOR





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## Appeal Decision

Hearing held on 22 May 2019

Site Visit made on 22 May 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> June 2019

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Appeal Ref: APP/P1045/W/18/3213623

Keepers Field, Bullhill Lane, Ireton Wood, Derbyshire DE56 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Goodwin against the decision of Derbyshire Dales District Council.
  - The application Ref 18/00833/FUL, dated 31 July 2018, was refused by notice dated 26 September 2018.
  - The development proposed is replacement of mobile home with permanent dwelling house.
- 

### Decision

1. The appeal is allowed and planning permission is granted for replacement of mobile home with permanent dwelling house at Keepers Field, Bullhill Lane, Ireton Wood, Derbyshire DE56 2EA, in accordance with the terms of Application Ref: 18/00833/FUL dated 31 July 2018 and subject to the conditions set out in the schedule attached to this Decision.

### Application for Costs

2. An application for costs has been made by Mr M Goodwin against Derbyshire Dales District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. At the Hearing, the appellant submitted updated financial data relating to the enterprise at the appeal site for the year to 31 March 2019: **'Unaudited Income and Expenditure Account'** (Hearing Document A). This included **'actuals' for the year to 31 March 2018** which were not previously submitted. The Council did not have an opportunity to consider this evidence prior to its submission. As such, the Hearing was adjourned for a short time to allow the Council to consider its response. It was agreed with both parties that the late evidence should be accepted and the Council be given time after the Hearing to submit its written response. On receipt of that, the Appellant had an opportunity to submit final comments. I have taken these submissions into account in assessing and determining this appeal.

### Main Issues

4. The main issues are:
  - whether the enterprise the subject of this appeal is financially viable and sustainable for the proposal to constitute sustainable development in the open countryside; and

- the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

### *Viability and sustainable development*

5. Policies S4 and HC13 of the Derbyshire Dales Local Plan 2017 (LP) relate to the provision of housing to meet the needs of agricultural, forestry and rural-based workers. In terms of financial sustainability, the relevant criteria of Policy HC13 state that planning permission will be granted where it is demonstrated the rural-based enterprise has been established for at least three years; been profitable in at least one of those years; is currently financially sound; and has a clear prospect of remaining so.
6. It is agreed there is a functional need for a rural worker to reside on site to support the needs of the related enterprise. However, the Council argues that the appellant has failed to provide enough detailed financial evidence to demonstrate that the enterprise is financially sound and has a good prospect of remaining so into the future, as required by Policy HC13. The Council also has concerns that the profit being achieved by the enterprise is not enough to sustain a rural worker or justify a permanent dwelling on site.
7. At the Hearing, the appellant explained the nature of the enterprise to which this appeal relates, namely the hatching and rearing of birds to be sold on. It is noted that the enterprise deals with between 18-25,000 birds per year on a rolling basis and has been operating since 2005.
8. As part of the original application, profit and loss accounts for the three years from 2016 to 2018 were provided. Whilst accounts for 2016 and 2017 **are 'actuals', the 2018 accounts submitted were 'normalised' rather than 'actuals'**. The appellant explained that this was to reflect what would have occurred if a 'one-off' event resulting in the disease and loss of approximately 18,000 birds had not happened in 2017.
9. The reason given as to **why the 'normalised' accounts** for 2018 were submitted **rather than 'actuals' related to the appellant's** inexperience in planning matters and it was acknowledged in hindsight that **'actuals'** data for 2018 should have been provided. Notwithstanding the profits shown for 2016 and 2017, the limitations of **the data for 2018 was a key consideration in the Council's assessment of the** proposal and, in part, led to its refusal. From what was available to the Council at the time, I find this a reasonable course to take as the supporting financial data on the enterprise for the last three years was incomplete. As such, the case for the proposed dwelling was not fully demonstrated in terms of the financial viability and ongoing sustainability of the related enterprise.
10. At the Hearing, the appellant submitted additional and updated evidence which is referenced as Hearing Document A. This data is unaudited and as such, there are some limitations as to the weight which I give to it. Nonetheless, **the 'actuals'** provided for 2018 show a financial loss of £13,593, mainly due to the 2017 event, and a profit of £26,024 in 2019.
11. In response, the Council argues that accounts for 2016 are marginal in terms of profitability and the profit achieved in 2017 is too low to sustain a rural workers wage. **Moreover, the Council's comments and concerns regarding the veracity of** the accounts themselves are noted. The Council also expresses a wish to see actual figures for 2018, as well as the normalised figures previously submitted, so that they can be verified. However, from what I have seen I find that the

- appellant's submission** at the Hearing provides that information and I note that no further comments have been received from the Council on this.
12. The Council comments that the submission of figures for 2019, or at least sales figures to include those made in Spring and Summer 2018, would be beneficial to verify that the 2018 loss was a one-off. The submitted accounts for 2019 show gross receipts for that year totalling £49,455. Whilst it is not specified in the accounts, in my view, it is reasonable to consider that sales figures would form a significant proportion of gross receipts. **Indeed, in the 'actuals' provided for 2018,** the gross receipts figure is £18,270 which I find reasonably reflects the significant loss of birds in 2017 and therefore a loss of sales.
  13. Moreover, at the site visit, I noted there were no birds on the site. The reason given for this was that the site was being completely re-prepared for the imminent return of eggs and birds as part of the staged reinstatement to a full complement of eggs and birds being processed on site after the 2017 event. Indeed, it was indicated to me that eggs were due to arrive the week following the site visit. Notwithstanding this, I note the enterprise still achieved a profit in the year to 31 March 2019.
  14. The enterprise has operated for around ten years and based on the evidence, it has achieved a profit in three of the last four years. This indicates that the enterprise has been, and continues to be, viable and profitable. Notwithstanding the 2017 event and significant financial loss, the enterprise returned to profit in 2019 similar to that achieved in the year ending 31 March 2017. Whilst the Council argues that the data provided is not detailed enough to demonstrate that the enterprise is sufficiently viable, in my assessment, the data reasonably sets out enough detail on the financial performance of the enterprise in recent years to assess it appropriately.
  15. Although **'actuals'** for 2018 show a significant financial loss, taking account of the profits achieved in the years prior to and since then, I am satisfied that the 2018 loss results from a one-off event, which involved a significant loss of birds and led to limited sales and related expenditure to address the issue. Whilst the latest evidence relates to unaudited accounts, I have considered this in the context of the relevant timescales for the 2019 data to become available for this appeal. In doing so, the weight given to this data is limited. However, based on what is before me, except for 2018, profit levels for the enterprise have been reasonably strong and consistent over the last 3-4 years. As such, I find that it has been demonstrated that the enterprise is viable and financially sound with a clear prospect of remaining so. The fact that it has been operating since 2005 reinforces that view.
  16. I note the **Council's points relating to the refusal of a previous application**<sup>1</sup> for the submission of unaudited account summaries as it is argued this does not represent sufficient detailed evidence to establish whether the enterprise is financially sound and likely to remain so. In my view, the evidence put forward now provides detail which cumulatively is sufficient to reasonably assess the proposal.
  17. The Council says that it is acknowledged that the submitted accounts for 2016 are marginal in terms of profitability and in terms of the enterprise being able to support a rural worker. The 2016 accounts indicate a profit of £16,347. Whilst this is low and may be considered marginal in terms of the average rural worker wage, indicated as £18-20,000 per annum by the Council, I take this to be an average value where some workers earn less. I also **note the appellant's** points that in their experience it is unlikely that many rural workers earn that wage in

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<sup>1</sup> Application Ref: 18/00062/FUL

- reality and that the appellant has continued to work at the enterprise for a number of years with sufficient income to provide a reasonable living.
18. In terms of the 2017 accounts, the Council argues that profit is too low to sustain a rural worker or permanent dwelling on site. However, a net profit of £27,420 is indicated in 2017 prior to the deduction of capital expenditure for replacement poultry sheds, reasonably noted as a one-off expense. As a result, the net profit is reduced to £11,841 and it should be considered in that context.
  19. I have carefully considered all of the evidence before me, taking account of the impact of the 2017 event on the 2018 accounts. In doing so, I find that the enterprise has been shown to be viable and sustainable over a reasonable and recent time period. Although profit levels in the past may have been marginal in terms of sustaining a rural worker wage, I find that there will be fluctuations in profitability over time given the nature of such rural based enterprises. As such, I consider the overall level of profitability that has been demonstrated, and the financial viability and sustainability of the enterprise indicated, to be sufficient to sustain a rural worker and a dwelling to support the needs of the enterprise.
  20. Consequently, I conclude that the enterprise the subject of this appeal is financially viable and sustainable for the proposal to constitute sustainable development in the open countryside. Therefore, it would comply with the aims of Policy S4 and Policy HC13 of the Derbyshire Dales Local Plan 2017 (the LP).

#### *Character and appearance*

21. The proposed dwelling would be located away from other housing, in a remote and well-screened position. It would also be in good proximity to the operations of the enterprise to enable good supervision. It would be predominantly timber in appearance with a stone gable feature to the north east elevation. Such materials are evident in the built form of the wider area. However, the combination and extent of these and the chalet style design of the proposal would result in an unfamiliar character to a building in this part of the Derbyshire Dales. However, although unfamiliar, I find that it would not be visually detrimental to its surroundings. It would be of a high-quality design and would be in-keeping with the rural character of the surrounding area and Derbyshire Dales landscape.
22. Whilst its appearance when viewed from the south and south west may indicate that the proposed dwelling would be single storey, it would in fact have three storeys with a lower ground level and an upper floor accommodated within the roof space. As such, it would provide approximately 197m<sup>2</sup> of floor space and this is noted as being above the average floor space (150m<sup>2</sup>) for a three-bedroom detached dwelling as the Council indicated at the Hearing.
23. It is noted that each of the three bedrooms would have en-suite facilities in addition to a main bathroom on the upper floor. The appellant states that this is to meet the needs of visiting family members. The building would also provide an office, a separate toilet and sizeable storage relating to the needs of the enterprise. As such, the cumulative facilities proposed would result in a relatively large building in its context. However, based on what I have seen, read and heard in evidence and on site, I find this to be reasonable to meet the purposes relating to the enterprise and the needs of the appellant, as a rural worker, and their family.
24. The scale, height and appearance of the proposed dwelling would have some impact on the character and appearance of the appeal site and its surroundings. However, any such impact would not result in any substantive harm. The dwelling would be sited on sloping ground but in my view it would be set down well within



- the topography of the site and would not appear particularly prominent or dominant in the wider landscape.
25. From certain viewpoints on the enterprise site, particularly from the north east where the landform rises towards its proposed position, the proposed dwelling would have a prominent position. Its mass would appear substantive due to the rising topography from the north east to the south west of the site. Nonetheless, this would not result in material harm to the character or appearance of the wider surroundings. The site is screened so the dwelling would not be significantly visible in longer views and would therefore be visually contained within the site.
26. The Council states that the relationship of the proposed dwelling to adjacent buildings on the site would be harmful. From what I saw on site, I note that the scale and size of the proposed dwelling would be at odds with the small structures and buildings which already exist around the site. These structures include those necessary to the operations of the enterprise as well as others relating to the domestic and residential use and although temporary, many are likely to remain on site for some time. Notwithstanding this, although different in size and scale, I find the relationship between these and the proposed dwelling would not be substantively harmful to the character or appearance of the surrounding area.
27. **Reference is made to a previous Inspector's decision regarding** the existing mobile home on the site. In that appeal, the Inspector stated that even in winter, the mobile home would be sufficiently screened so as not to be materially harmful to the character and appearance of the countryside. **Whilst the Inspector's comments** may have applied to the mobile home, the proposal before me concerns a building which would be considerably larger than the mobile home. As such, its visual impact, whether viewed in winter or otherwise, would not necessarily be comparable to that of the mobile home. In any event, I must assess the proposal before me on its own merits and I confirm that I have done so. As such, I find that the proposed dwelling would be substantively screened even in winter due to the amount of tree belts and hedgerows present in the surrounding area.
28. The site is isolated and secluded and as such the visual impact of the proposal on the wider landscape would be limited. New landscaping is proposed to assist in integrating the dwelling into its surroundings and I note that no existing landscape features are to be removed. These factors would not justify development of a scale, size and appearance which would not be commensurate with its purpose and context and which would not reflect the prevailing character and appearance of the wider countryside. However, having taken all relevant matters into consideration, I find that the proposed dwelling would result in no such material harm.
29. Consequently, I conclude that the proposal would have no significant harmful effect on the character and appearance of the surrounding area. Therefore, it would comply with Policies PD1 and PD5 of the LP. Amongst other things, these policies seek to ensure that development is of high-quality design, respects the character and appearance of its locality and has no adverse impact on its surroundings.

#### Conditions

30. I have had regard to the suggested conditions attached to **the Council's** Appeal Statement and these were discussed at the Hearing. I have also had regard to the additional and amended conditions which have been agreed by the parties and submitted to me following the Hearing. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant advice within the Planning Practice Guidance (PPG).

31. In addition to the condition regarding time and also a condition ensure that the dwelling permitted is in accordance with approved plans, which I have included to ensure an acceptable development, conditions about materials and landscaping are necessary for reasons of character and appearance. A condition on access and visibility is required in the interest of highway safety. I have also included an occupancy condition to ensure that the development is appropriate in the open countryside and complies with the local development plan. Furthermore, given the nature and location of the dwelling, I consider that exceptional circumstances exist to warrant the removal of permitted development rights to ensure that the development is appropriate in planning terms and is not altered unacceptably.
32. It is necessary that the requirements of Condition 3 are agreed and discharged prior to the development commencing to ensure it is acceptable in planning terms, accords with the local development plan and for residential amenity and character and appearance reasons.

### Conclusion

33. The proposal would result in a permanent dwelling for the appellant, as the rural worker supporting the rural enterprise. The enterprise has been found to be viable and financially sound with a clear prospect of remaining so. As such, the proposal would be sustainable development in the open countryside which would support the essential and functional needs of the enterprise. Furthermore, it would not result in any material harm to the character or appearance of its surroundings. Therefore, on balance, I find that the benefits of the proposal would outweigh the very limited harm identified.
34. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should succeed.

*Andrew McCormack*

INSPECTOR

### APPEARANCES

For the Appellant:

Roger Yarwood	Planning Consultant
Martin Goodwin	Appellant
Rachel Hutchinson	<b>Appellant's Partner</b>

For the Local Planning Authority:

Andrew Stock	Senior Planning Officer
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Hearing Document A: *'Unaudited Income and Expenditure Account for the year ended 31 March 2019'*, dated 15 May 2019 (submitted by the Appellant)

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: G.18.03: '**Block Plan**', Drawing No: G.18.02: '**Elevations**'; and Drawing No: **G.18.01: 'Floor Plans'** which all relate to Application Ref: 18/00833/FUL and were received by the Council on 1 August 2018.
- 3) Precise details of the basement (including floor plans) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The basement floor space shall not exceed 30 square metres. The development shall be constructed in accordance with the approved details.
- 4) Prior to installation, samples of all materials (including windows and doors) shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out with the approved materials.
- 5) Prior to first use or occupation of the hereby approved building, a scheme of hard and soft landscaping(including existing and proposed site levels) shall be submitted to, and approved in writing by, the local planning authority. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the access 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 and finished levels shall also be carried out in accordance with the approved details prior to first use or occupation of the hereby approved rural workers dwelling.
- 6) The visibility at the existing access point to Bullhill Lane shall be maximised by regular maintenance of the roadside boundary hedge to the north to provide a minimum 2.4m x 33m sightline to the nearside carriageway edge and the area in advance of the sightline remaining free from any obstructions to visibility over 1 metre high relative to the nearside carriageway channel level in perpetuity.
- 7) The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality as a rural based worker, or in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or any subsequent equivalent statutory provision, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external alterations or additions shall be made to the dwelling hereby approved and no buildings, extensions, fences, gates, walls or hardstanding (other than that expressly authorised by this permission) shall be constructed within the curtilage of the dwelling without the prior written approval of the local planning authority upon an application submitted to it.

END OF SCHEDULE



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## Appeal Decisions

Hearing Held on 14 May 2019

Site visit made on 14 May 2019

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2019

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Appeal A Ref: APP/P1045/W/18/3204726

Red Lion Hotel, Market Place, Wirksworth DE4 4ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Booth on behalf of Mr Andrew Murphy against the decision of Derbyshire Dales District Council.
  - The application Ref: 17/00125/FUL, dated 15 February 2017, was refused by a notice dated 14 March 2018.
  - The development proposed is change of use of first and second floor hotel and function room to form three flats and associated internal and external alterations.
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Appeal B Ref: APP/P1045/Y/18/3204727

Red Lion Hotel, Market Place, Wirksworth DE4 4ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Peter Booth on behalf of Mr Andrew Murphy against the decision of Derbyshire Dales District Council.
  - The application Ref: 17/00126/LBALT, dated 15 February 2017, was refused by a notice dated 14 March 2018.
  - The works proposed are described as change of use of first and second floor hotel and function room to form three flats and associated internal and external alterations.
- 

### Decisions

#### Appeal A

1. The appeal is dismissed.

#### Appeal B

2. The appeal is dismissed.

### Procedural Matters

3. The description of the works in Appeal B is taken from the application form. However, it is only the works to the building that required listed building consent and not the proposed change of use, and I have dealt with the appeal on that basis.
4. **There is an error in the Council's decision notice** Ref: 17/00125/FUL which describes the proposal as a change of use to form four flats. It is clear from the description of development and proposed plans that only three new flats would be formed, and the Council confirmed that this was a typographical

error. I have therefore determined the appeal on the basis of the proposed plans and description of development set out above.

5. A Statement of Common Ground was completed and signed at the Hearing. I have had regard to this document in reaching my decision.
6. Revised versions of the National Planning Policy Framework (the Framework) have been published since the appeal was lodged. The current version is dated February 2019. The main parties have been given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. I have had regard to the responses and the Framework in reaching my decision.

#### Main Issues – both appeals

7. A main issue in both appeals is whether the proposed development/works would preserve the special architectural and historic interest of the listed building known as the Red Lion Hotel.

#### Additional Main Issue – Appeal A only

8. A further main issue in this appeal is whether the proposals would result in the loss of an important community facility.

#### Reasons

##### *Listed Building*

9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is the starting point for consideration of the proposal and a weighty statutory requirement.
10. The Red Lion Hotel is a prominent building situated on the Market Place and at the heart of Wirksworth Town Centre. It is a Grade II\* listed building which was listed in 1950 which is set out in the list description as dating from the mid-18<sup>th</sup> Century. It comprises a public house at ground floor level with an assembly room and letting bedrooms on the floors above. From the evidence before me, including the submitted Heritage Statement and Heritage Impact Assessment and correspondence from Historic England<sup>1</sup>, the building is of more than special architectural and historic interest in a national context. Its significance as a heritage asset is largely derived from its historic and communal use as both a coaching inn during the C18 and as **the town's former assembly rooms**. The imposing front façade of the building, together with external and internal architectural features, including fenestration, first floor assembly room and C18 stone staircase also contribute to the significance of the heritage asset.
11. The proposal would retain the public house use within the ground floor of the building together with the existing managers flat on the second floor. However, the existing letting bedrooms, commercial kitchen and the function/assembly room on the upper floor would be converted into three self-contained flats. The works required to the fabric of the listed building to facilitate the conversion of the letting bedrooms would be relatively minor. Those works include the

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<sup>1</sup> Appendix 6 – Appellant's Statement of Case.

removal of modern plasterboard walls and partitioning which would restore some of the rooms to their original proportions.

12. Despite some of the recent decorative treatments and loss of many original architectural features such as doors, ceiling roses, fireplaces and panelling, the building layout and internal features are consistent with the buildings historic and communal use. In particular, the single full-length room at the front of the building which was formerly used as the town's assembly room retains its original character and grandeur. There is no dispute that the bar servery, which has been more recently installed at one end of the assembly room, is not sympathetic to the architectural style of the building. However, in this position the bar does not appear incongruous as its function complements the intended communal use of this room. Nonetheless, I accept that the removal of the bar would not have a harmful effect on the significance of the heritage asset. However, the proposed new kitchen unit and permanent residential use of the assembly room would alter its intrinsic character and appearance. Whilst I appreciate the efforts that have been made to ensure that the proposed design of Flat 1 would not have a harmful effect on the spatial quality of this room, its existing character and appearance is derived not only from its spatial qualities but also from its architectural style which is largely attributed to its original intended function and use. The proposed kitchen unit would emphasise the domestic use of this space and would detract from and alter the overall design and appearance of this civic room. Moreover, it would diminish its character as a place of gathering and significantly erode the evidential and historic value of this part of the listed building.
13. It may be that the works to install the kitchen would be reversible, although providing services to the unit would involve some alterations to the fabric of the building. However, the change of use to permanent residential occupancy would significantly alter the character and appearance of this room, and once that change has taken place, the historic and special interest of this heritage asset would be severely diminished.
14. For the reasons given above the proposed works to the listed building and the change proposed change of use would fail to preserve the special interest of this Grade II\* listed building, The Red Lion and would therefore fail to satisfy the requirements of the Act. The overall impact of the proposed scheme would be, in the context of the significance of the asset as a whole, and in the language of the Framework, less than substantial. Because the harm is less than substantial, albeit at the higher end as the proposed change of use would be a fundamental change to the gathering space of the function room, paragraph 196 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I will return to this matter below.

*Community facility – Appeal A only*

15. The development plan for Derbyshire Dales District Council includes the Derbyshire Dales Local Plan (adopted 2017) (LP) and the Wirksworth Neighbourhood Development Plan (made 2015) (NP). The development plan supports proposals which protect, retain or enhance existing community facilities. In particular, Policy HC15 of the LP advises that development which involves the loss of a community asset or facility will only be supported where it can be demonstrated that: a) there is evidence to demonstrate that the

- existing use is no longer needed to serve the needs of the community; or b) the existing facility is no longer financially viable or commercially viable as demonstrated through a robust and comprehensive marketing exercise with the facility actively marketed at a realistic price for a continuous period of at least 12 months immediately prior to the submission of an application; and c) the use or facility has been offered to the local community for their acquisition/operation at a realistic price. The NP identifies the Red Lion as a building and use which is important to the community and which should be protected.
16. In 2016 a nomination for the Red Lion to be listed as an Asset of Community Value (ACV) was not successful. From the evidence before me it seems that this was primarily due to the building, or part of it, being used as a hotel which would not be considered to be land of community value for the purposes of The Assets of Community Value (England) Regulations 2012. The public house and assembly rooms at that time were considered to be ancillary to the hotel and with insufficient evidence to suggest that the building furthered the social wellbeing or social interests of the local community. Nonetheless, the development plan seeks to protect not only ACV, but also other identified facilities and services which serve the needs of the community.
  17. The Red Lion is identified in the NP as a building and use which is important to the local community and which should be protected. Whilst the Red Lion is listed under a heading of public houses, Appendix 6 of the NP clearly states that *"all the local pubs play an important part in social life, each has its own character and provides different facilities and spaces, jointly being essential to the Wirksworth community; crucial to the area's tourist offer"*. It seems to me therefore, that it is not just the drinking establishment which the NP seeks to protect in the Red Lion, but all the facilities and services it offers.
  18. The appeal proposal would retain a public house on the ground floor but the function room and letting bedrooms on the floors above would be converted to a residential use and would no longer be available to the local community. The appellant clearly sees the building as having three separate uses: a public house; function room; and a hotel. Each of these uses are functionally separate from each other and should not in the opinion of the appellant be dependent on each other. Furthermore, it is argued that the hotel is not used by the local community and it has been demonstrated that it cannot be considered as an ACV.
  19. A function room viability report has been submitted in support of the proposal, which identifies the costs associated with its hire, frequency of use and alternative provision within the town. The appellant believes that the assembly room use is no longer needed by the local community due to the availability of other function room/space within the town. That may well be the case and I do not doubt that the function room struggles to compete with other venues as a standalone enterprise. I also appreciate that disabled access and **the building's** listed status provide challenges. However, the function room is only one of the facilities and services within the building, and the value of the building to the community, as set out in the NP, is the offer it provides as a whole. The submitted evidence suggests that there are many other spaces within the town centre which can be hired for use for meetings, celebrations and other social and leisure activities. However, with the exception of Haarlam Mill, which lies on the edge of the town and is being redeveloped as a wedding/corporate

- venue, none of the other facilities which have been brought to my attention are directly comparable to the overall offer that could be available at the Red Lion if considered as a whole.
20. I appreciate that the public house would remain on the ground floor and that there is also some scope to host functions within those ground floor rooms. However, the proposed conversion of the upper floors would undoubtedly change the way the existing public use is operated. For example, the premises currently serve food, but the proposal involves the conversion of the existing kitchen facilities into a bedroom in associated with Flat 1. It is also proposed to remove the existing smoking shelter and replace it with a bin store. Therefore, whilst I appreciate that it is the intention to keep the public house function within part of the building, I am not entirely convinced that once the upper floors have been converted to residential use, the public house would remain a viable proposition.
21. The letting bedrooms/hotel are not directly used by the local community and I understand it is not therefore possible for these facilities to be considered to be an ACV. The Red Lion is, however, the only hotel in the centre of the town, and the NP clearly identifies these premises and their use as being crucial to **the area's** tourist offer. The NP also seeks to strengthen the **town's** tourism offer and states that at times such as the Arts Festival, Well Dressings and special events, Wirksworth has a shortage of overnight accommodation and needs to provide a greater amount and wider range of accommodation for overnight stays. Furthermore, Policy EC8 of the LP seeks to support the development of Peak District tourism and culture and to retain and enhance existing serviced accommodation in towns and villages, particularly hotel accommodation in order to encourage overnight stays. I recognise the recent trend and increase in Airbnb usage may have had some impact on the take up of letting bedrooms. However, it seems to me that this also demonstrates a need for overnight accommodation in the local area. Furthermore, the recent redevelopment of Haarlem Mill and works to improve the facilities at Ecclesbourne Valley Railway are likely to increase visitor numbers to the town and demand for the range of facilities available to offer at the Red Lion.
22. In conclusion, the Red Lion is identified within the NP as an important building which should be protected for the value it has as a public house, with function room and letting bedrooms. Moreover, the mixture of uses available within the Red Lion is a unique offering for the town. Considering the absence of buildings within the town which offer the same mix of uses, I am not convinced that the complete offer it provides to the community is no longer needed, particularly when that offer includes **the town's original** assembly rooms which have their own individual historic character and appearance. The absence of an objection to the appeal proposal from the Town Council does not alter that need **and I share the Council's concern that** the loss of the function room and letting bedrooms would erode the value of the asset as a whole.
23. Having established that the use of the existing use of the Red Lion is still needed by the local community, its change of use can only be supported by Policy HC15 of the LP if the existing facility is no longer financially or commercially viable as demonstrated through a robust and comprehensive marketing exercise with the facility actively marketed at a realistic price for a continuous period of at least 12 months immediately prior to the submission of an application.



24. The premises have been marketed since 2014 and at the Hearing the appellant advised that at that time the business was a viable enterprise with a good customer base. The appellant also advised that when he purchased the building in 2010 it was for a price which he considered to be an under valuation which supported his business model of buying low and selling high. This model has previously brought him success.
25. I understand that since the appellant purchased the building he has invested in the building with the intention of adding value to it. However, in the absence of any evidence to demonstrate otherwise, **I share the Council's concern** that both the initial and later reduced freehold target price, which are significantly (50% increase) greater than the 2010 purchase price, is optimistic. In particular, I am not aware that there has not been a significant boost in the economy since the appellant initially purchased the property, which would lead me to conclude that such an increase would be justified. Consequently, the absence of any offers to purchase the business would perhaps suggest that the freehold price is unrealistic. I also appreciate that the appellant has also sought to be flexible in the marketing of the premises and it has also been advertised on a leasehold basis and more latterly with no minimum freehold price. According to the selling agents this has produced greater interest and dialogue, but no firm offers. However, it is not clear what dialogue has taken place or what the lowest offer the appellant would be willing to accept.
26. I recognise that the trends in drinking are changing and that public houses as solely drinking establishments are in some cases struggling. That said, the facilities and services available within the Red Lion provide an opportunity to supplement and enhance the drinking establishment. Whilst the hotel and function room may well be able to function independently of each other and from the public house, it seems to me that their value is in the offer they provide to the building as a whole, and I see no reason why those uses should not be interdependent and reliant on each other.
27. I accept that latterly the Red Lion has been making a slight loss and I have taken into account the efforts the appellant has made to promote the different elements of his business. However, for the reasons given above I am not persuaded that the Red Lion has been marketed at a realistic price.
28. I conclude that the proposed development would result in the loss of a community facility. It would conflict with the development plan as a whole, and in particular with Policy HC10 and EC8 of the LP and Policy NP11 of the NP, the aims of which are set out above.

#### *Other Matters*

29. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.
30. I have had regard to the example **in the appellant's evidence** of where a conversion of assembly rooms to residential use has been granted planning and listed building consent in another part of the country. However, I do not know the precise details or circumstances of that case and whether or not it is directly comparable to this appeal case. I therefore give this consideration limited weight.

31. The appeal site also lies within Wirksworth Conservation Area (WCA). The appeal proposal would primarily involve changes to the interior of the building and those other external changes, as a whole, would not result in a notable change to the significance of the WCA. For these reasons there is no dispute between the parties that the works would preserve the character and appearance of WCA can I see no reason to disagree.

#### Overall Planning Balance

32. The preservation of the building's exterior and the removal of external flues would provide some public benefits. In addition, the removal of the bar servery and some of the more of the modern partitions within the building would have a small heritage benefit.

33. The proposal would generate temporary economic benefits from the construction of the scheme and further economic benefits from the residential use. There would also be some social benefits generated from the provision of three new homes in an accessible location, close to other facilities and services. The proposal would also add to the mix and choice of housing in the town which would be a social benefit. However, given the scale of the scheme those public benefits would be limited.

34. The appellant considers that the proposed use would be economically viable. However, there is little evidence before me to indicate it would be the only viable use. Indeed, the building has an existing use which remains operational. On the evidence before me, whilst I acknowledge that any proposal for the re-use might involve some alterations, I am not satisfied that the proposal represents the optimum viable use for this listed building. Even though I have found that the harm to the designated heritage asset is less than substantial, it is not to be treated as a less than substantial objection. The modest public benefits attributable to the proposal would not outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the Framework and would conflict with Policy PD2 of the LP which, amongst other things, seeks development that preserves listed buildings.

35. The harm that would be caused to the special interest/significance of the heritage asset and the loss of a community facility leads me to conclude that the proposal would conflict with the development plan as a whole.

36. In accordance with S38 (6) of the Planning and Compensation Act, 2004, and as set out in the Framework, development which conflict with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

#### Conclusion

37. For the reasons given above and taking into account all other matters raised, I conclude that the appeals should be dismissed.

*Elizabeth Pleasant*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Andrew Murphy	Planning Agent
Peter Booth	Appellant on behalf of Andrew Murphy
Richard K Morriss	Heritage Consultant

### FOR THE LOCAL PLANNING AUTHORITY:

Jon Bradbury	Development Manager
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### INTERESTED PERSONS:

Councillor Mike Radcliffe	Local Resident and District Councillor
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### DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground, dated 14 May 2019.



DERBYSHIRE DALES D.C. REGULATORY SERVICES	
18 JUN 2019	
OFFICER	
REF	

## Appeal Decision

Site visit made on 21 May 2019

by **K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2019

**Appeal Ref: APP/P1045/W/19/3224685**

**Oxclose Farm, Carr Lane, Riber, Matlock, Derbyshire DE4 5JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Neil Green against the decision of Derbyshire Dales District Council.
- The application Ref 18/00838/FUL, dated 1 August 2018, was refused by notice dated 26 September 2018.
- The development proposed is an agricultural feed store incorporating vet scrub area and office.

### Decision

1. The appeal is allowed and planning permission is granted for an agricultural feed store incorporating vet scrub area and office, at Oxclose Farm, Carr Lane, Riber, Matlock, Derbyshire DE4 5JT, in accordance with the terms of the planning application Ref 18/00838/FUL, dated 1 August 2018, and subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. I have amended the description of development in the banner heading and the formal decision above to omit information given on the application form relating to a previous application, which does not in itself describe an act of development and so is not necessary.
3. On 19 February 2019, the Government published an update to the National Planning Policy Framework (the Framework). This update does not materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by its publication.

### Main Issues

4. The main issues are whether the proposed building would be consistent with policies relating to development in the countryside, and the effect of the development on the landscape character of the area.

### Reasons

#### *Policy Context*

5. Policy S4 of the Adopted Derbyshire Dales Local Plan (7 December 2017) (the DDLP) addresses development in the countryside. It states that planning permission will be granted for development where it comprises proposals for

agriculture and related development which helps sustain existing agricultural and other rural based enterprises, including small scale farm shops selling produce, complementary farm diversification and new agricultural buildings that maintain the landscape quality and character of the countryside.

6. Landscape character is further addressed by Policy PD5, which states that the Council will seek to protect, enhance and restore the landscape character of the Plan Area, recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan Area by, amongst other things, resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
7. The Framework is also a material consideration. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses. Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

#### *Development in the countryside*

8. The Council argues that the appellant has not demonstrated an agricultural need for the building, and so it is not justified under Policy S4. The Council states that the need for the building only arises as a result of the appellant having pursued a conversion of an existing agricultural building to two dwellinghouses through a grant of prior approval<sup>1</sup> pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Council further contends that the existing agricultural buildings on the site are underutilised and could accommodate the facilities of the proposed building, and it is therefore not justified.
9. However, Policy S4, at criterion (f), is supportive of 'proposals for agriculture and related development which *helps sustain* existing agricultural enterprises' (my emphasis). I am not provided with an interpretation of what type or scale of development would 'help sustain' an enterprise, but read in plain terms, I consider it could encompass any development which supported the agricultural operations on the site. In my view, that is not the same as the building being 'required to serve the needs of the holding,'<sup>2</sup> as argued by the Council, which suggests to me support only for development without which the enterprise could not properly function, i.e. *essential* development. Whether or not that was the Council's intention for the test in Policy S4, it is not what the policy wording says or how I read it.
10. In my judgement, therefore, development which 'helps sustain' may encompass buildings and structures which may not be essential for the enterprise to function but which support it through additional or improved facilities. In that respect I consider that the policy is consistent with the supportive approach to rural enterprises set out in the Framework.
11. Little information has been provided in evidence concerning the extent of the agricultural operations on site, though it was evident from my site visit that

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<sup>1</sup> Council Ref 16/00741/PDA

<sup>2</sup> Council's Appeal Statement - Paragraph 3.1

livestock are kept. I also observed stables and various buildings in use for storage of hay, machinery and other items. The Council does not dispute that there is an agricultural enterprise operating on the site. Indeed, it accepts in its delegated report that the scale of the building is reasonable to serve the requirements of the landholding.<sup>3</sup> On their face, I have no reason to doubt that the proposed facilities – a crop and feed store, secure storage areas for tools, an office and vet facilities – would be related to the agricultural enterprise. Moreover, there is nothing substantive in evidence to suggest they would not help to sustain the enterprise, given they would contribute to the available facilities and functionality of the farm.

12. I understand the Council may be concerned by the sequence of development on the site, particularly in light of the more restricted support for residential development in the countryside 'which meets the essential requirements of agriculture' under criterion (i) of Policy S4. However, the dwellinghouse on site was created through the exercising of permitted development rights, and it is not a proposal for residential development which is before me, but an agricultural building. Criterion (f) does not withhold support for agricultural buildings if other buildings on the site have previously been put to another use, nor is the support qualified by a requirement that repurposing of existing agricultural buildings must be first considered. Therefore, I give limited weight to the arguments put forward by the Council in respect of the loss of floorspace to residential conversion or potential spare capacity in other buildings.
13. The Council draws my attention to an appeal decision from March 2017<sup>4</sup>, wherein the Inspector considered whether there was a need for the proposed agricultural building, where a conversion under Class Q had been granted. Importantly, that decision predated the current development plan, and was therefore considered against a different policy background<sup>5</sup>. I note the Inspector's reference to saved Policy SF4 (as applied at the time) which stated that, amongst other requirements, development within the countryside will only be permitted where it is required to serve the '*essential requirements of agriculture*' (my emphasis). That test appears to align more closely with the policy interpretation of the Council in this appeal. As I have set out above, I find this to be a different test to that now set out at criterion (f) of Policy S4 of the DDLP. Therefore, whilst there are some parallels between the two appeal scenarios, the different policy context means that this appeal decision attracts limited weight in my considerations.
14. I note the points made with respect to the Council's past interpretation of the Class Q requirements, the crux of which being that the appellant contends that he was required to include an inadvertent loss of a further 180 square metres (sqm) of agricultural floorspace. However, as the second dwelling is yet to be constructed, this floorspace has not actually been lost and it is open to the appellant to continue to use the unconverted half of the building for agricultural purposes. Therefore, this is not a decisive consideration.
15. Taking these considerations together, I find that the proposed agricultural building would satisfy the requirements of criterion (f) of Policy S4 and would accord with the approach to development in the countryside, subject to consideration of its effect on landscape character, to which I now turn.

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<sup>3</sup> Council's Delegated Report – Section 2.

<sup>4</sup> APP/P1045/W/16/3163208 – dismissed 3 March 2017

<sup>5</sup> Saved Policies of the Derbyshire Dales Local Plan 2005

### *Landscape Character*

16. The proposed building would be a standard steel portal design located to the north-eastern corner of the main farmyard area, where it would replace two smaller outbuildings and some open storage. This part of the site is cut into rising ground to the north and east, partially screening the lower parts of existing buildings and the open areas of the farmyard. The presence of a hedgerow along the road restricts views of the farm from the roadside to intermittent glimpses where the hedgerow is less dense. The site is also effectively screened from the rear by woodland.
17. The building would be typical of agricultural buildings in its design, being a steel portal structure with concrete panels to the lower parts of the walls, dark green cladding to the upper sections, a shallow pitch to the roof and a large main door facing the interior of the site. Given the sunken position of the building, it would appear low in height when seen from the road at the entrance. It would also be seen close to, and in context with, the existing larger buildings on the site. In addition, the appellant proposes to provide a line of trees along the northern boundary which would go some way to screening the building and assimilating the farm complex into the landscape.
18. For these reasons, I find that the proposed agricultural building would not represent an isolated or discordant structure in the landscape, and overall, the proposal would maintain the landscape character of the area. Accordingly, I find no conflict with Policies S4 or PD5 of the DDLP. The proposal would also accord with the Framework, which requires that proposals recognise the intrinsic character and beauty of the countryside.

### **Other matters**

19. The Council considered the effect of the proposal on ecology, in particular the effect of surface and foul water drainage on the Cromford Canal SSSI. I note that Natural England has raised no objection and the Council has not found harm would occur in this respect. I see no reason to reach a different conclusion.
20. Derbyshire Wildlife Trust commented that it did not identify any impact on protected species but has requested conditions in respect of lighting and provision of bat and bird boxes. However, I do not have substantive evidence before me as to why, given no impact has been identified, such conditions are necessary and so I have not imposed them.
21. The Council's Environmental Health department requested the use of the proposed building be limited to the uses described in the application, and not for storing livestock, given its proximity to the dwellinghouse(s). However, the Council has not suggested a condition to this effect. Given that the existing building which actually adjoins the dwellinghouse is described as being for livestock, though it was not so used at the time of my visit, it appears unnecessary to restrict use of the proposed building for livestock, given it is further away and would be separated by gates and walls.

### **Conditions**

22. The Council has suggested conditions in the event the appeal is allowed, which I have considered in light of the tests of conditions within the Framework and

guidance of the Planning Practice Guidance. Where necessary, I have amended the conditions to reflect the guidance.

23. I have imposed the standard time limit condition and a condition requiring development to be carried out in accordance with the approved plans, to provide certainty. Conditions are also necessary requiring the proposed hard and soft landscaping to be installed in accordance with the plans, to ensure a satisfactory appearance. I have, however, omitted the requirement to keep the soft landscaping free of weeds, as this is unnecessary in the context of a tree line within an agricultural field and in practical terms is unenforceable.

### **Conclusion**

24. For the foregoing reasons and taking all other matters into consideration, I conclude that the proposal accords with the development plan taken as a whole, and material considerations do not indicate a decision should be taken at variance with the development plan.
25. Therefore, for the reasons set out, the appeal is allowed.

*K. Savage*

INSPECTOR

### **Schedule – Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1950/100/3A (Site Plan); 1950/18/200 (Plan and Elevations); Unnumbered Site Location Plan @ 1:1250.
- 3) All hard landscaping shall 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 first agreed in writing with the Local Planning Authority.
- 4) Within the first planting season after the building hereby approved is brought into use, the soft landscaping detailed on Drawing No.1950/100/3A shall be provided. All planting 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.

END OF SCHEDULE

**Back to Agenda**



