

This information is available free of charge in electronic, audio, Braille and large print versions on request.

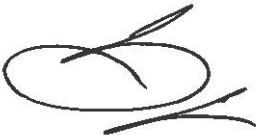
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

05 August 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 13 August 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 1.45pm 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 – 16 July 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.

	<b>Page No.</b>
<b>4.1 APPLICATION NO. 19/00722/FUL (Site Visit)</b>	<b>07 - 16</b>
Erection of Dwelling house - Revisions to previously allowed scheme 17/00809/FUL (Retrospective) at rear of Sunnyside Terrace, Farley Hill, Matlock.	
<b>4.2 APPLICATION NO. 19/00652/FUL (Site Visit)</b>	<b>17 – 32</b>
Proposed change of use from Doctor's Surgery to house in multiple occupation at Darley Dale Medical Centre, Columbello Way, Two Dales.	
<b>4.3 APPLICATION NO. 19/00455/OUT (Site Visit)</b>	<b>33 – 58</b>
Outline planning application for a residential development of 12 dwellings with approval being sought for access at land off Millers Green, Wirksworth.	
<b>4.4 APPLICATION NO. 19/00563/FUL (Site Visit)</b>	<b>59 – 67</b>
Change of use to equestrian, erection of stable block and formation of hardstanding (personal use) at Milverton, Main Street, Longford, Derbyshire DE6 3DR.	
<b>4.5 APPLICATION NO. 19/00554/FUL (Site Visit)</b>	<b>68 – 76</b>
Modifications to approved barn conversion with insertion of new door and flue pipe, erection of stables and garage/store at Old Barn, Riggs Lane, Marston Montgomery.	
<b>5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>77 – 99</b>
<b>6. APPEALS PROGRESS REPORT</b>	<b>100 - 106</b>
To consider a status report on appeals made to the Planning Inspectorate.	

## **Members of the Committee**

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

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

## **Nominated Substitute Members**

Jacqueline Allison, Martin Burfoot, Paul Cruise, Helen Froggatt, Chris Furness, Susan Hobson, Michele Morley, Tony Morley, Peter O'Brien, Mike Ratcliffe, Mark Salt, 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 **1.45pm prompt** for the following site visits:

		<b>Page No.</b>
<b>1.50pm</b>	<b>APPLICATION NO. 19/00722/FUL</b>  <b>REAR OF SUNNYSIDE TERRACE, FARLEY HILL, MATLOCK.</b>  At the request of Officers for Members to be able appreciate the size and scale of the dwelling house against the approved proposals.	<b>07 – 16</b>
<b>2.15pm</b>	<b>APPLICATION NO. 19/00652/FUL</b>  <b>DARLEY DALE MEDICAL CENTRE, COLUMBELL WAY, TWO DALES.</b>  At the request of Officers for Members to assess the impact of the proposed use of the premises on the amenity of local residents.	<b>17 – 32</b>
<b>2.45pm</b>	<b>APPLICATION NO. 18/00455/OUT</b>  <b>LAND OFF MILLERS GREEN, WIRKSWORTH.</b>  At the request of Officers for Members to assess the major application and level of objection to the proposals.	<b>33 – 58</b>
<b>3.40pm</b>	<b>APPLICATION NO. 19/00563/FUL</b>  <b>MILVERTON, MAIN STREET, LONGFORD.</b>  At the request of Officers for Members to appreciate the site and the relationship of the proposed development with the surrounding development.	<b>59 – 67</b>
<b>4.10pm</b>	<b>APPLICATION NO. 19/00554/FUL</b>  <b>OLD BARN, RIGGS LANE, MARSTONM MONTGOMERY.</b>  At the request of Officers for Members to assess the proposals in their context.	<b>68 – 76</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:

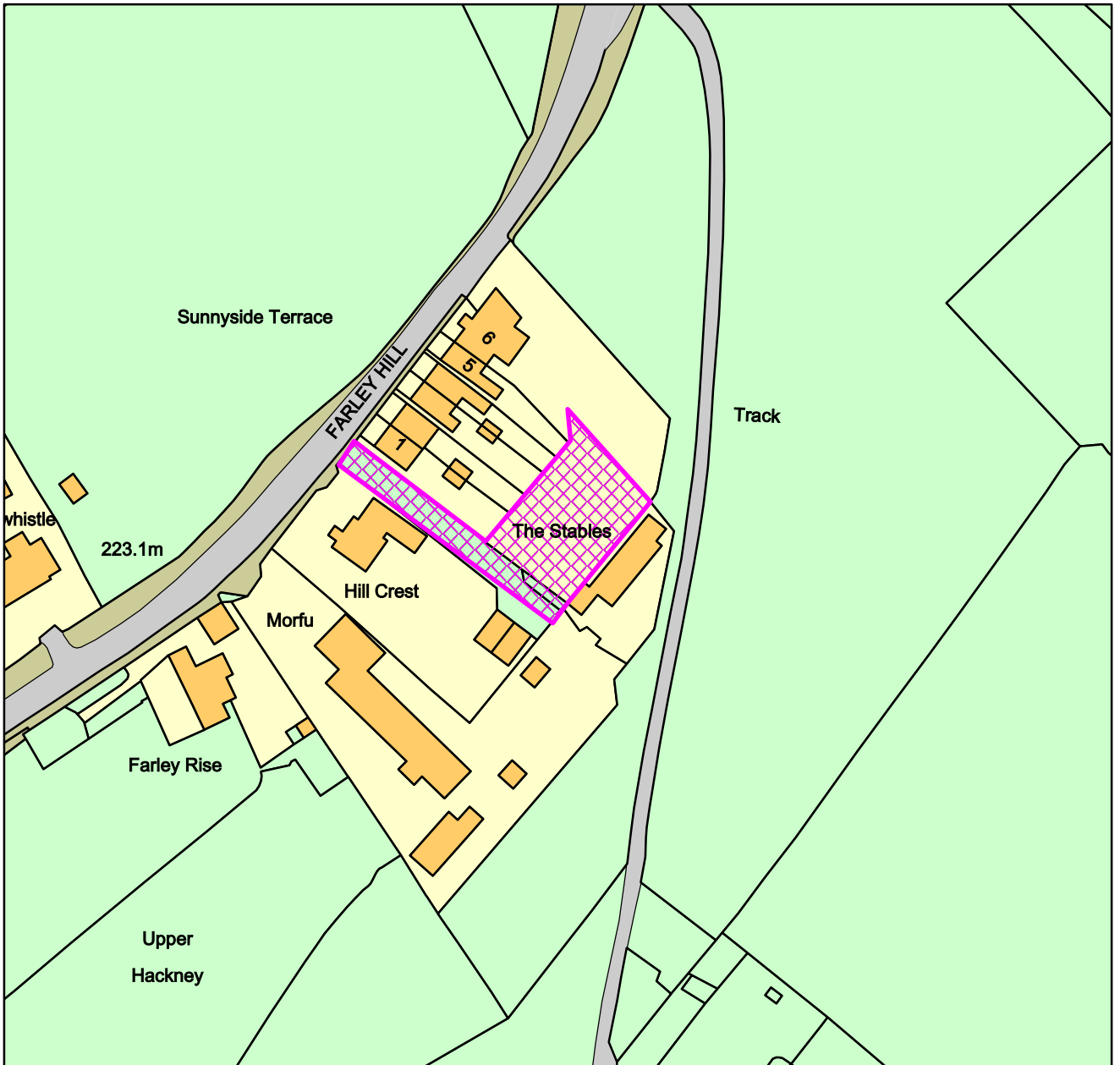
1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain 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>		19/00722/FUL	
<b>SITE ADDRESS:</b>		Rear of Sunnyside Terrace, Farley Hill, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of Dwellinghouse - Revisions to previously allowed scheme 17/00809/FUL (Retrospective)	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Mrs M Slack
<b>TOWN</b>	Darley Dale	<b>AGENT</b>	Roger Yarwood planning Consultant Ltd.
<b>WARD MEMBERS</b>	Cllr. J. Atkin Cllr. M. Salt Cllr. A. Statham	<b>DETERMINATION TARGET</b>	16 <sup>th</sup> August 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Members and because of the number of representations received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To allow the Committee Members to be able appreciate the size and scale of the dwellinghouse against the approved proposals.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> <li>• Highway matters</li> <li>• Drainage</li> </ul>

<b>RECOMMENDATION</b>
Approval

# 19/00722/FUL - Rear of Sunnyside Terrace, Farley Hill, Matlock



Derbyshire Dales DC

1:1,250

Date: 01/08/2019

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 was a brownfield site previously used as a horticultural contractors store since the 1970's but is currently under redevelopment for a dwellinghouse further to the granting of outline planning permission in 2017 (ref: 16/708/OUT) and a subsequent full planning permission, granted on Appeal, in March 2018 (ref: 17/00809/FUL).
- 1.2 The site is at the end of the access driveway which serves the rear of the dwellings known as Hill Crest, Meru and this site. It is located immediately to the rear of Sunnyside Terrace which is a terraced row of dwellings with stone façades. The site is on the outskirts of Matlock outside of the defined settlement boundary for Matlock in an open countryside location closely confined by other dwellings.



## 2. DETAILS OF THE APPLICATION

2.1 Retrospective planning permission is sought for the erection of the dwellinghouse which is not being constructed in accordance with the approved plans. The building as approved proposed a roughly L-shape in form in essentially three sections. The original approved dimensions are set out below for comparison with what is being constructed being set out in bold:

- the main north-south aligned element (living room, hall and shower room) was proposed to measure 8.3m by 6.3m and is **8.9m by 6.8m**;
- the east-west aligned element attached to this (family room/kitchen) was proposed to measure 9.5m wide by 6.4m deep and is **9.5m by 6.9m**;
- the above is attached another north-south aligned element (garage, utility and wc) which was proposed to be 8.5m deep by 7.4 wide and is **10.9m by 7.9m**; and
- the building was proposed to be 6.4m high and is **6.6m**.

To this end the building is 0.4m wider and a further 1.7m in depth overall and has been increased in height by some 0.2m. It has been moved away from the western boundary by 0.5m and is therefore closer to the eastern boundary; the applicant advises that this was necessary to avoid a mains drain running along the edge of the site.

2.2 Further to a site visit on 2<sup>nd</sup> August 2019 by the District Council's Planning Enforcement Officer, the applicant's agent advises that the measurements taken will demonstrate that, when finished ground levels are accounted for, the eaves and ridge heights are as shown on the drawings submitted with the application and are virtually the same as originally approved on appeal under application 17/00809. It is advised that, as well as unfounded claims about the height of the building, many of the letters of representation raise issues which are either incorrect or have already been given consideration in the Planning Inspector's decision on the previous application.

2.3 It is also advised that the fact that the building is now further away from the houses at Sunnyside Terrace is clearly beneficial in minimising the impact on residential amenity. The applicant's agent considers that it is clear that several of those who have raised concerns have not actually compared the current proposal with that which was previously approved and, in some cases, have no knowledge of the scheme which was granted permission on appeal.

2.4 In terms of appearance, the applicant proposes that the first floor balcony doors on the north elevation be changed from a flat header to a pitched detail and that the two patio doors, each 2.4m wide, on the north elevation are formed as a single, 5m wide opening with folding doors. The proposals are otherwise similar to, or the same as, the approved scheme.

2.5 The dwellinghouse is being constructed fully with natural gritstone, whereas the previous approval was for the principal elevations to be gritstone with the other elevations being brick. It is proposed that the roofing material will be blue slate.

## 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD5 Landscape Character
- HC1 Location of Housing Development
- HC19 Accessibility and Transport

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

#### 4. RELEVANT PLANNING HISTORY

17/00809/FUL           Erection of a dwelling – Refused – Appeal Allowed  
16/00870/OUT           Erection of bungalow (Outline) - Granted

#### 5. CONSULTATION RESPONSES

##### Town Council

- 5.1 - object on the grounds of overdevelopment and privacy and amenity issues to the surrounding properties
- the structure is significantly larger than even the outlines in the statement
  - drainage provisions are inadequate and impacting on the surrounding homes
  - do not find such a large structure in keeping with the area.

##### Local Highway Authority (Derbyshire County Council)

- 5.2 - no objections subject to access and parking as previously approved

#### 6. REPRESENTATIONS RECEIVED

##### 6.1 Matlock Civic Association

- shocked again that the applicant has ignored planning procedures
- what is being built is significantly different in size, design and siting compared to the original permission for the dwelling
- yet another example of a series of instances of development without consent
- DDDC must act on these issues – it is clear that procedures are being blatantly and knowingly ignored and brings the planning system generally into disrepute
- DDDC's reputation is tarnished if it is seen to be impotent in the face of knowing disregard for the regulations
- if action is not taken the risk is that others will choose to ignore regulations too and it will be much more difficult and expensive to re-assert proper planning control.

6.2 A total of seven letters of representation have been received. A summary of the representations is outlined below:

- original site was not obvious from Sunnyside Terrace as it was a single storey, wall height building which looked across the fields and not towards the terrace
- bungalow has been built significantly different in size and design from approved in the Appeal decision with the result that it is much too visually dominant
- will have significant negative visual presence
- easily seen from Cavendish Field, the connecting footpath, the main road and as far away as Ameycroft Lane
- dominates the terrace of houses
- overshadows neighbour's property
- too tall and has too large a footprint
- building of a single storey building was inappropriate but to allow the plans to turn it into a two storey dwelling is irresponsible
- number and position of windows seems completely inappropriate

- plot was never suitable for such a large design
- with benefit of hindsight, feel the original permission for a smaller dwelling was poorly judged and to allow a bigger building is disastrous
- has detrimental effect/massively impacts on the privacy of neighbouring properties
- area was once private and quiet and is now overlooked and closed in by an overbearing building of proportions different from a bungalow
- makes cottages feel claustrophobic and closed in
- new dwelling not sited 2m from eastern boundary as shown on newly submitted drawings and insurance company want to know in writing who would be in neglect should a claim arise
- having to close kitchen and bedroom blinds daily to stop overlooking by workmen and do not look forward to this with owners of the new build
- has significant problems regarding services
- chaos caused by traffic attempting to access the new building
- damage to vehicles
- parking and turning will cause ongoing friction
- turning area on site does not conform with the required 9m by 9m as stated in the condition on the outline planning permission
- conditions not discharged before commencing development and disregarded with respect to providing parking and turning space during construction which has led to additional visitor parking on Farley Hill increasing difficulty in residents parking and compromising visual access on the highway
- materials stored at Bent Farm and works vehicles, vans and JCBs make numerous trips back and forth along Farley Hill causing disruption and noise
- how can refuse lorries service the building safely?
- limited pavement area for refuse bins and unlikely that refuse servicemen would walk down the accesses to collect the bins and, if they did, would cause considerable disturbance
- shockingly the Highways Department made no comment on the project - should have conducted a risk assessment given the number of incidents such as spillage of materials, damage, etc.
- noise nuisance
- foul and surface water arrangements are still contested by surrounding residents
- plans submitted do not show enough land drainage due to a drain being destroyed in the initial site clearance
- contest any drainage suggested along the access track which would compromise the footings of the neighbour's dwellinghouse, boundary wall and the garden and its plants
- drainage will have to travel well over 30m and suggest gradient is too shallow to the mains sewer
- if foul drain is to connect into a public sewer, then it is for Severn Trent, not Planning, to approve this and can find no such application amongst the planning files
- understood drainage works should have been implemented before construction works commenced
- no provision made for storage of plant and equipment and parking of site operatives and visitors vehicles
- would cause considerable disruption to access while drainage is installed
- have seen disturbing amounts of water flowing through the site bringing into question the adequacy of the drainage provisions
- important that old drain across the turning area is reinstated or a new drain created otherwise will be a risk of returning to uncontrolled flooding
- not the first time the developer has gone headlong into a build making it up as he proceeds and ignoring attached conditions and with total disregard for regulations and procedures - even being told that there were serious issues with the build he carried on regardless

- the intention from the start of the foundations being poured was that the building was not going to be built in accordance with the approved drawing
- surely this blatant and deliberate disregard for planning regulations and procedures cannot be tolerated by DDDC, especially when the resultant development is so unacceptable - applicant must be penalised for his actions
- ignoring and manipulation of building regulations which appears to be rewarded with a capitulation by Planners
- reluctance of Planning Department to enforce the original building conditions has undoubtedly encouraged Mr. Slack to bend the rules and apparent inability to impose deadlines on him
- requests to Planning for as built dimensions have not been provided suggesting a lack of transparency and full disclosure to all parties concerned – makes a mockery of the whole system
- police and fire service involvement at the site
- health and safety issues with respect to site operations
- discrepancies in the plans relating to land ownership
- statements on the application form with regard to loss of trees and hedges, assessment of flood risk, waste collection and storage and whether the site can be seen from a public road to which the applicant's responses are incorrect.

## 7. OFFICER APPRAISAL

### Principle of the Development

- 7.1 The principle of the development has previously been established in the granting of the outline and full planning permissions 16/708/OUT and 17/00809/FUL. There is no need to revisit these matters as the full planning permission was granted in March 2018 after the current Local Plan (2017) had been adopted and was taken into consideration in the Planning Inspector's grant of full planning permission.
- 7.2 Therefore, the matters for consideration are how the proposed alterations to the building have deviated and the impact this has had on the character and appearance of the dwellinghouse and the impact on the amenity of occupiers of the neighbouring residential properties and adjacent landholdings.

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

- 7.3 The key alterations are the extent to which the garage/utility element projects to the north by a further 1.7m. In design terms alone, this is not harmful to the character and appearance of the dwellinghouse. The alterations to the first floor balcony opening is regrettable as this is considered better with a flat header but the design is not such that could justify refusal of planning permission. The single, 5m wide opening with folding doors on the north elevation, to serve the family room/kitchen, is considered acceptable in lieu of the two 2.4m wide patio doors.
- 7.4 During their investigations, Officers measured the height of the roof from the ground level to be 6.8m high, which excluded the roof tiles which had not been provided at that time. The floor level to ridge height detailed on the approved drawings is shown as 6.5m and, with the revised scheme, that increases to 6.6m. The accuracy of the drawings was therefore questioned and further measurements taken on site during the consideration of this application allowing for the finished floor levels. The measurement of the height of the building has been checked on site and this equates to that detailed on the applicant's drawing on the current planning application which is 6.6m.
- 7.5 However, this is a measurement from the finished internal floor level and finished floor level of the building has been clearly raised by a maximum of 0.5m above the original ground level. Mr. Slack has advised that the external land will be raised to finished floor



level. Nevertheless, whilst the elevation drawing will be correct to finished floor level, this does not take account of the raising in ground levels by a maximum of 0.5m which have been undertaken.

- 7.6 Notwithstanding this, these alterations do not fundamentally alter the character and appearance of the dwellinghouse merely the height increase above ground level. The other alterations to the building are minor. As such, it is considered that the building is acceptable in its character and appearance as it does not significantly differ from that approved by the Planning Inspector, except that it is 0.5m (maximum) above the original ground level.
- 7.7 The details submitted are also considered to address the conditions attached to the previous planning permission with regard to materials, landscaping, and the location of the bin storage area. Conditions will need to be repeated with the requirement for on-site parking and the removal of permitted development rights.

#### Impact on Neighbour's Amenity

- 7.8 There are considered to be three elements to the modified dwellinghouse which can be considered; the increase in the depth of the dwellinghouse on its eastern side, the increase in height and the moving of the building further away from the western boundary.
- 7.9 The increase of depth of the garage/utility/wc element of the building is by some 1.7m and the overall height increase is some 0.6m from the original ground level. However, it has to be appreciated that the building was proposed to be some 23m away from the main rear elevations to the nearest dwellinghouses at Sunnyside Terrace and the nearest opposing windows are some 30m away and this has increased by some 0.5m. In this respect, it is considered that reasonable levels of light and outlook are still achieved.
- 7.10 With regard to the proximity to the eastern boundary, this places the building closer to a stable block and landholding associated with Morfu. It will not have such an impact on this boundary that would justify refusal and does not significantly impact on the amenity of the nearest residential properties. As such, it is considered that the building will not significantly harm the amenity of neighbours with regard to its increased size, height and repositioning having regard to the approved development.

#### Highway Matters

- 7.11 Highway safety was taken into consideration in granting the outline planning permission and full planning permission for the development of the site and the Local Highway Authority has again reiterated that they have no objection to the development. The neighbour who owns the access considers there to be a vehicle conflict, with the potential of the vehicles associated with the dwellinghouse to meet with their horse trailer along the access and when riding horses or horses drawing carts. However, it has to be appreciated that similar conflicts could have occurred with the previous use of the site. This is not a reasonable reason to refuse planning permission and residential development of the site has raised no in principle objections from the Local Highway Authority.

#### Drainage

- 7.12 Concern has been raised with respect to the adequacy of drainage. However, it has to be appreciated that planning permission for a dwellinghouse on this site has been granted on Appeal and that drainage will need to meet the requirements for Building Regulations. The applicant has detailed that he will connect the drainage along the access road to the mains sewer. Connection will need approval of Severn Trent Water but such approval is not filed with the District Council. There may be some disturbance while this is undertaken but that is the norm for such developments. The applicant will also have a civil obligation to not impact on the neighbouring properties in connecting to the mains.

### Other matters

- 7.13 There are several concerns raised by local residents. The owner of the land and stables to the east of the site advises that the new dwelling is not sited 2m from eastern boundary as shown on newly submitted drawings and that his insurance company want to know in writing who would be in neglect should a claim arise. The dwellinghouse appears to be within the applicant's property but any harm caused to a neighbour's property is a civil matter.
- 7.14 There is a dispute over a verge alongside the access but this is again a civil matter as it will not prevent vehicles passing along the access; this access was formerly to a business use. Concerns are raised with bin collections. The applicant has detailed an area to store the bins at the front of the property. However, this is some 30m from the public highway and would be unlikely to be collected at such a distance. As such, the bins will need to be taken to the public highway for collection. Whilst it is appreciated that the footpath is narrow, and there is often a number of parked cars, it is not considered that the bins for collection could not be accommodated for collections on or adjacent to the public highway.

### Conclusion

- 7.15 Whilst the concerns of local residents are noted, it is not considered that the development, as currently being constructed, has fundamentally altered from the scheme approved by the Planning Inspector. It is appreciated that the building has altered in its dimensions, been raised from the former ground level by a maximum of 0.5m and moved in its siting. However, it is not considered that this significantly harms the amenity of the neighbouring residents to an extent where a recommendation of refusal could be justified. The character and appearance of the dwellinghouse has only changed in a relatively minor manner and still reflects on the scheme approved by the Planning Inspector. Given the above, it is recommended that planning permission be granted.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The parking and turning area detailed on the approved drawings shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

Reason:

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

3. 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 dwellinghouse hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within its curtilage without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4 and PD1 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 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.
3. This decision notice relates to the following documents:
  - Site Location plan 1:1250 received on 21<sup>st</sup> June 2019
  - Drawing Nos. 19.01, 02 and 03 received on 21<sup>st</sup> June 2019
  - Design and Access Statement received on 21<sup>st</sup> June 2019

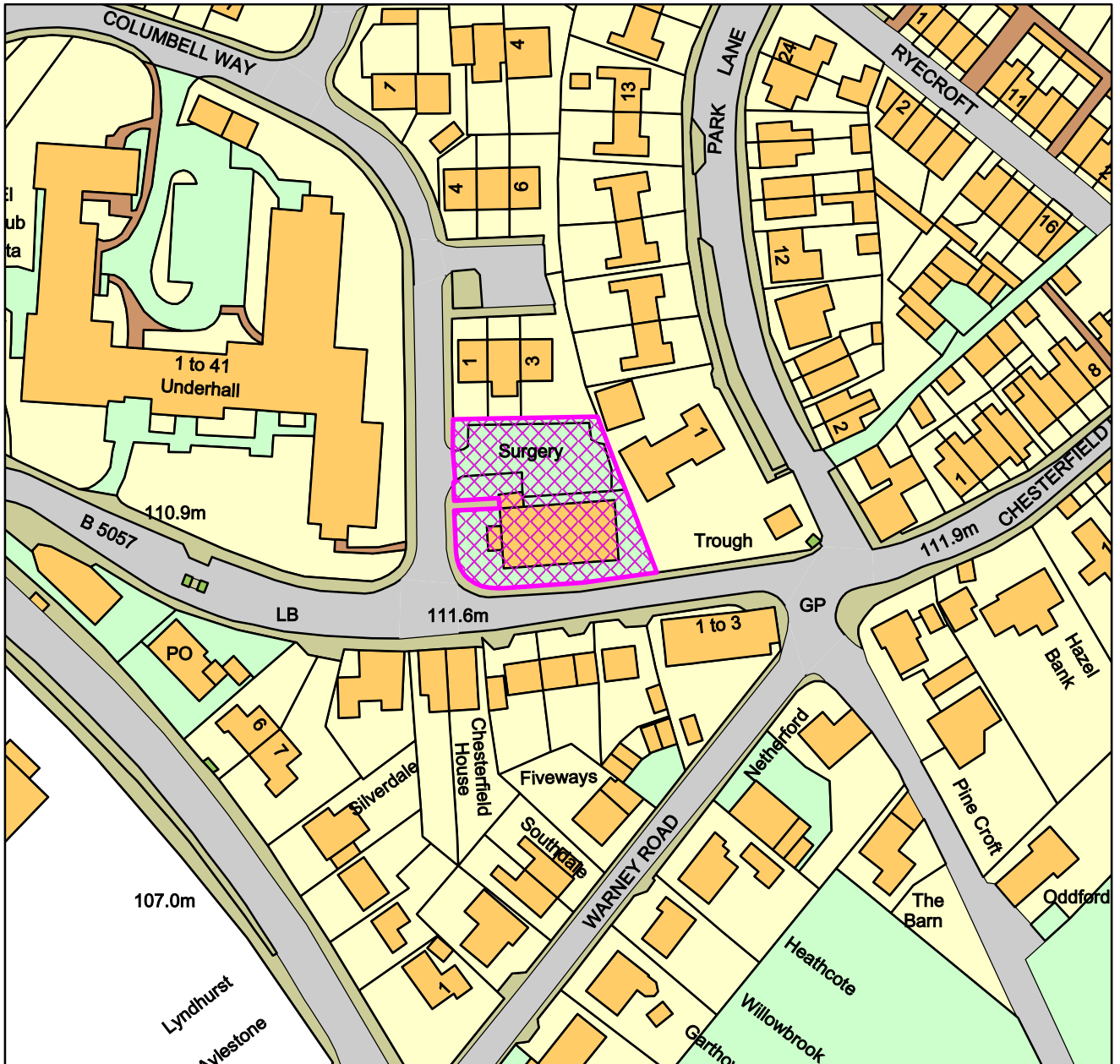


<b>APPLICATION NUMBER</b>		19/00652/FUL	
<b>SITE ADDRESS:</b>		Darley Dale Medical Centre, Columbell Way, Two Dales	
<b>DESCRIPTION OF DEVELOPMENT</b>		Proposed Change of Use from Doctor's Surgery to House in Multiple Occupation	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Ben Briant
<b>TOWN</b>	Darley Dale	<b>AGENT</b>	Smith and Roper
<b>WARD MEMBERS</b>	Cllr. J. Atkin Cllr. M. Salt Cllr. A. Statham	<b>DETERMINATION TARGET</b>	31 <sup>st</sup> July 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Members	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the impact of the proposed use of the premises on the amenity of local residents

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development</li> <li>• Impact on the character and appearance of the building</li> <li>• Impact on local amenity</li> <li>• Highway matters</li> </ul>

<b>RECOMMENDATION</b>
Approval

# 19/00652/FUL - Darley Dale Medical Centre, Columbell Way, Two Dales



Derbyshire Dales DC

Date: 01/08/2019

100019785

1:1,250

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 site is the former Doctor's Surgery which is current vacant further to the relocation of the surgery to the south side of the A6 some 100m away from the application site.
- 1.2 The site is surrounded to the north, east and west by residential properties. Opposite the site, to the south of Chesterfield Road, there are a mix of residential and commercial properties. The site is within the Settlement Boundary for Darley Dale and close to local facilities.

## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to change the use of the premises from its last use as a Doctor's surgery into a house in multiple occupation (HMO).
- 2.2 There are no external alterations proposed to the building. It is proposed that the building would be subdivided into 10 ground floor rooms, four of which would be 'accessible' rooms, for single tenants to provide a bed, a small kitchenette sink and microwave and seating area; one 'accessible' room has its own wet room and wc facilities. In addition to this, there would be the following communal facilities:
  - two kitchen facilities in a single room;
  - a shower room with three shower cubicles;
  - a laundry;
  - three wcs; and
  - an ambulant accessible wet room with wc.
- 2.3 The first floor would contain the following:
  - site manager's office;
  - meeting room;
  - kitchen;
  - staff wc; and
  - three stores.
- 2.4 There is a car parking area with 16 parking spaces, two of which are disabled parking bays. The remainder of the site contains hard and soft landscaping, including trees and low level planting. A bin store is detailed to the east side of the building.
- 2.5 There have been a number of representations submitted against this proposal and the applicant has sought to amend the scheme to seek to address some of the concerns raised. He has presented a 'Statement of Operational Policy' by way of seeking to set out how the premises would be managed. This is summarised below but the full statement is available for consideration with the application documents online.
- 2.6 At the outset, the applicant makes the following statement:

*HMO (House in Multiple Occupation) is a sensitive and controversial term imposed by central government that encompasses every conceivable element of shared accommodation, from the very best... to the worst. It should not be feared that this building will fall into the worst category – it will not.*

*A fully licenced HMO, bar none, is the most stringent and highly regulated sector of British rental accommodation. Every aspect is laid down in statute, even down to the number and size of door hinges, and that they must comply with a BS rating number. It would be quite wrong to compare it with. . .*

*An unlicensed dwelling, often referred to as a doss house or fleapit. This is where occupiers sleep several to a single room on mattresses strewn across the floor, with non-existent toiletry, washing, Health, Safety & Fire protection facilities. These dwellings, plumbing depths of squalor more associated with Victorian London, exist on the fringe of the law, and are unknown to local council enforcement officers.*

*In support of my application and given the anxiety among local residents, I have assembled this document which sets out in exacting detail the carefully managed tenant selection process, the day-to-day management of the building, and the raft of rules, regulations, and licencing conditions we have to adhere to. I am happy that the contents of this document feature as a planning condition.*

2.7 It is advised that the proposals will provide:

*much needed accommodation for young, able-bodied and physically impaired single people, OR/ it will be utilised for one of numerous commercial activities outlined in Planning Category D1 (for which planning currently exists), OR/ we pull it down and replace it with high-density, single bedroomed, residential accommodation. The environmental impact and disruption of demolishing a perfectly good building to simply construct another in its place – or an even a larger block of flats – which will attract the self-same people as my current proposal must be seriously considered.*

2.8 In terms of the HMO tenant selection policy, it is advised that a tenant will not be considered for a tenancy unless they give an unequivocal undertaking to abide by the Mandatory and Advisory House Rules and Terms of Occupation - also known as the House Rules which are set out in see Section 10 of the applicant's statement. They must undertake to act with courtesy towards others and to keep noise to a minimum.

2.9 Contravention of any of the first seven House Rules is considered a serious breach of the tenancy agreement. These address the intolerance of anti-social behaviour, noise, drug taking, health and safety, no smoking and no keeping of pets. Rules 8-16 are for the tenant's fire protection safety and rules 17-34 highlight the generality of the services available and what the tenant can expect from the applicant.

2.10 Section 35 of the House Rules documents the Complaints Procedure whereupon a tenant is able, indeed actively encouraged, to report a repair or anything that prejudices the smooth running of the building. The applicant advises that knowing that one set of rules applies to everyone, and that your immediate neighbour is abiding by these same rules, gives all tenants a confident sense of security.

2.11 The applicant advises that tenants find the idea of paying one rent payment to clear all their monthly bills most appealing; what's left is theirs to spend. Included in that single rent payment are council tax, gas, electricity, water, sewerage, maintenance of a range of security and fire systems, all repairs, gardening, a daily clean of all the shared areas, including the kitchen, emptying waste and recycling bins.

2.12 The applicant will market the rooms and personally interview prospective tenants, carry out all suitability checks, raise the tenancy documentation, and personally manage the property, including repairs, on a day-to-day basis. No one else will be involved in the tenant selection process and, apart from local certified tradespeople, no one else will be involved in the ongoing operation and management of the property. It is advised that this will not be a self-contained house or flat, whereupon closing their front door, it is no one's business, but a tenant's own, how they conduct their affairs. The applicant advises that it is a completely different style of living that demands adherence to high social standards and is why house rules are set.

- 2.13 Not only will the tenant live in close proximity to others, but will share all the facilities: bathroom, toilet, kitchen, and other common areas. Each tenant relies on the applicant to make the right tenant selection to live alongside them and, while it is illegal to discriminate, the concept of this HMO simply would not work if the applicant installed two completely incompatible people next to each other. As with, for example, senior citizens homes, nursing homes for the elderly, student accommodation, and many other examples, the tenant must be conducive with the accommodation on offer. By definition, a single room in the proposed HMO would be suitable for a single person, not a family with children.
- 2.14 The maximum number of able-bodied people sharing a shower or toilet is two (i.e. 6 rooms serviced by 3 showers/toilets), way under the HMO guidelines of 5 to 1 ratio, and often considerably less than in many family homes.
- 2.15 Any prospective tenant must meet the above, and certain other criteria, before proceeding further. They must be working in order to pay the rent; be able to provide an employer's reference, and hold a bank account to pay the rent by standing order. If the applicant feels uneasy with the prospective tenant (for example is a young woman's boyfriend is likely to suddenly appear living with her, or he receives obtuse answers from a clearly intelligent person) he will err on the side of caution and not proceed to the next stage (viewing a room). If they do proceed, they must provide an original of their passport and, if not living at home with parents, a current utility bill.
- 2.16 Upon passing the above tests, the prospective tenants are met at the property at a specific time when existing tenants are either arriving home or preparing their evening meal, for them to be introduced to who they will be sharing with. The prospective tenant is then shown their room and provided with a copy of the Mandatory and Advisory House Rules and Terms of Occupation pointing out that 'these are a condition of your tenancy,' and leave her to it. If, at this point, they confirm they wish to take a tenancy, the next stage is to carry out normal checks, raise the tenancy documentation and send a copy of the tenancy agreement by email to read, take advice upon, and approve ready for signing.
- 2.17 The prospective tenant is then met at the property where, before asking them to sign the tenancy agreement, they are first served (in statutory order) a copy of the government's 'Homes to Rent Guide,' then the 'Statutory Grounds 1 - 17 for Possession,' then a copy of the Gas Safety certificate, then a copy of the EPC, then details of the Tenants Deposit Scheme, then asked to sign the previously read Mandatory and Advisory House Rules and Terms of Occupation and, finally, sign the tenancy agreement.
- 2.18 If the prospective tenant fits all the profiles of the ideal tenant, but there are reservations about their disposable income (will there be enough to pay the rent?), the applicant will ask for a guarantor. This person will always be someone very close (parent, sibling, etc). They will be shown on the tenancy agreement as a 'non-resident tenant' which means that they will accept all the terms and conditions of the tenancy as if they were a tenant, particularly ensuring that those whose tenancy they are guaranteeing fully complies with the House Rules, but not actually living there.
- 2.19 There is proposed to be ongoing management of the building. The applicant advises that, on a daily basis, cleaners will clean all shared facilities in the common areas, to include showers, toilets, kitchens, and corridors. They will complete a daily log of their work, note any want of repairs, and report back. In most cases, any repairs identified will be carried out that same day. One of the applicant's family members will visit the property daily, six days a week, to gather up the mail, walk round and distribute it by sliding it under the room doors, if possible. They will check that all shared facilities have been cleaned and carry out a general 'visual' inspection of all the common areas. On a weekly basis the fire alarm will be checked and a visual check of emergency lights.

- 2.20 On a monthly basis, there will be a cleaning of the kitchen, with particular attention given to removing and disposing of suspect food left in individual's kitchen cupboards. Depending on the time of year, part of this monthly routine will include tending the garden, trimming bushes, litter picking, sweeping the car park, and keeping the exterior of the building in a good state of repair. On a bi-annual basis, there will be a complete test of the fire alarm system (sounder bells, break glass, and emergency lights). On an annual basis, the following are all carried out by external professional service providers:

*Descalcify and disinfect all shower heads; sanitise water system; test and service gas boiler; test each smoke and heat detector head in every room; test and refill as necessary each of the large common area fire extinguishers; professionally clean the main kitchen ovens; PAT test all portable electrical appliances (including those in tenants rooms); test small hand-held fire extinguisher and fire blanket in tenant's room; check all automatic door closers are fully operational; procure and file all test certificates, making them open to inspection.*

By law, a test of the building's entire electrical system must be carried out every five years. The HMO licence has to be renewed every five years and the EPC has to be renewed every ten years.

- 2.21 In terms of physically impaired disabled accommodation, the applicant advises that, whilst there is a shortage of dedicated and affordable residential accommodation for single, able-bodied people, the shortfall is many times greater for those with physical disabilities. The average type of local rental property is a 2/3-bedroomed house with stairs and a bathroom upstairs. The building, as a doctor's surgery, was constructed specifically with wheelchair users access in mind. Every part of the building (and car park) is wheelchair accessible, thereby offering independent living.
- 2.22 As this is shared accommodation, the applicant proposes to provide three fully equipped and disabled compliant rooms with shared bathroom and toilet, plus each room will have its own fully equipped kitchenette as set out previously. The fourth fully equipped, disabled compliant room will be fully self-contained (no shared facilities) with its own kitchenette, bathroom and toilet. The tenants falling within this category can easily move to every part of the building, visiting friends, congregating in the kitchen and using the laundry room.
- 2.23 The applicant advises that, if living in an ordinary house, the chances of the physically impaired escaping a residential house in the event of fire is drastically reduced. But here, with such a vast array of fire detection, alert, and containment systems, and the close proximity of able-bodied fellow residents ready to lend a hand, coupled with two wheelchair friendly escape routes, survival rates multiply. The financial considerations set out in the Tenant Selection Policy will be duly relaxed where persons are physically impaired and it is expected that for some the rent may emanate from a source other than employment.
- 2.24 The applicant advises that it has been suggested that car journeys, ingress/egress of people, and traffic noise will increase. He advises that, as a former doctor's surgery, it is likely that ten patients an hour visited for treatment. Over a 10-hour day, that equates to 100 car journeys. But allowing for staff journeys, doctors and nurses in/out on calls, delivery vans collecting/delivering medical supplies and samples, and many other journey types not listed, that easily rises to 150 car journeys per day. By comparison, it is anticipated that 50% of tenants will not own a car, instead relying on public transport. Of the remaining five, they will leave in the morning, come back in the evening. Therefore, the applicant considers the environmental impact imposed by traffic journeys will be drastically reduced, as will associated people noise, and where there once existed a bustling and noisy surgery, this double glazed, solid, all-brick constructed building (no studwork or plaster board internal walls), will now be quiet throughout the day.

- 2.25 The applicant advises that there are ample local amenities to support the tenants, from two small supermarkets, a butchers, hairdressers, post office, confectionary and paper shop, pub with dining facilities, Whitworth leisure park and a church all within 200 metres. Some 400 metres away is a fish and chip shop, a café, Chinese take away, hardware shop, another public house and a Go Local supermarket. There are bus stops for both Matlock and Bakewell on the A6 within 100m of the property.
- 2.26 The applicant has submitted statements from two of his tenants at other premises he owns. These advise that the applicant is professional and positive. They refer to the screening process and that they were spoken to at length to make sure they were suitable tenants and see no reason why the applicant would alter his rigorous vetting procedures. It is advised that the applicant has a good relationship with the neighbours to those properties.
- 2.27 It is also advised by one of the applicant's tenants that her elderly mother lives at Underhall and she would not be concerned for her grandmother, her friends and other residents of Underhall as the applicant would ensure having good, suitable tenants living there. The tenant advises that this is a good community input/project so that young, local people can stay where they have been brought up rather than being forced out financially. They appreciate that many local residents are older and do not like change but refer to the concern with respect to McDonalds coming to Matlock and issues for concern such as litter and undesirables not materialising.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
  - S2 Settlement Hierarchy
  - S3 Development within Defined Settlement Boundaries
  - PD1 Design and Place Making
  - PD9 Pollution Control and Unstable Land
  - HC1 Location of Housing Development
  - HC15 Community Facilities and Services
  - HC21 Car Parking Standards
- 3.2 National Planning Policy Framework
- 3.3 National Planning Practice Guidance.

### **4. RELEVANT PLANNING HISTORY**

None.

### **5. CONSULTATION RESPONSES**

#### Town Council

- 5.1 - object
- very concerned about the potential for disturbance the surrounding neighbours
  - proximity to so many vulnerable and elderly residents is concerning
  - no private outside area or inside recreation areas
  - socialising could move outside the building
  - comings and goings of 12 residents, on a site that was empty after 6pm and at weekends, could cause noise and disturbance
  - traffic will be at different times to the doctor's surgery and previously ceased at 6pm and over the weekend – these will now become busier times

- must be ensured that there is sufficient parking to prevent on street parking which may cause chaos to the area
- would wish to see each room have ensuite facilities
- whilst exceeding minimum standards for such accommodation, would wish a better standard of accommodation – does not give much room for visitors or a general standard of life.

Local Highway Authority (Derbyshire County Council)

- 5.2 - no objection provided the parking facilities are retained for the life of the development.

Environmental Health Section (Derbyshire Dales District Council)

- 5.3 - no objection.

## 6. REPRESENTATIONS RECEIVED

6.1 Letters have been received from 64 objectors to the proposal. A summary of the representations is outlined below:

- unsuitable for the proposed number of occupants
- overcrowding does not support or encourage a harmonious living environment
- query what the area has to offer for this type of tenant
- huge strain on local services
- very little residential amenities for the type of tenant the developer wants to attract
- limited work and public transport to major employment hubs
- no easy and inexpensive way to reach activities young people enjoy
- most young people leave the area when at university age or to gain employment in the towns and cities where it is cheaper to live, socialise and career progression
- similarity between this type of accommodation and student or social services accommodation is obvious
- three individuals sharing a three bedroomed house at £700pcm is better value than paying £350pcm to stay in a HMO
- giving young people access to reduced cost accommodation is an admirable ethos and had the building been in Matlock or Bakewell with suitable facilities and a mix of ages around it, then it would be well supported – this building is not in that type of location
- believe there is a limited market for such a development
- HMO's referred to as some of the worst homes in Britain and slums of the future – all local authorities should refuse to co-operate with developers whose main aim is to make the most money possible by providing substandard accommodation
- providing a sitting area won't make it more attractive to 'young professionals'
- do not think young professionals would live in a HMO sharing facilities - would be likely to be DHSS tenants
- most young people in the area who are saving for a house stay at home and would see this as a waste of money
- what happens if 'respectable' people are in short supply – does any landlord sit and wait or take the money that is offered
- not an appropriate place to have so many young people under one roof
- apart from the kitchen, there is no recreational space inside or out
- insufficient leisure space
- refer to beds being double beds but plans detail single beds and do not show dining table, chairs or sofa
- very poor facilities offered for male and female usage
- young professionals would never reside in such accommodation and consider applicant completely unrealistic or dishonest when he states he proposes a HMO of respectable young professionals



- house rules referred to are an insult to any young professional
- the alterations to the ground floor layout, whilst superficially laudable in their intent to cater for disabled tenants, still fail to provide appropriate amenities overall - is essentially a hostel
- in Nottingham, many previous HMOs have ultimately been adopted purely as student accommodation
- does not meet with Policy HC11: Housing Mix and Type or offer qualitative assessment of true local demand
- do not qualify under the criteria of Policy HC9: Conversion and Re-use of Buildings for Residential Accommodation
- prison service and university accommodation provides more space and comfort
- would feel vulnerable as a young single woman sharing facilities with relative strangers
- so many people having to share so few toilets and showers is unacceptable
- applicant looking for white collar workers – they are all leaving at the same time for work so how do they use the showers and kitchens at the same time
- insufficient cooking facilities for number of occupants taking account of storage of foodstuffs and refrigeration, etc.
- the checking of rooms and inspections feels intrusive at best and clearly does not trust the tenants
- a HMO for younger people may be suitable in Nottingham or Derby, where there are employment opportunities and universities nearby, but Two Dales is not near a big town or city and any resident would need to travel
- is this type of establishment really needed given that there are vacant rooms at Derwent Court, flats on Bakewell Road, Victoria Court, Underhall and elsewhere in the area
- area caters for older people mainly but there are also young families with children
- totally inappropriate for the area given the surrounding properties and the suggestion that the tenants could be unemployed
- likelihood that those seeking accommodation in an HMO will already have social issues that need to be addressed or being in such accommodation could give rise to them
- told by the owner that the rooms would not be advertised locally or openly in this area but by word of mouth which suggests discrimination – feel an establishment for public use should be advertised openly in the area in which it is sited
- kind of people likely to occupy this HMO are unlikely to be local people and could well be ex-offenders, alcoholics, drug addicts or who have mental health difficulties who don't work and rely on benefits and who could pose a threat to vulnerable older people
- refer to paragraph 91 of the NPPF where it advises that planning policies should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion – fear of crime is a valid reason to refuse applications
- within 100m of a small play area where young children often play and is considered a safe area – have no idea who will be moving into this building and what risk they may pose to children
- refer to Paragraphs 91 and 127 of the NPPF with regard the aim for health, inclusive and safe places
- quiet residential area with a high proportion of elderly, potentially vulnerable residents
- assuming that the occupants are likely to be young people, quite likely to be a degree of noise later in the evenings
- the tenancy conditions, to avoid problem tenants smack of an authoritarian approach which could generate resentment and inadvertently create such tenants
- what is being proposed is a hostel by any other name but lacking supporting amenities
- doesn't provide for an indoor communal area for occupants to use which could lead to people socialising outside
- as the building is designated for non-smoking, likely the residents will be loitering outside to smoke
- leaving them to stand in the car park must be against their human rights

- unwanted smells linked with drug use such as cannabis
- don't think tourists would enjoy meeting drug addicts and alcoholics in the lovely Whitworth Park
- according to DDDC website, Darley Dale/Matlock has a population of 14,956 with HMO spaces of 17 or 0.7% and Belper has a population of 21822 with HMO spaces of 16 or 0.11% - this suggests that a further HMO in the area does not appear necessary
- putting affordable homes/houses on the site and aiming to attract families to engage with and contribute to the community would be of so much benefit to the current residents rather than the likely transient nature of a HMO and its possible occupants
- significant issues with parking when the building was a Doctor's surgery – having permanent residents will make matters worse
- increased traffic and demand for parking on busy road that is a frequent thoroughfare for older people and children walking to school - although GP surgery was busy during the day, this calmed down in the evening
- 10 dwellings with the potential for visitors requiring parking could be problematic for residents
- possibility of 10 cars (one per room) and if two people in one room could be 20 cars excluding those of visitors
- parking provision reduced with provision for disabled parking
- inappropriate parking adjacent to narrow pavements may have an impact on the safety of older and younger residents
- there are other uses for the building such as a pre-school, nursery or assisted living complex which would be more suited to this rural location and would contribute to and be part of the community rather than a detriment
- believe the applicant hopes to convert the upper floor at a later date should demand be sufficient
- Planning Committee should have a duty of care to people to live their latter years feeling safe and secure in this peaceful village – this is a community right
- has caused a great deal of upset and distress to the elderly residents living in the vicinity
- the fact that the Town Council opposes the development should be seen as the proposal conflicting with the Darley Dale Neighbourhood Plan
- Medical Centre has been a blot on the landscape and feel it would be better to raise it to the ground and replace it with a more suitable structure in keeping with the village of Two Dales
- if anyone is ill it will be passed onto all in the building
- Article 8 of the Human Rights Act gives right to peacefully enjoy home and HMO will potentially breach that right
- appears that if the application is granted that it could be put to other uses such as a betting shop, casino or motor vehicle repair premises, none of which would be acceptable
- a HMO owner advises that proposals work in Stoke-on-Trent but not in Leek where he has a 4 room HMO as has no students and few, large employers – have to lower the standards to get units filled taking unemployed tenants that would normally not usually consider and tenants being rehoused by the Local Authority (Darley Dale is an even smaller town) - some of the problems experienced include leaving without notice, vandalism of units, theft of white goods, constant and recurring arrears necessitating evictions, rubbish left in the street, noise disturbance to the neighbours, drug use and domestic violence with police involved on several occasions
- if disabled tenants cannot be found will the disabled rooms be let to able bodied people
- can guarantee the applicant will expand into the first floor
- designed to make a quick profit with the best interests of the client group being a minor consideration
- money making ambitions of one man should not impact on the whole community

- applicant has made very familiar comments with regard to Mr. Hulley (DDDC Environmental Health Section) saying he will actively support the conversion to a HMO – surely Mr. Hulley would be impartial on such planning applications
- refer to the duties of the Local Authority with respect to Housing Act 2004
- Mr. Briant Senior quite threatening and verbally abusive at public meeting and was witnessed by nearly 80 people.

6.2 A petition has been received with 420 signatories opposed to the application but with no reasons set out for objecting.

## 7. OFFICER APPRAISAL

### Principle of the Development

- 7.1 The premises is a former Doctors Surgery and Policy HC15 of the Adopted Derbyshire Dales Local Plan (2017) seeks to maintain and improve such facilities and services. Whilst this facility has recently closed, this is because the Doctors Surgery has relocated to the nearby, newly constructed and improved facilities to the south of the A6 some 150m away. To this end, there is no reason to not consider other uses of the building the subject of this application.
- 7.2 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development and includes making effective use of land which has been previously developed. It also advises of the need to provide a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations. This seeks to minimise the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car.
- 7.3 The site is within the Settlement Boundary for Darley Dale which is defined in Policy S2 as a Second Tier Local Service Centre. In this respect, Policy S2 seeks to direct new development towards such a location, which has the ability to provide for additional jobs and homes to help sustain current services and facilities to promote better levels of self-containment and a viable, sustainable community. This Policy also advises of the need for developments to provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring that communities have a healthy, safe and attractive living environment.
- 7.4 Policy PD1 seeks to ensure that the layout and design of new development creates well designed, socially integrated, high quality successful places where people enjoy living and working. This also seeks to ensure that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable loss to local character and amenity. This also includes developments being designed to minimise opportunities for anti-social or criminal behaviour and to promote safe living environments. Developments are required to provide inclusive design in order that they can be accessed and used by everyone. Policy PD9 seeks to ensure that people are protected from nuisance and harm to amenity, health and safety.
- 7.5 Policy HC1 seeks to ensure provision is made for housing in a number of ways, including changes of use of existing buildings to dwellings. Policy HC21 seeks to ensure that there is adequate car parking facilities to serve the intended use of a building.
- 7.6 Given the above, the proposals would meet with the ‘in principle’ aims of Local Plan Policies for converting this now redundant community building, in a sustainable town location, into

residential accommodation. However, there are several matters which need to be considered.

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

- 7.7 The proposals introduce few changes to the external appearance of the building or its setting and, in this respect, the proposed re-use of the building is considered acceptable.

#### Impact on Local Amenity

- 7.8 Significant concern has been raised by local residents and the wider community with regard to how the premises might be operated. Reference is made to Paragraphs 91 and 127 of the NPPF with regard the aim for healthy, inclusive and safe places. Paragraph 91 advises that:

*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

Paragraph 127 advises that:

*Planning policies and decisions should ensure that developments:*

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>1</sup>; and where*

*crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 7.9 It is noted that there is considerable concern as to how the HMO and its occupants could impact on the lives of neighbouring residents and the local community. The list of concerns includes crime, anti-social behaviour and general nuisance; these concerns detail how emotive this planning application is and this is reflected in the number of representations received and a petition from 420 people objecting to the proposals. There has also been a representation received from the owner of a small HMO in Leek where their experience highlights the issues that can be faced.
- 7.10 The applicant has, however, clearly set out how he intends to manage the premises, which addresses many of the points raised and has provided a Statement of Operational Policy which he confirms can be a condition of any planning permission that this will be fully implemented. Whilst it would be demanding for the Local Planning Authority to monitor such a management plan, there is nothing to suggest that the applicant would not comply with such in ensuring his premises is effectively managed for his own purposes, as well as local residents who are concerned with regard to the use. Any complaints to the District Council can be assessed having regard to the Statement of Operational Policy and any Environmental Health matters or anti-social behaviour also addressed through the licensing of the HMO.
- 7.11 It has been mentioned in the representations that it appears that, if planning permission is granted, it could be put to other uses such as a betting shop, casino or motor vehicle repair premises. This is not the case and a HMO of the size proposed is a Sui Generis use which means it cannot be put to other uses without the benefit of planning permission from the Local Planning Authority.
- 7.12 Concerns have been raised with regard to a loss of privacy from the first floor windows with respect to its proposed use for storage. However, it is considered that usage of the first floor space, as laid out and for the purpose proposed, would generate little loss of privacy given the relative distance. It was also previously used for storing medical records, and the District Nurses Room, from which there could have been a certain level of out looking. In addition, if the site were redeveloped for flats or housing, which could be perfectly reasonable in such a sustainable location, the impacts on privacy may still be deemed acceptable but, in fact, be worse than the current proposal.
- 7.13 Concern has been raised by residents of the HMO gathering outside and making noise. This may well occur but is also something that one would experience with people being sat in the gardens or open space associated with dwellings or flats. This is not a sustainable reason to refuse planning permission.
- 7.14 Therefore, the Local Planning Authority has to consider the planning balance. There is clearly a level of local concern over the provision of the HMO and residents consider that this is wrong location for such a building use as they consider the town isn't large enough to have such a form of residential accommodation. However, there is no planning need for an applicant to already demonstrate demand in this case and, in any event, Darley Dale is a Tier 2 Settlement that is only smaller in scale in the District to the towns of Matlock, Bakewell, Ashbourne and Wirksworth. Policy S2 of the Local Plan advises that Darley Dale has the ability to support sustainable patterns of living because of the current level of facilities, services and employment opportunities that are available. To this end, citing Bakewell and Matlock as being able to accommodate HMO's, but not Darley Dale, is considered a rather spurious statement. To local residents, it would appear that flats or houses may be acceptable, where people need similar access to employment, facilities and services, but a HMO would not be suitable. This is not considered to be a logical planning differentiation.

- 7.15 One of the representations advises that a young professional person would not be bound by the strict house rules; as a young professional with such a view it is likely that they would not consider moving into such accommodation. However, there are many that do such as university students and young professionals in towns and cities. Whilst Darley Dale may not have the same level of demand as a city or university town, that is not to say there are no residents who would be happy to live in such accommodation and to accept the house rules by way of living with other like-minded persons in such an arrangement.
- 7.16 Given the above, it is considered that the re-use of the premises in the manner proposed would not significantly harm the amenity of local residents to such an extent that could reasonably justify a recommendation of refusal and it is not for the Local Authority to determine how people may wish to live by refusing such accommodation in sustainable locations within the District which may be welcome to the tenants.

#### Highway Matters

- 7.17 Given the level of occupancy, and the need for the manager and visitor space provision, it is considered that the car park can provide adequate parking spaces to serve the use of the premises. The Local Highway Authority has considered the proposals and advised of no objection provided the parking facilities are retained for the life of the development; this can be subject to a permission on any grant of planning permission.

#### Other matters

- 7.18 There is some confusion within the objections received with regard to the appropriate Policies by which to consider the application. Reference is made by an objector to paragraph 6.20 of the Adopted Local Plan which forms part of the pre-ambule to Policy HC9. The objector advises that the development does not qualify under the criteria of Policy HC9: Conversion and Re-use of Buildings for Residential Accommodation; this is not the correct description of the policy as Policy HC9 relates to the Residential Subdivision of Dwellings; the building is not a dwelling. Therefore Policy HC9 does not apply in this case. Therefore, it has to be assumed that the reference is in fact to Policy HC8: Conversion and Re-use of Buildings for Residential Accommodation. This Policy refers to the conversion of buildings outside of Settlement Boundaries; the application site is within a Settlement Boundary and, therefore, this policy does not apply either.
- 7.19 It is advised that the proposals does not meet with Policy HC11: Housing Mix and Type. This policy is aimed at developments of 11 or more dwellings, which is not the case with this application. However, this Policy is aimed at ensuring the provision of smaller dwelling units as part of residential development schemes to resist the desire of developers to generally wish to build larger properties.

#### Conclusion

- 7.20 The site is in a sustainable location where residential development is normally supported. The proposals make good re-use of this building which has been made redundant by the improved replacement medical centre and will provide accommodation for a demographic of people who find it difficult to purchase or rent full properties. This will allow them the opportunity to have their own accommodation which may suit their needs. It is appreciated that there is no communal space, other than the kitchen area, but this is not considered a reason to refuse planning permission; any tenants will be fully aware of the accommodation arrangements prior to signing any tenancy agreement.
- 7.21 The development could provide opportunity for up to four persons with mobility difficulties to live independently and provide a form of accommodation that would serve the needs of some people. This is close to facilities and services, and potentially to employment, and is close to, and on a fairly level route to, public transport to such. It is appreciated that local residents have concern as to the demographic that may occupy such a building.

7.22 Whilst the proposals are clearly emotive, it is considered that the concerns raised may not materialise and some of the concerns raised could be of such concern for other forms of residential accommodation. The applicant has set out clearly how he intends to operate the premises and accepts being bound by his own Statement of Operation policy. The premises also requires a license to operate as a HMO which can be rescinded at any time should the concerns of local residents materialise to an unacceptable degree. Any complaints can also be referred to the Local Planning Authority as to how the Operation policy is being implemented.

7.23 The proposals are a sustainable re-use of an existing building, which can be converted relatively easily for its proposed purpose. Therefore, despite the clear concerns of local residents, the recommendation in the planning balance is one of approval subject to conditions relating to the operation of the premises being in accordance with the Statement of Operational Policy, the provision of the car parking facilities and that the building not be altered from the approved drawings without the permission of the Local Planning Authority.

## 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, once first occupied for the approved purpose, shall be operated fully in accordance with the Statement of Operational Policy received on 23<sup>rd</sup> July 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of local residents to comply with Policies S1, S3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before the site is first brought into its approved use, the parking facilities shall be provided as detailed on the approved Drawing No. 1165-001 received on 5<sup>th</sup> June 2019 and shall thereafter be retained as such for the life of the development.

Reason:

To ensure the provision of adequate off street parking in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

4. The internal arrangements of the building shall be laid out fully in accordance with the Amended Drawing No. 1165-04 Rev:E prior to the first occupation of the premises and shall not be altered unless otherwise agreed in writing by the Local Planning further to the submission of a planning application.

Reason:

To safeguard the amenities of the building and the wider area and to ensure the provision of adequate off street parking in the interests of highway safety to comply with Policy S1, S3, PD9 and HC21 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 relating to how the premises would be managed.
2. This decision notice relates to the following documents:

Site Location Plan (1:1250) and Block Plan (1:500) received on 5<sup>th</sup> June 2019  
Drawing Nos. 1165-001 and 002 received on 5<sup>th</sup> June 2019  
Amended Drawing No. 1165-04 Rev: E received on 23<sup>rd</sup> July 2019  
Statement of Operational Policy received on 23<sup>rd</sup> July 2019.

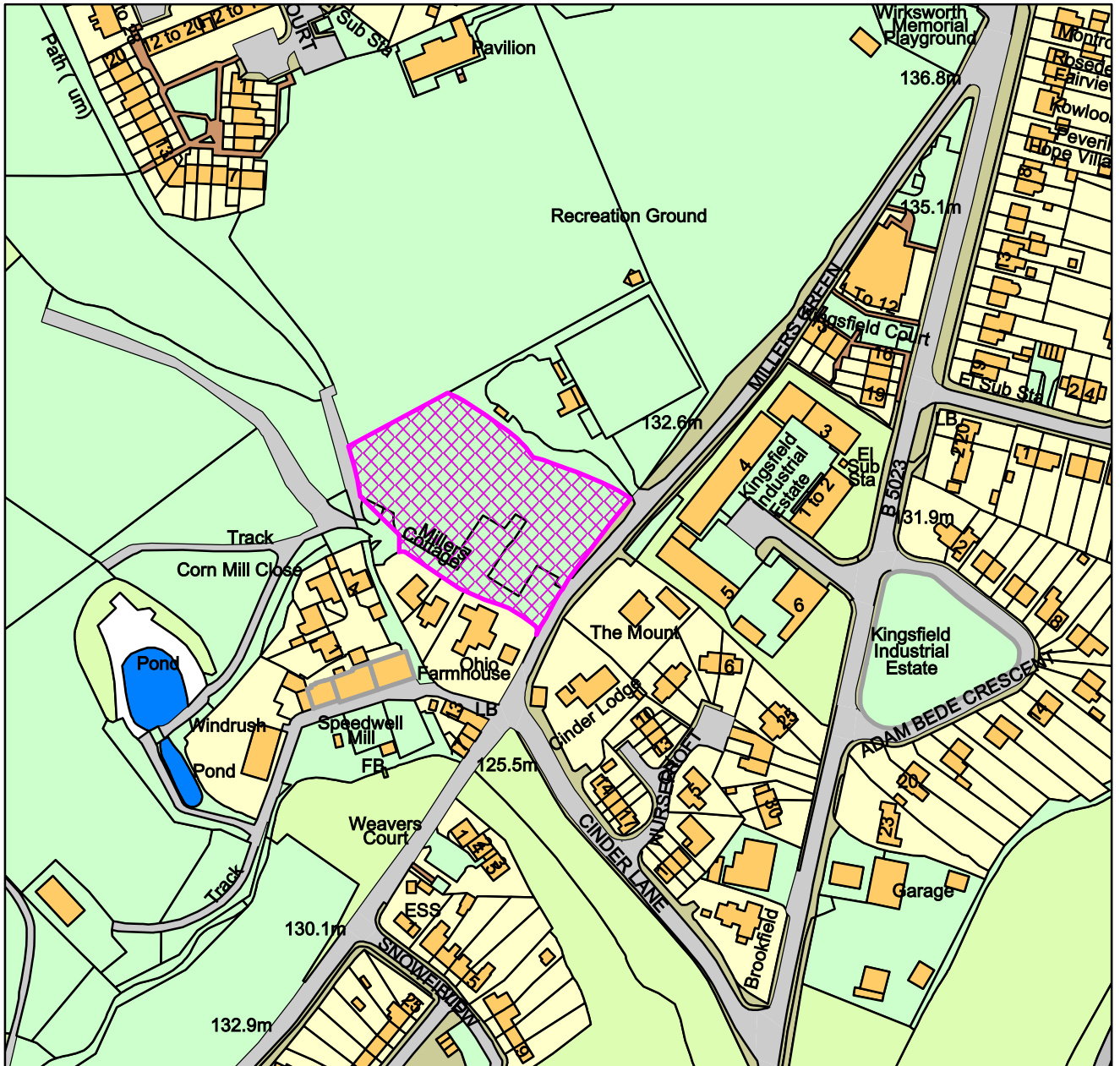


<b>APPLICATION NUMBER</b>		19/00455/OUT	
<b>SITE ADDRESS:</b>		Land Off Millers Green, Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Outline planning application for a residential development of 12 dwellings with approval being sought for access	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Ben Cooild Ltd
<b>TOWN</b>	Wirksworth	<b>AGENT</b>	Planning and Design Practice Ltd
<b>WARD MEMBERS</b>	Cllr. M. Ratcliffe Cllr. P. Slack	<b>DETERMINATION TARGET</b>	17 <sup>th</sup> July 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major Application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess development proposals in their context

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residents' amenity</li> <li>• Affordable housing provision</li> <li>• Open space provision</li> <li>• Community infrastructure provision</li> <li>• Highway matters</li> <li>• Flooding and drainage</li> <li>• Site contamination</li> <li>• Arboricultural matters</li> <li>• Ecology</li> </ul>

<b>RECOMMENDATION</b>
Approval

# 19/00455/OUT - Land Off Millers Green, Wirksworth



Derbyshire Dales DC

1:2,500

Date: 01/08/2019

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](http://www.derbyshiredales.gov.uk)

## 1. THE SITE AND SURROUNDINGS

- 1.1 The site comprises 0.25ha of land immediately to the west of Millers Green which used to contain plant hire workshops, storage, offices and vehicle parking. These have now been cleared as the site has been granted planning permission for residential development which has become an extant permission since 2011. The application site also includes an area of greenfield, paddock land to the west of some 0.29ha giving a site area of some 0.54ha
- 1.2 The site lies between the residential property of Ohio Farmhouse on Millers Green to the south and recreational land which is set behind a mix of hedging and trees to the north. The site is within the Settlement Boundary for Wirksworth.







## 2. DETAILS OF THE APPLICATION

2.1 Outline Planning Permission is sought for the erection of 12 dwellinghouses on the site. Details of access onto the site has been submitted but appearance, landscaping, layout and scale are reserved matters. However, the applicant has submitted indicative proposals for five dwellinghouses to the front of the site and seven bungalows (two of which would be affordable bungalows) set beyond this. It is proposed that vehicle access to the properties would be via a centrally located road on the site frontage off Millers Green. This would continue through the site to provide access to the fields beyond. An existing access to the south of the site, adjacent to Ohio Farmhouse, is proposed to be removed and turned over to domestic curtilage.

2.2 The applicant has submitted the following documents with the application:

- Design and Access Statement (April 2019)
- Flood Risk Assessment and Drainage Strategy (June 2019)

- GeoEnvironmental Investigation (August 2016)
- Arboricultural Report (June 2019)
- Preliminary Ecological Appraisal (June 2019)
- Reptile Method Statement (June 2019)

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

#### **3.1 Adopted Derbyshire Dales Local Plan (2017)**

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- 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 Provision
- HC14 Open Space, Sports and Recreation Facilities
- HC15 Community Facilities and Services
- HC21 Car Parking Standards

#### **3.2 Wirksworth Neighbourhood Development Plan (2015-2028)**

- NP1 Setting and Shape of the Settlement
- NP2 Quality and Character of Development within the Settlement
- NP4 Size of New Homes and Space Standards
- NP5 Principal Residence Homes
- NP6 Quality of Residential Development

#### **3.3 National Planning Policy Framework**

#### **3.4 National Planning Practice Guidance**

### **4. RELEVANT PLANNING HISTORY**

- 16/00704/OUT Outline application for residential development of up to 50 dwellings – Refused
- 11/00229/EXF Extension of Time Limit - Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments, associated access and landscaping – Granted
- 08/00286/FUL Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Granted
- 07/00874/FUL Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Withdrawn

06/00742/REM	Erection of 10 no. residential dwellings and associated access (approval of reserved matters) – Withdrawn
06/00461/REM	Erection of 10 no. dwellings (approval of reserved matters) – Withdrawn
03/02/0120	Residential development (Outline) – Granted
02/03/0225	Extension of sports field – Granted but planning permission subsequently rescinded by legal agreement with the District Council
02/03/0224	Residential development (outline) - Refused

## 5. CONSULTATION RESPONSES

### Town Council

- 5.1
- object
  - whilst it is recognised that the overall site sits within the settlement boundary, the application represents scope creep with the applicant seeking to encroach on land previously agreed by the owners (via S106) to be retained as green space
  - the proposed road layout is not required in the current form if the application is to be limited to the existing development site and is therefore seeking to create a gateway for further development by forming an access road
  - site has a history of flooding and the introduction of hard landscaping to this greenspace (especially that covered by S106 agreement) will exacerbate the existing issues with a consequential impact of properties further down the slope
  - gradients of the existing site do not appear to be adequately addressed in the plans, including the impact and creation of potential accessibility issues for accommodation (especially given that the properties such as the affordable housing stock will be single storey in order to be accessible).

### Head of Housing (Derbyshire Dales District Council)

- 5.2
- recent affordable housing in Wirksworth has focused on family housing and general needs flats
  - recommend that affordable housing provision should be two, 3 bed roomed bungalows to M4 (3) wheelchair user standard
  - development offers the opportunity to meet need not just from within Wirksworth but also the surrounding villages where such provision is harder to achieve.

### Strategic Planning (Derbyshire County Council)

- 5.3
- require financial contribution of £78,139.81 towards the provision of two secondary school and one post 16 place at Anthony Gell School towards Project B: additional teaching and support space
  - request an advisory note be attached to encourage providing access to high speed broadband facilities.

### Environment Agency

- 5.4
- no comment as there are no environmental constraints associated with the site which fall within their remit.

### Lead Local Flood Authority (Derbyshire County Council)

- 5.5
- applicant has not undertaken a thorough ground investigation therefore the application cannot demonstrate the runoff destination hierarchy as paragraph 80 of the planning practice guidance

- should Infiltration testing demonstrate soakaways are not viable, the submitted Flood Risk Assessment (FRA) for the proposed development is to dispose of surface water to the ordinary watercourse 70 m south of the proposed site via a restricted flow control device
- will need to see that an appropriate survey of the watercourse is undertaken at the proposed point of discharge to ensure there is capacity for the additional flows and the integrity of the highway bridge is maintained
- discharge rate will be restricted by a Hydrobrake flow control to the 1 in 1 year storm event of 2.3 l/s for the proposed greenfield site of 0.53 Ha. A required attenuation storage of 201 m<sup>3</sup> has been estimated based on the 1% annual rainfall event plus 40% climate change
- anticipate that an allowance for 10% urban creep will be incorporated
- request conditions and footnotes be granted to any grant of permission.

#### Local Highway Authority (Derbyshire County Council)

- 5.6
- as this application is outline with all matters reserved except for access, the Local Highway Authority is not providing any detailed comments regarding the proposed internal layout of the residential site but, judging from the indicative layout, it seems 12 dwellings with appropriate infrastructure can be accommodated within the site
  - recommended that 2.4m x 59m visibility splays be provided when emerging onto Millers Green, preferably measured to the nearside carriageway edge
  - guidance also recommends a forward visibility sightline of 59m be available to and from right turning vehicles
  - considered acceptable access arrangements to the site could be provided to Millers Green, meeting current safe minimum criteria
  - would be desirable if the section of Millers Green fronting the application site could be widened to a minimum of 5.5m wide to improve the manoeuvres for turning traffic to and from the development and to reduce any potential conflict with vehicles travelling along Millers Green (the new residential access road is also likely to be required to be laid out with this geometry)
  - recommend a footway is provided across the roadside frontage
  - a Public Right of Way crosses the site, which will need to be maintained on its lawful alignment, unless formally diverted by Order - details will be required where any new estate street bisects the existing route to ensure the safety of highway users are not prejudiced by the works.

#### Peak and Northern Footpaths Society

- 5.7
- no objection in principle
  - confused by the paragraph 3.11 in the Design and Access Statement that states that the road is designed as a through road rather than a cul-de-sac and incorporates a turning head that is fully functional based on standard 'Y' turning head access road. A 12m radius curve at the northern end is proposed to minimise the curvature of the road, to maintain access to Millers Cottages and The Chalet - cannot see how this relates to the location of Footpath 59
  - the full width of this path along its whole length must remain unobstructed and safe for walkers to use
  - if this is not the case, the plans must be amended to ensure that public safety and enjoyment of the use of the path is not reduced.

#### Derbyshire Wildlife Trust

- 5.8
- further to the initial Preliminary Ecological Appraisal report (Ecus Ltd, June 2019), eDNA sampling has been undertaken for GCN and confirmed absence in all ponds within 500 m of the application area - no further survey work or mitigation is required with respect to this species.
  - a precautionary Reptile Method Statement provides clear guidance to be followed during the initial site strip and should be implemented in full



- advise that conditions are attached with respect implementing the Reptile Method Statement, the submission of a Biodiversity Enhancement Plan and protection of nesting birds.

#### Arboricultural and Landscape (Derbyshire Dales District Council)

- 5.9
- numerous mature trees and hedgerows bordering and surrounding the site of the proposed development which could be negatively affected by the works that would be needed to facilitate it
  - the loss of some trees and hedges would be acceptable if several mixed native trees and at least 45m of mixed native hedgerow are planted within the development
  - all trees to remain and will need to be protected during construction activity
  - should be no ground level changes in Root Protection Areas (RPAs) and underground services should not pass through RPAs
  - foundation design should take account of potential future root growth and should be a condition of any permission
  - majority of retained trees outside the application site could potentially cause problems as they grow over time and restrict view out of the development
  - suggestions for ecological and biodiversity protection/enhancements have been made
  - grasscrete could perhaps be used to improve the visual impact of large areas of car parking and private driveways
  - features reflecting the local landscape within the design and finishing of the houses and their landscaping would be welcome
  - connection with the surrounding landscape should be incorporated into the development via a pedestrian link through the site boundary to the existing footpath bordering the western edge of the site.

#### Environmental Health (Derbyshire Dales District Council)

- 5.10 - recommend land contamination remediation conditions.

## **6. REPRESENTATIONS RECEIVED**

- 6.1 Residents of Wirksworth have submitted letters of objection to the proposals which are summarised as follows:

- greenfield land is subject to a Section 106 planning agreement from 17<sup>th</sup> September 2003 which stipulates it shall only be used for agriculture
- Plots 5-9 cannot be used for dwellings as they are located on protected agricultural land and Plots 4 and 10 are marginal as car parks are within the agricultural land
- extension of development into the greenfield land is inappropriate and unnecessary
- plenty of other brownfield sites which could be developed
- landowner has removed hedges and mature trees to eliminate constraints so the land can be developed with total disregard to ecology
- four trees have been removed which were protected with the previous planning permission
- much of the proposed development land was used as a tip from the early 1980's until 2011 which has disturbed natural drainage
- gates at the end of the new road will obstruct access to neighbour's property at 2 Millers Green
- new road does not afford proper access to neighbour's driveway and does not take into account the sloped nature of the area or two established oak trees at the end of the drive which stand in the way of the proposed access
- Plot 5 obstructs neighbour's drive
- access arrangement suggest further planning permission will be sought to develop on the large field behind Cornmill Close



- access to The Chalet is via Speedwell Mill and gravel track is only for ad hoc large delivery vehicles, farm machinery, etc. – the term ‘future development’ is strange as previous application for residential development was refused
- concerns raised with regard to access road crossing public right of way
- a cul-de-sac for the brownfield site development would suffice, connected to the current access to existing, adjacent properties
- removal of native species hedge along the current access road would mean loss of habitat for birds and hedgehogs that live in it
- will present a further obstacle to the ease of access to property on top of the deviated and lengthened route to Millers Green
- suggestion that development would suit the elderly or those in wheelchairs is ridiculous as there is a difference of over 20ft from the back to the front of the site
- 15-20 minute walk to shops – the pavements are too narrow and the bus stop too far away on Derby Road and requires crossing the road twice as there are no pavements and the road junction at Cinder Lane is dangerous
- Hannage Brook Medical Centre would not be easily accessible and not really suitable for target resident
- loss of privacy from Plots 4 and 5
- approved scheme for 10 dwellings has an impact but much less of an impact than the proposed development of 12 dwellings
- proposed route is over undulating ground of varying heights – will the development seek to make good these grounds variations and thus enable a smooth transition from the end of the road to neighbour’s drive
- amended site drawing is a slight improvement to access to 2 Millers Green
- proposed hedge on border of property to replace established 1.5m wide, 3m high hedgerow will take time to develop - any replacement needs to be of mature, large specimens from the outset otherwise privacy will be seriously compromised, particularly as site is on land 1m higher than neighbour’s property
- the rooflines of the bungalows should be subservient to the height of 2 Millers Green when viewed from adjacent land as this property, and Ohio Farmhouse, are of historic interest having been built nearly 300 years ago
- drainage problems with old mine workings
- much of the proposed development land was used as a tip, typically in excess of 1.5m deep, from the early 1980’s until 2011 which acts as a dam has disturbed natural drainage
- good to see that the proposed attenuation has increased but the analysis in the report takes no account of water flowing from the recreational grounds onto the eastern part of the site – report only focuses on changes caused by the proposed hardstanding and the proposed attenuation storage will quickly be overpowered
- Plots 1, 2 and 3 are most at risk from flooding the car park to the rear will not provide attenuation
- concern that garage at Ohio Farmhouse will be flooded
- local residents know what really happens on the ground far better than any consultant
- during heavy rain, a river of water comes off the site and onto the road – the road drainage cannot deal with the volume of water and has caused flood risk to 14 Millers Green and have had to unblock drains to prevent this
- application does not address existing issue of surface water coming from the site
- little information about the nature of the affordable housing to Plots 1 or 2 – statement says will be 3 bedroomed townhouses which suggests they will be 3 or more storeys high creating massive gable wall on Plot 1, 2.5m away from the domestic driveway to Ohio Farmhouse
- not in keeping with the streetscene on Millers Green highway
- suggest Plots 1-3 moved nearer to the access road and planting provided between Plot 1 and Ohio Farmhouse

- any windows on south elevation would look into the two bedroom window facing the site from Ohio Farmhouse and the covered deck
- latest car parking proposal is closer to Ohio farmhouse and less screened
- ask about the possibility of changing the address of 2 Millers Green if the proposed development is approved
- brownfield part is an eyesore and needs rectifying and development be restricted to this area.

6.2 Two residents of Wirksworth have submitted letters in support of the proposals which are summarised as follows:

- bungalows specifically designed for disabled people or people with limited mobility
- currently on a waiting list for a house and one of the three bedroomed townhouses would be perfect
- the location is ideal next to the recreation ground, close to the post office and shop and the bus stop at the end of Cinder Lane
- would be closer to bus stop than where currently live and rely on bus as can no longer drive
- suggestion that road through the site is not required – it is needed to access The Chalet at rear of Cornmill Close and 2 Miller Green and for large vehicles and agricultural machinery which cannot gain access from any other route to the fields
- a turning head is required for refuse collection
- bemused as to why residents of Cornmill Close suggest this access should be cut off as they have used the track to have large or bulky items delivered to the rear of their properties
- development is well thought out, carefully and sympathetically designed
- it does not interfere with Cornmill Close or the footpath and the development boundary stops to the west of the present footpath.

6.3 A resident of Wirksworth has made comment on the application which is summarised as follows:

- Wirksworth FP 59 needs to be kept both open and safe for pedestrians and walkers both during and after development
- unclear why a through road is needed for 12 dwellings
- area marked tarmac/gravel as part of the development even though it is outside the plan footprint.

6.4 Wirksworth and Middleton Rugby Club have commented on the proposals:

- recreation ground has existed since at least 1849 and provides an excellent facility
- no objection in principle to housing but clearly the development would significantly change the environment in which the Club currently operates
- possibility of neighbour disputes would arise related to fouling of the playing area by dogs, misuse of the land by cyclist and other damage that has to be repaired by volunteers – these problems currently exist but are concerned about these being exacerbated
- raise concern with regard to proximity of Plots 6, 7 and 8 to the outfield of the cricket pitch – have had to retrieve cricket balls from this field on occasions
- if Council is minded to grant permission, it should be an obligation that the developer erects and maintains a suitably high fence along the immediate boundary with the outfield defined by the cricket club's hedge
- should consider a financial contribution to support the voluntary efforts of the Recreation Ground Trustees to improve facilities for cricket, football, bowls and play area which are a drain on the Trustees limited resources.

## **7. OFFICER APPRAISAL**

### Principle of Development

- 7.1 Almost half of the site has an extant planning permission for the erection of five dwellinghouses and five flats. This is on the previously developed land immediately to the west of Millers Green. However, the paddock to the north west of the previously developed site has no such permission and, whilst it is within the Settlement Boundary for Wirksworth, this area is nevertheless a greenfield site.
- 7.2 The land is within the Settlement Boundary for Wirksworth. The Adopted Local Plan (2017) has allocated sites that will make up much of its housing land supply going forward. However, this does not cover fully the objectively assessed need for housing land supply going forward and there is some reliance on windfall sites also coming forward in the Local Plan period until 2033. Policy HC1 of the Adopted Local Plan (2017) supports residential development on unallocated sites where the development accords with Policy S2 which sets out the settlement hierarchy and approach to future development. As such, it is considered that the element of the site which is previously undeveloped can be developed as a windfall site in this sustainable, Tier 1 settlement.
- 7.3 In order for the development to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Plan (2015-2028) the dwellings will need to be principal residence homes. It could be argued that the site has an extant permission to the front that is not bound by such a requirements. As such, it is only considered reasonable to attach such a constraint to those dwellinghouses outside of the site of the planning permission granted in 2011, and excluding the affordable houses, if outline planning permission is granted. It is appreciated that the site layout may change and therefore, a condition would need to be attached to any outline planning permission requiring four of the dwellings, excluding the affordable housing, being used only as principal residences, and not be utilised as a second home or for holiday accommodation, in accordance with details that will need to be agreed in writing.

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

- 7.4 The development is only indicative at this stage. It is a rather unimaginative layout with houses and bungalows sat aside a linear, central access into the site. Nevertheless, this is only an indicative layout which can be reconsidered with the reserved matters. It is considered that, with the constraints associated with the site, which include proximity to neighbouring residential properties, the access gradient and peripheral landscaping, that a development of 12 dwellings is possible on the site. It is also considered reasonable that those on the upper level of the site where the paddock is, be of single storey to reduce their impact in the landscape in the more elevated section of the site. In developing the site, it is expected that features reflecting the local landscape, within the design and finishes of the houses and the landscaping of the site, will need to be carefully considered.

### Impact on Residents' Amenity

- 7.5 The site abuts the gardens to three dwellinghouses. Whilst the layout of the site is indicative, it is considered that the proposed development can be accommodated without significantly harming the light, outlook and privacy enjoyed by the neighbouring residents. There would be a minimum distance of 17m between Plots 4 and 5 and the existing houses of 2 and 4 Millers Green. This is considered acceptable in privacy terms as the dwellings are proposed to be bungalows. There will need to be a replanting of the boundary hedge and temporary fencing may be required in the short term to prevent looking directly into the neighbouring properties.
- 7.6 The bungalows are proposed to the north east of the existing properties and, therefore, there should be no impact with respect to a loss of light or overshadowing. Whilst the hedge could restrict outlook to some extent, a 2m high close boarded fence or hedge could be provided along the boundary by the applicant in any event.

7.7 Ohio Farmhouse is set side onto the site and the nearest dwellinghouse (Plot 3) would be set approximately 8m from that dwellinghouse. Again, being set to the north east of Ohio Farmhouse, the development is unlikely to significantly impact on the light to that property. In terms of outlook, there would be some encroachment on this but in a normal 45° outlook from the front of that dwellinghouse, this would be onto the front part of the side of Plot 1 at a distance of some 12m away. There are side facing windows overlooking the site but it is considered unreasonable for the applicant to have significant constraints placed on the development of their property because of the neighbouring property already overlooking it. Nevertheless, this will need to be assessed in more detail with the submission of the reserved matters. Given the above, it is considered unreasonable to refuse outline planning permission on amenity grounds and these will ultimately need to be fully assessed with the reserved matters application.

#### Affordable Housing Provision

7.8 The District Council's Head of Housing has advised that recent affordable housing in Wirksworth has focused on family housing and general needs flats. As such, it is recommended that affordable housing provision should be two, 3 bedroomed bungalows to M4(3) wheelchair user standard. This is less than the 30% provision required by Policy HC4 of the Adopted Local Plan but it is recognised that bungalows will have a larger land take than dwellinghouses and that there is more of a need for single storey, accessible accommodation. The proposals offer the opportunity to meet a need, not just from within Wirksworth, but also the surrounding villages where such provision is harder to achieve. The provision of the affordable housing will have to be secured with a Section 106 Legal Agreement.

#### Open Space Provision

7.9 The site is relatively modest for the inclusion of on-site open space or a children's play area within it. To this end, each property has reasonable garden amenity space. There is also a nearby children's play area to the north adjacent to the recreation ground. Whilst this has received a financial contribution from the Kingsfield residential development in relatively recent times, it is considered reasonable for this facility to receive further funding of £6,000 (£500 per dwelling) or, if this is not required, a payment towards upgrading and maintaining other play space areas within the town which will also be likely to benefit potential residents of the site. This will need to be provided by way inclusion in the Section 106 Legal Agreement.

#### Community Infrastructure Provision

7.10 Derbyshire County Council has advised that it requires a financial contribution of £78,139.81 towards the provision of two secondary school and one post 16 place at Anthony Gell School towards Project B: additional teaching and support space. This will again need to be provided by way inclusion in the Section 106 Legal Agreement.

#### Highway Matters

7.11 The Local Highway Authority has assessed the proposals and has not provided detailed comments regarding the proposed internal layout of the residential site as this is an outline planning application. However, judging from the indicative layout, it seems 12 dwellings with appropriate infrastructure can be accommodated within the site. It is noted that the application proposes to construct the spine road within the site to adoptable standards and the individual driveways to remain private.

7.12 Based on the previously recorded vehicle speeds captured on this section of Millers Green, it is recommended that 2.4m x 59m visibility splays be provided when emerging onto Millers Green, preferably measured to the nearside carriageway edge. Guidance also recommends a forward visibility sightline of 59m be available to and from right turning vehicles.

- 7.13 From a recent site visit, it is considered acceptable access arrangements to the site could be provided to Millers Green, meeting current safe minimum criteria. It would be desirable, when dealing with the site frontage and access arrangements to serve the new residential development, if the section of Millers Green fronting the application site could be widened to a minimum of 5.5m wide to improve the manoeuvres for turning traffic, to and from the development, and to reduce any potential conflict with vehicles travelling along Millers Green and the new residential access road is also likely to be required to be laid out with this geometry.
- 7.14 It is recommended that a footway is provided across the roadside frontage, together with pedestrian crossing facilities, for pedestrians to access the pedestrian margin on the opposite side of the road. A Public Right of Way crosses the site, which will need to be maintained on its lawful alignment, unless formally diverted by Order. Details will be required where any new estate street bisects the existing route to ensure the safety of highway users are not prejudiced by the works. However, this is a matter that would be dealt with as part of any reserved matters or subsequent full planning application for this site. Therefore, the Local Highway Authority raises no objection subject to conditions.

#### Flooding and Drainage

- 7.15 The Local Lead Flood Authority (LLFA) has assessed the application and sought further information from the applicant. It has been advised that the applicant has not undertaken a thorough ground investigation and, therefore, the application cannot demonstrate the runoff destination hierarchy as paragraph 80 of the National Planning Practice Guidance.
- 7.16 It is advised that, should Infiltration testing demonstrate soakaways are not viable, the submitted Flood Risk Assessment (FRA) proposes to dispose of surface water to the ordinary watercourse 70 m south of the proposed site via a restricted flow control device. It is advised by the LLFA that it will need to see that an appropriate survey of the watercourse is undertaken at the proposed point of discharge to ensure there is capacity for the additional flows and the integrity of the highway bridge is maintained. It is advised that the discharge rate will be restricted by a Hydrobrake flow control to the 1 in 1 year storm event of 2.3 l/s for the proposed greenfield site of 0.53 Ha.
- 7.17 A required attenuation storage of 201m<sup>3</sup> has been estimated based on the 1% annual rainfall event plus 40% climate change and it is anticipated that an allowance for 10% urban creep will need to be incorporated. On this basis, the LLFA has advised of a number of conditions to ensure that drainage matters are fully addressed and such information may have to form part of the detailed scheme to be presented as reserved matters should outline planning permission be granted.

#### Site Contamination

- 7.18 The applicant has submitted a GeoEnvironmental Investigation. This has been assessed by the District Council's Environmental Health Section which has recommended conditions with respect to remediation measures.

#### Arboricultural Matters

- 7.19 It has been noted that there are numerous mature trees and hedgerows bordering and surrounding the site of the proposed development which could be negatively affected by the works that would be needed to facilitate it. The arboricultural report advises the following will need to be removed:
- a mature 8m tall ash tree (classified as category C – low quality) would need to be removed to make way for Plot 6
  - a 4m high goat willow with poor form
  - 40m long hedgerow to make an entrance for the development and from the rear gardens of Plots 4 and 5 – this is moderate quality
  - approximately 5m length of hedgerow to be removed to make way for Plot 12

- 7.20 It is considered that these losses would be acceptable if several mixed native trees and at least 45m of mixed native hedgerow are planted within the development. All other trees are to remain and will need to be protected during construction activity. To this end, the applicant will need to devise suitable root protection measures for the root protection areas (RPAs) of retained trees at Plots 6 and 12 and there should be no ground level changes in RPAs and underground services should not pass through RPAs. The District Council's Arboriculture and Landscape Officer advises that the foundation design should take account of potential future root growth and should be a condition of any permission
- 7.21 The majority of retained trees outside the application site could potentially cause problems as they grow over time and restrict view out of the development. However, those trees to existing residential properties are likely to be managed in any event and the trees to the north of the site are unlikely to overshadow the nearest proposed dwellinghouse or their gardens to such an extent that they would be likely to face significant pressure for their removal.

### Ecology

- 7.22 The applicant has submitted a Preliminary Ecological Appraisal and a Reptile Method Statement which have been assessed by Derbyshire Wildlife Trust (DWT). It is advised that the precautionary Reptile Method Statement provides clear guidance to be followed during the initial site strip and should be implemented in full. It is also advised, should outline planning permission be granted, that conditions be attached with respect to a biodiversity enhancement scheme and the protection of birds during the nesting season.

### Other matters

- 7.23 The greenfield land to the western half of the application site, and beyond, is subject to a Section 106 planning agreement from 17<sup>th</sup> September 2003 which stipulates it shall only be used for agriculture and all goods, vehicles and machinery on the site were to be permanently removed within 28 days of the agreement. This legal agreement was linked with the granting of residential development of the previously developed land at the former Chequers Farm site (ref: (03/02/0120) and was aimed at dealing with unauthorised tipping on the site.
- 7.24 It should be noted that this was later varied by a legal agreement of 29<sup>th</sup> March 2004 allowing for the land to be also used as an extension of the sports field in accordance with planning permission (ref: 02/03/0225). This legal agreement was also presented with planning application 08/00286/FUL when permission was granted for the residential development of the site on the previously developed land of the former Chequers Farm site. The land to the west of the application site, as contained in the legal agreement, now forms part of the Recreation Ground.
- 7.25 To this end, the greenfield part of the application site is still subject to the legal agreement that it shall remain as agricultural land. As such, if planning permission is granted for the current proposals, permission will need to be sought to now rescind that Section 106 Agreement in its entirety. It is considered, having due regards to the change in circumstances over time, that the legal agreement would no longer serve a useful purpose if the site is deemed otherwise acceptable for residential development.
- 7.26 Concern has been raised with regard to the proximity of the cricket pitch to the site and the potential for cricket balls to land on the site. Whilst this is a potential hazard, the applicant has sought to address this in part by proposing a chain link fence along the 40m perimeter, supplemented with hedge planting. This may not address cricket balls being hit into the gardens in all eventualities but will have the potential to stop some.

## Conclusion

- 7.27 The criteria for including land within the Settlement Boundary is set out within paragraph 4.24 of the Local Plan. To this end, it is considered that the site meets criteria (iii) as there is the presence of clearly defined physical features round the site and a clear interrelationship of this land to the site which has the extant planning permission. In this respect, the principle of development is considered acceptable.
- 7.28 It is appreciated that a legal agreement restricts use of part of the site to remain as agricultural land. However, this initially related to a much larger area of land, the main part of which has since become part of the Recreation Ground. The remaining area of land offers little benefit to agriculture and, as stated above, relates more to the previously developed site than to the other surrounding land. To this extent, the legal agreement is considered to have outlived its usefulness and could be subject to amendment as part of the Section 106 Agreement required for the site to deliver affordable housing and financial contributions to play space and education facilities.
- 7.29 Whilst the details of the development may be open to change as part of considering the reserved matters, the proposals as submitted will be of benefit in providing seven accessible bungalows, two of which will be affordable properties. This is considered a benefit to the town with the potential to address the needs of an ageing population and the development will also be required to make a contribution to educational facilities to meet the potential increase in school places generated by the development. In accordance with Policy NP4 of the Wirksworth Neighbourhood Plan, but having regard to the extant permission, four of these properties, excluding the affordable dwellings, will have to be primary residences which would need to be a condition of any outline planning permission.
- 7.30 Whilst there are issues with regard to land drainage, the Local Lead Flood Authority has advised that this can be addressed with conditions and this may also inform the nature and layout of the development at the reserved matters stage.
- 7.31 It is considered that a development can be provided on the site which addresses the concerns of proximity to neighbours and the cricket pitch. It is also considered that access can be provided to the properties that currently benefit from the existing access arrangements. Appropriate boundary planting can also be provided for the benefit of character and appearance, neighbour amenity and ecological benefit.
- 7.32 Given the above, it is considered that the proposals will make a beneficial re-use of this site and it is recommended that outline planning permission be granted subject to the requirements detailed above with respect to a Section 106 Legal Agreement.

## **8. RECOMMENDATION**

That subject to the applicant entering into a Section 106 legal agreement to amend/rescind the legal agreement of 17<sup>th</sup> September 2003, to ensure on-site affordable housing provision and financial contributions of £78,139.81 towards education facilities and £6,000 towards the provision/maintenance of off-site children's play space, that outline planning permission be granted subject to the following conditions:

1. Condition ST03a      Submission of Certain Reserved Matters

Reason:

Reason ST03a

2. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs,

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

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity. Such approved measures shall be implemented in full and maintained thereafter. Measures may include:
  - details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers)
  - details of bird boxes will be clearly shown on a plan (positions/specification/numbers).
  - details of insect bricks will be clearly shown on a plan (positions/specification/numbers).
  - measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
  - a summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason:

To achieve a net gain in biodiversity in accordance with the National Planning Policy Framework (2019) and to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

4. During the initial site strip, the Reptile Method Statement (Ecus Ltd., June 2019) shall be implemented in full and a short statement of compliance submitted to the Local Planning Authority upon completion of works.

Reason:

To safeguard protected species to comply with the National Planning Policy Framework (2019) and to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To safeguard nesting birds to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

6. The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters, has been submitted to, and approved in writing by the Local Planning Authority; and until the measures approved in that scheme have been implemented. The scheme shall



include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

(i) Desk-top study /phase I

A desk-top study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none are required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

(ii) Intrusive Site Investigation /phase II

If identified as being required following the completion of the desk-top study, an intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. This shall be based on the desk-top study and it shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the existing status of the site and proposed new use. Where samples are taken they shall be analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme, for all parameters requested (where this is available). Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

(iii) Remediation method statement /phase III

A written method statement containing an options appraisal and detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. All requirements contained in the remediation method statement shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

If during the development, or remediation, any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to occupation of the development (or parts thereof) an independent validation report must be submitted demonstrating that the works have been carried out satisfactorily, and remediation targets have been achieved (pursuant to 5ii and 5iii above only). This report shall be produced by a suitably qualified and accredited independent body (independent of the developer).

The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement(s). If identified as being required, the report shall identify and detail any requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

8. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme, for all parameters requested (where this is available). The results of the analysis, and an interpretation, shall be submitted to the LPA for consideration. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

9. Construction of the dwellinghouses approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved detail.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

10. No development shall take place, including any works of demolition, until a construction management plan / construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/ statement shall be adhered to throughout the construction period. The plan/ statement shall provide for:
  - a. Parking of vehicles for site operatives and visitors,
  - b. storage of plant and materials and site accommodation,
  - c. routes for construction traffic,
  - d. method of prevention of mud / debris being carried onto the public highway,
  - e. proposed temporary traffic management / restrictions,
  - f. arrangements for loading / unloading and turning vehicles within the site,
  - g. site access arrangements and roadside fencing / hoarding,

Reason:

In the interests of highway safety.

11. As part of any subsequent reserved matters or full application for this site detailed designs shall be provided of the layout and treatment, (including pedestrian crossing facilities) of the existing public right of way where it crosses the development site and internal estate street. The works being laid out and constructed in accordance with the approved details, in a timescale to be agreed in writing with the Local Planning Authority prior to works commencing on site. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section

278) with the Highway Authority in order to comply with the requirements of this condition.

Reason:

In the interests of highway safety.

12. No dwelling shall be occupied until a new estate street junction has been formed to Millers Green in accordance with drawing number 2350-003D, laid out, constructed to base level and provided with 2.4m x 59m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway or verge and not being included in any plot or other sub-division of the site and including the widening of Millers Green to achieve a carriageway width of at least 5.5m together the provision of a minimum 2m wide footway across the entire controlled site frontage to Millers Green.

Reason:

In the interests of highway safety.

13. The works approved under condition 12 above shall be laid out in a timescale to be agreed with the Local Planning Authority in advance of works commencing on site or prior to occupation of the first dwelling on site, whichever the sooner. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

Reason:

In the interests of highway safety.

14. No development shall be commenced until a temporary access for construction purposes has been provided to Millers Green in accordance with detailed designs to be submitted to the Local Planning Authority for written approval. The access shall be laid out and constructed to accommodate construction vehicles, laid out at least 6.5m wide and provided with a minimum 2.4m x 59m visibility splay in both directions; the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. The temporary access arrangements shall be retained in accordance with the approved scheme throughout the construction period, or until such time as the permanent access is taken into use.

Reason:

In the interests of highway safety.

15. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government and the County Council's own design guide, the Delivering Streets and Places document.

Reason:

In the interests of highway safety.

16. No development shall take place until construction details of the residential estate streets and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

17. The carriageways and footways of the proposed estate streets shall be constructed in accordance with Condition 16 above, up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that street. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

18. Within 21 days of the permanent access being taken into use, any existing or temporary construction access shall be completely removed and the highway margin re-instated, in a manner to be agreed with the Local Planning Authority in consultation with the Local Highway Authority.

Reason:

In the interests of highway safety.

19. The frontage boundary treatment to the estate street shall be restricted in height to no more than 1m, measured relative to the nearside carriageway channel level, to ensure 2.4m x 17m minimum visibility sightlines are maintained to the estate street, in each direction, from individual driveway access points.

Reason:

In the interests of highway safety.

20. As part of any reserved matters or full application for this site, details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

In the interests of highway safety.

21. The proposed access driveways to the estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

Reason:

In the interests of highway safety.

22. As part of any subsequent reserved matters or full planning application for this site a scheme for the parking and manoeuvring of residents, visitors, service and delivery vehicles shall be provided. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and maintained throughout life of the development free from any impediment to its designated use.

Reason:

In the interests of highway safety.

23. As part of any subsequent reserved matters or full planning application for this site a scheme for the disposal of highway surface water shall be provided. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

Reason:

In the interests of highway safety.

24. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Millers Green, Wirksworth Flood Risk Assessment & Drainage Strategy, Second Issue (July 2019 by Waterco) and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
  - b. and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

25. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
- i) into the ground (infiltration);
  - ii) to a surface water body;
  - iii) to a surface water sewer, highway drain, or another drainage system;
  - iv) to a combined sewer.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options to comply with Policy PD PD8 of the Adopted Derbyshire Dales Local Plan (2017).

26. Prior to excavations works for the dwellinghouse foundations being commenced, the applicant shall submit for approval to the Local Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating

to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

27. Four of the dwellings hereby approved, excluding the affordable housing, shall only be occupied as a primary residences and shall not be utilised as a second home or for holiday accommodation in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

To protect local housing stock to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Plan.

## **NOTES TO APPLICANT:**

1. The applicant's attention is drawn to the following comments of the Local Highway Authority:
  - A. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.
  - B. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
  - C. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp),  
Email – [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)
  - D. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and

may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

- E. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
- F. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
- G. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
- H. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
- I. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- J. The application site is affected by a Public Right of Way (Footpath/ number 59, Wirksworth on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form. If a right of way is required to be permanently

diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

2. The Local Lead Flood Authority has requested the attention of the applicant be brought to the following:
  - A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
  - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).
  - C. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
  - D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
  - E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
  - F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
  - G. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
  - H. Surface water drainage plans should include the following:
    - rainwater pipes, gullies and drainage channels including cover levels
    - inspection chambers, manholes and silt traps including cover and invert levels
    - pipe sizes, pipe materials, gradients and flow directions and pipe numbers
    - soakaways, including size and material
    - typical inspection chamber/soakaway/silt trap and SW attenuation details
    - site ground levels and finished floor levels.
  - I. On Site Surface Water Management;
    - the site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land
    - the applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc., to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be



made for urban creep throughout the lifetime of the development (to be agreed with the LLFA)

- production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed
- a plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc.).

### **Peak Flow Control**

- for greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

### **Volume Control**

- for greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event

*Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*

- details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
  - where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway
  - guidance on flood pathways can be found in BS EN 752.
  - the Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- J. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- ground percolation tests to BRE 365
  - ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells
  - soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
  - volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753<sub>37</sub> Table 25.2

- location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure
- drawing details including sizes and material
- details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

- K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
  - L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
3. 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.
  4. The Local Planning Authority prior to the submission of the application, and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to affordable housing provision and matters of flood risk, wildlife, arboricultural and site contamination.
  5. This decision notice relates to the following documents:

Drawing Nos. 001 Rev. A and 002 received on 17<sup>th</sup> April 2019  
 Amended Indicative Site Plan Rev. F received on 3<sup>rd</sup> July 2019  
 Design and Access Statement received on 17<sup>th</sup> April 2019  
 Preliminary Ecological Appraisal received on 17<sup>th</sup> April 2019  
 Geo- Environmental Investigation received on 17<sup>th</sup> April 2019  
 Amended Flood Risk Assessment Drainage Strategy received on 3<sup>rd</sup> July 2019  
 Arboricultural Report received on 25<sup>th</sup> June 2019  
 Preliminary Ecological Appraisal received on 21<sup>st</sup> June 2019  
 Reptile Method Statement received on 21<sup>st</sup> June 2019.

<b>APPLICATION NUMBER</b>		19/00563/FUL	
<b>SITE ADDRESS:</b>		Milverton, Main Street, Longford, Derbyshire, DE6 3DR	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use to equestrian, erection of stable block and formation of hardstanding (personal use)	
<b>CASE OFFICER</b>	Mr J Baldwin	<b>APPLICANT</b>	Mr & Mrs Moore
<b>PARISH/TOWN</b>	Longford	<b>AGENT</b>	Mr N Pike
<b>WARD MEMBER(S)</b>	Cllr M Morley	<b>DETERMINATION TARGET</b>	10/07/2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Called to committee by Cllr Morley	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and the relationship of the proposed development with surrounding development.

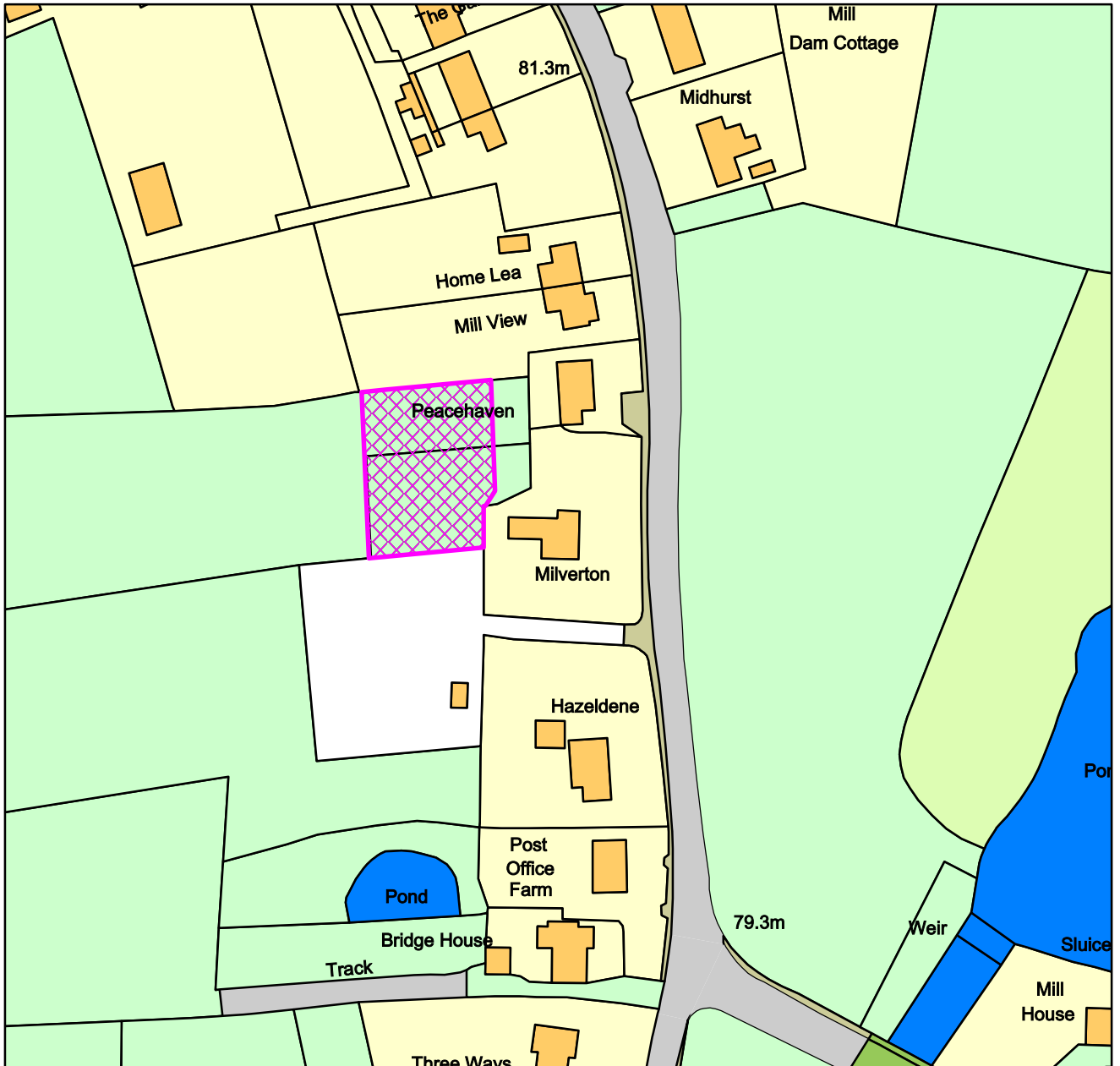
#### MATERIAL PLANNING ISSUES

- Principle of development
- Impact on the amenity of neighbouring occupants.
- Impact on the Longford Conservation Area.
- Impact on the surrounding trees and landscape.

#### RECOMMENDATION

Approval with conditions.

19/00563/FUL - Milverton, Main Street, Longford



Derbyshire Dales DC

1:1,250

Date: 01/08/2019

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 western side of Main Street in the centre of Longford and within the Longford Conservation Area. The application relates to a parcel of land to the rear of Milverton, which has been formerly used as an orchard. The site will be surrounded by residential properties to the east and south following the completion of an ongoing barn conversion. To the west of the site is open countryside.



## 2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the change of use of the land to equestrian and for the construction of a stable block with associated hardstanding. The stable block is proposed to be for private use only and would be constructed in an 'L' shape (17.9m x 13.2m) and would have a height of 2.97m. The stables would be constructed using timber and the land around would be covered in a permeable stone hardstanding. Access to the proposed stable block will be gained along an existing loose gravel driveway to the south of Milverton, this driveway will also serve the barn conversion which is currently under construction.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):  
Policy S4: Development in the Countryside  
Policy PD1: Design and Place Making  
Policy PD2: Protecting the Historic Environment  
Policy PD5: Landscape Character  
Policy PD6: Trees, Hedgerows and Woodlands

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

#### 4.0 RELEVANT PLANNING HISTORY:

15/00524/FUL	Change of use and conversion of barn to dwelling	REF	6/09/2015
16/00679/FUL	Change of use and conversion of barn to dwelling	PERC	6/12/2016
19/00225/FUL	Change of use to equestrian, erection of stable block and installation of hard standing for personal use	REF	3/04/2019

*19/00225/FUL - The proposed stable block would create an unacceptable level of noise and odour in close proximity to existing, adjacent residential properties to the detriment of the residential amenity of the occupants of those properties. The proposal would not therefore have a satisfactory relationship with adjacent development and would conflict with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).*

#### 5.0 CONSULTATION RESPONSES

##### Longford Parish Council

- 5.1 Longford Parish Council strongly object to this application. The proposed location for this development is still very close to residential properties and the impact of noise, lighting, run off and smell would be unacceptable, especially when there is ample room at the rear of the field for the development to be sited.

Although the amended plans have re-aligned the development, we think this will make matters worse, channelling the smell, noise etc. towards the residential properties, especially Brimar.

Trees in a conservation area would also be felled to accommodate the proposed site.

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

- 5.2 The Longford Conservation Area Appraisal (2011) notes and recognises that little back land development has taken place within the Conservation Area. Specifically, this relates to residential dwellings. The proposal, therefore, for an equestrian type building of a relatively low and ephemeral character and appearance is likely to be deemed acceptable on this back land site associated with the cottage. Views of the proposed site from the public realm within the Conservation Area are limited, mainly due to existing buildings and existing planting. Additional planting should be considered to enclose the new building within its proposed context.

It is considered that the proposal is unlikely to be harmful to the character and appearance of the Longford Conservation Area.

##### Conservation Advisory Forum

- 5.3 CAF discussed the proposed change in shape and form of the new stable block. In its proposed form it appeared slightly smaller in footprint to that previously proposed and its introspective form would allow all the external walls to be blank. CAF considered that the timber walling should be stained/painted an appropriate recessive colour. It was noted the



roof would be black. CAF considered that the proposal would not be harmful to the character and appearance of this part of the Conservation Area.

#### Environmental Health (Derbyshire Dales)

- 5.4 Comments from 31/05/2019: - as per previous application. *Concerns about the proximity of this development to the neighbouring dwellings. A more suitable location or the re-orientation of the stables to reduce the impact would be more desirable. This would then minimise the impact of noise, flies and odour on neighbouring dwellings.*

Comments from 02/07/2019: I have been out to Milverton, and from my visit have concluded that any stables should be pushed up as close to the dividing fence line as possible. I think a condition requiring the manures and wastes to be adequately managed would be helpful going forward. Soundproofing of the stables was also discussed and insulated panels were to be investigated and used. In addition, restoring the hedge between the garden and orchard area was discussed and would be desirable.

## **6.0 REPRESENTATIONS RECEIVED**

- 6.1 The Local Planning Authority have received objections to the proposed development from two neighbouring properties and one representation in support. A summary of the representations follows:

Supporting:

- Having looked at the proposed plans, and discussing muck removal, drainage and light pollution, I have no objection to the stables location in relation to my property.

In objection:

- The application does not resolve objections raised with the previous application.
- Why is the applicant applying for change of use of the orchard, there is other available land not bordering residential land.
- The height of the building is 3 metres high, whereas the boundary hedge is 5 feet. The proposal would impact on neighbouring occupants day to day life.
- The development would result in smells, noise, run-off and disturbance and would increase the vermin population.
- The manure trailer is situated quite a distance from the stables which may result in the applicant not using it correctly.
- Rainwater run-off may result in flooding of neighbouring properties.
- The application is largely the same as the previous application.
- A protected tree has been removed and work began on removing a second protected tree.
- The removal of the trees and the noise of the development would be detrimental to the wildlife in the area
- Unauthorised development has occurred on the land.
- The stables would result in overshadowing and loss of light to neighbouring properties due to the difference in land levels.
- The shape of the stables would funnel noise and odour toward neighbouring residential properties.
- Neighbouring properties would be unable to have doors/windows open due to the odour from the development.
- The proposed stables would introduce vermin/flies etc. which attract potential disease.
- There is up to 3 acres of available land and is no need to build the stables in such close proximity to the residential properties.
- The scale on the proposed block plan is incorrect and doesn't show the true size of the stables, and hardstanding or the proximity of neighbouring properties.
- How can faeces be removed from the loose permeable surface.
- The proposed lighting would cause unnecessary nuisance and light pollution.

- The stables would appear overbearing from neighbouring properties.
- The proposal would not enhance the area or preserve the wildlife.
- The loading and unloading of horses from the horse lorry would be an unnecessary disturbance to neighbouring occupants.
- The proposed planting would not sufficiently screen the proposed building.
- Disagree with the conservation officers description of the stables as ephemeral in character and appearance – the stables will last a lifetime.
- The outlook from neighbouring properties would be lost.
- Following the amended plans received – all objections remain.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on the Longford Conservation Area.
- Impact on the surrounding trees and landscape.
- Impact on the amenity of neighbouring occupants.

### 7.1 Principle of Development

During the assessment of the previous application (19/00225/FUL) it was considered that the principle of the development was acceptable. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) states that planning permission will be granted in the countryside where the development “comprises equestrian development where it does not have an adverse impact upon the character of the area”. Whilst concerns have been raised by neighbouring residents, the stables would be located the rear of the dwellings, immediately adjacent to the agricultural land. A former barn which is currently undergoing a conversion to a dwelling is located immediately to the south of the site, whilst no longer in agricultural use it would retain the agricultural character of this area to the rear of the dwelling. It is not considered that the introduction of a stable or the change of use of the land to equestrian use would harm this character. The proposal is considered to comply with policy S4 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

### 7.2 Impact on the Longford Conservation Area.

Whilst the development site is located within the Longford Conservation Area it would not be prominent in public views due to the screening provided by the existing dwellings along the eastern side of Main Street. The 2.9m height of the building is also relatively modest and the use of timber to construct the stables would allow the stables to appear as an ephemeral building. Although the shape/form of the building has been altered since the previous application, both the Derbyshire Dales District Council Conservation Officer and the Conservation Advisory Forum have again concluded that the proposal would not result in an adverse impact to the character and appearance of this part of the Longford Conservation Area and the proposal is therefore considered to comply with policy PD2 of the Adopted Derbyshire Dales Local Plan 2017 in this regard.

### 7.3 Impact on the surrounding trees and landscape

Whilst the proposal – particularly the creation of the hardstanding would have an impact on the landscape, it is considered that as the proposal is contained within the building line of the properties along the eastern side of Main Street it would not encroach into the open countryside and would not cause an unacceptable level of harm to the character and appearance of the surrounding landscape.

Concerns have been raised by local residents in relation to the removal of a tree and the proposed removal of further trees to accommodate the proposal. Although no formal



comments have been received from the Derbyshire Dales District Council Trees and Landscape Officer, it was suggested as part of the previous application that subject to a condition securing an appropriate landscaping scheme, the character of the area and the wildlife on site could be protected. The impact on the trees and landscape surrounding the development is not considered to be sufficient to warrant the refusal of planning permission in this case.

#### 7.4 Impact on amenity of neighbouring occupants.

A number of concerns have been raised by local residents in relation to the odour, noise, light and vermin generated by the proposed development. Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to “achieve a satisfactory relationship to adjacent development and 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”. Policy PD9 also seeks to “protect people and the environment from unsafe, unhealthy and polluted environments”.

The previous application was refused due to the harmful impact of noise and odours generated as a result of the proposed stable block on the amenity of neighbouring occupants. During the consideration of this application the Environmental Health Officer (Derbyshire Dales) carried out a site visit, following which it was concluded that subject to conditions securing appropriate waste management, soundproofing and vermin control, the impact on the neighbouring residents could be reduced to a point where it would be unjustified to refuse planning permission on this ground. Amended plans have been received during the application which have moved the stable block approximately 5m further from the boundary with Brimar. Whilst this slight relocation would not in itself sufficiently reduce the impact on the neighbouring amenity, in combination with the above conditions, it is considered to reduce the impact to a satisfactory level in accordance with policy PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

Following the construction of the proposed stables, the use of the existing gravel driveway may be increased and may create additional noise and potential nuisance to the neighbouring property to the south and the occupants of the barn conversion once complete. In this case however, the driveway is currently used by the occupants of Milverton and has small parking area at its western end, the increase in the amount of vehicular activity along the driveway is unlikely to be significant as a result of the stables.

Whilst there have also been representations received from neighbouring residents which raised concern with the height of the building and the varying land levels resulting in a significant overbearing effect and overshadowing, it is considered that the 3m height and almost 20m distance between the corner of the proposed stables and the boundary with Brimar, this is unlikely to result in a significant adverse impact and would not warrant rejecting the scheme.

#### 7.5 Conclusion:

The previous planning application for the change of use of the land, erection of stable block and formation of hardstanding was refused due to the impact of the odour and noise on the amenity of occupants of neighbouring residential properties. Following the revised comments received from the Environmental Health Officer stating that these concerns can be overcome through the amended plans which have been received and a series of planning conditions, the Local Planning Authority consider that the planning balance has been tipped in favour of this scheme. The proposed development can, subject to appropriate conditions achieve a satisfactory relationship with surrounding developments in accordance with policy PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017). A recommendation of approval is made on this basis.

## 8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 09/07/2019 numbered P2v2 (Rev 3), P3v2 (Rev 1), P4v2 (Rev 1).

Reason:

For the avoidance of doubt.

3. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-

- a) Indications of all existing trees, hedgerows and other vegetation on the land;
- b) All vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) Measures for the protection of retained vegetation during the course of development;
- d) All plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- e) Car park layouts;
- f) Other vehicle and pedestrian access and circulation areas;
- g) Hard surfacing materials;

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policy PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details of sound insulation to be installed within the building hereby approved shall be submitted to and approved in writing prior to the building being brought in to use. The approved insulation shall be installed and retained within the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To minimise the impact of noise emitted from the building on neighbouring residential properties in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. A manure management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the building hereby approved being brought into use. The manure management plan shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the amenity of neighbouring occupants in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on the amenity of neighbouring occupants.

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.

This decision notice relates to the following documents:

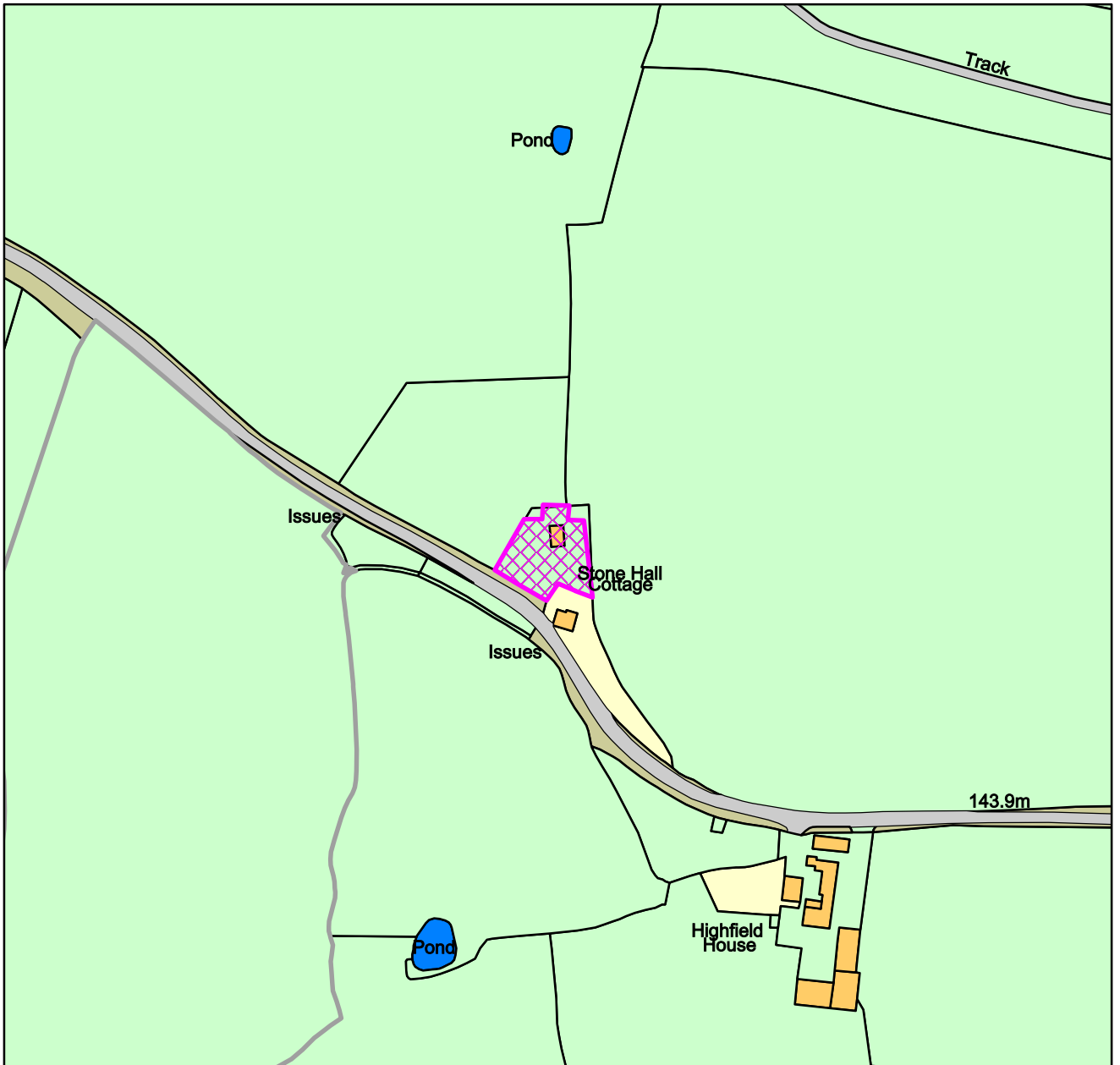
Design and Access Statement (15/05/2019)  
Lighting statement (15/05/2019)  
Arboricultural method statement (15/05/2019)  
Manure management statement (15/05/2019)  
Personal statement (15/05/2019)  
Housekeeping statement (15/05/2019)  
Planning statement (15/05/2019)  
P1v2 – Site Location Plan – 1:1250 (15/05/2019)  
P2v2 (Rev 3) – Block Plan – 1:200 (09/07/2019)  
P3v2 (Rev 1) – Elevations – 1:100 (09/07/2019)  
P4v2 (Rev 1) – Roof and Floor Plans (09/07/2019)

<b>APPLICATION NUMBER</b>		19/00554/FUL	
<b>SITE ADDRESS:</b>		Old Barn, Riggs Lane, Marston Montgomery	
<b>DESCRIPTION OF DEVELOPMENT</b>		Modifications to approved barn conversion with insertion of new door and flue pipe, erection of stables and garage/store	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Mr. G. Crawford
<b>PARISH</b>	Marston Montgomery	<b>AGENT</b>	N/A
<b>WARD MEMBERS</b>	Cllr. T. Morley	<b>DETERMINATION TARGET</b>	12 <sup>th</sup> August 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the proposals in their context

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development</li> <li>• Impact on the character, appearance and setting of the barn conversion</li> <li>• Impact on residential amenity</li> <li>• Highway matters</li> </ul>

<b>RECOMMENDATION</b>
Refusal

# 19/00554/FUL - Old Barn, Riggs Lane, Marston Montgomery



Derbyshire Dales DC

Date: 01/08/2019

100019785

1:2,500

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 relates to a single storey brick and plain tile barn building located within a small field, close to Riggs Lane, on the eastern approach to Marston Montgomery village. This barn has undergone conversion and alteration to a dwellinghouse further to planning permissions 15/00779/FUL and 17/00191/FUL.
- 1.2 Access to the barn is through a field gate off Riggs Lane. The barn itself borders a post a wire fence, which separates it from a larger field to the east. A private dwelling (Stone Hall Cottage) is located on the southern side of the application site and a mature hedge, with several hedgerow trees enclose the site along its boundary with the lane. A timber shed has been erected between the barn and the neighbouring dwellinghouse.

As of 5<sup>th</sup> July 2019



Prior to Conversion Works commencing



## 2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the following:

- the insertion of a new door on the rear elevation
- the change in the siting of a gas vent/flue pipe
- the erection of a stables
- the erection of a garage/store.

2.2 The door on the rear elevation is proposed to provide an external means of access into the kitchen which is otherwise accessed by two internal doors off the hall and living space. The applicant advises that this is in lieu of the blocking up of a door that was on that elevation.

2.3 The gas vent/flue pipe is proposed to be moved from its approved location half way up the rear side of the roof to a position closer to the ridge and to reflect on the positioning of a log burner flue pipe at the northern end of the rear roofscape.

2.4 The stables are proposed to be erected in a field to the north of the barn. These are proposed to measure 10.5m wide by 3.6m deep (with a roof overhang of a further 1.27m to the front) with a height of 3.48m to the ridge. It is proposed to be constructed of brown stained weatherboard with a felt roof. It would provide for two loose boxes, a dry store and a tack room. The stables are proposed to be set some 4m from the boundary hedge within a field immediately adjacent to the domestic curtilage of the barn. There is proposed to be a 5m by 14m hardstanding provided between the front elevation of the stables and the hedge. The applicant has detailed that fencing will be provided around the stables with a gated access to the field.

2.5 The garage/store is proposed to be sited between the barn and the existing shed. This is proposed to measure 3m wide by 6m deep and have a shallow, mono-pitched roof to a maximum height of 2m. The applicant has provided further information which clarifies that that the garage is proposed to be constructed with shiplap wooden walls, with a dark brown stain, and a dark grey coloured, metal deck roof. The doors are proposed to be vertically boarded timber with strap hinges. The rainwater goods are proposed to be black upvc.

2.6 The applicant has submitted a statement which advises that there was an opening in the rear elevation which was blocked up in a similar manner to that on the north elevation; the applicant has submitted internal and external photographs of the former door opening on the north elevation but has not submitted any of the door opening claimed to having been on the rear elevation.

2.7 With regard to the garage, the applicant states that this was discussed with Officers prior to his purchase of the property and produced drawings of a single garage with open parking for two vehicles to the side which was oak framed with a pitched roof. The applicant advises that whilst Officers objected to the three bays, there was no objection at the time to a single garage as long as it was set back a third from the front elevation in a simple construction.

2.8 Since the original submission, the applicant has provided further information. It is advised that the building historically formed part of a smallholding of Stone Hall Cottage which also had a hay store to the north, pigsties to the south with other animal buildings between the agricultural buildings and the dwelling. These were all merged with Old Hall Farm and Stone Hall Cottage was latterly sold off. The land and buildings changed from cattle, to milking to crops until the building became redundant. It was a dairy facilitating for four animals at one time and was not a field barn.

2.9 The applicant advises that a generator is required to provide electricity to the premises. The cost of connecting to the mains was some £3,300 at the time of purchasing the building.

However, it is advised that he has not been allowed to connect to the transformer at the neighbouring property and the cost of connecting directly to the mains is estimated in excess of £10,000. The generator will have an automatic control unit and that it will be used for part of each day to charge a 6 kilowatt battery bank to provide electricity.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
  - S4 Development in the Countryside
  - S9 Rural Parishes Development Strategy
  - PD1 Design and Place Making
  - PD5 Landscape Character
  - PD6 Trees, Hedgerows and Woodlands
  - HC8 Conversion and re-use of Buildings for Residential Accommodation
- 3.2 The Conversion of Farm Buildings: Supplementary Planning Document (Adopted January 2019)
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

### **4. RELEVANT PLANNING HISTORY**

- 18/00386/FUL Reposition and extend garden shed, relocate stables, erect greenhouse, log cutting shelter and garden room and site dog house - Refused
- 17/00191/FUL Conversion of barn to dwelling (Modifications to 15/00779/FUL), alterations to building and erection of shed (part retrospective) - Granted
- 15/00779/FUL Conversion of barn to dwelling – Granted
- 13/00565/FUL Conversion of barn to dwelling and formation of new access and parking – Refused – Appeal Dismissed

### **5. CONSULTATION RESPONSES**

#### Parish Council

- 5.1 - this is a confusing application and would like that it is heard by the full planning committee, rather than devolved powers by a single planner
- suggest a site visit from members of the planning committee for the following reasons:
1. Mr G Crawford spoke at the PC Meeting in favour of his application. For no different reasons than previously.
  2. His neighbour spoke against the application on the basis of potential noise and potential further applications in the future; particularly on the basis of generator noise.
  3. Parish Council do not understand why Mr Crawford feels that he cannot hook up to mains electricity and would find it odd that he considers it alright to run a home mostly from a generator.



### Local Highway Authority (Derbyshire County Council)

- 5.2 - no objection subject to previously approved levels of parking and stables and garage/store use remaining private and ancillary to the Old Barn

## **6. REPRESENTATIONS RECEIVED**

6.1 One letter of representation has been received. A summary of the representations is outlined below:

- feel proposals directly contradict the conditions on which the plans were originally passed
- it is in opposition to the view that barn conversions remain sympathetic renovations of rural buildings without over domestication
- objections previously raised are relevant now
- with regard to the new door, understand that new openings on barn conversions are not permitted as they alter the outward appearance of the building greatly and clearly display over domestication
- under the original plans, the unaltered internal layout provided adequate access, ventilation and evacuation points
- current shed was retrospectively permitted which feel was an abuse of neighbours' amenity for the applicant's gain
- the repositioning of garden shed and formation of garage/store underlines objection to any permitted outbuildings
- applicant has stated that part of this is to house a generator which has a potential noise disturbance
- the enlarged structure would encroach on the turning circle and the additional hardstanding to the west of the barn should not be considered
- garage structures are domestic installations and are not permitted with barn conversions
- unpermitted works into the structure for this building and installation of utilities have already been on site for a considerable amount of time
- works to the flue pipe have already been completed without permission and should be refused and the roof structure reinstated
- erection of stables not only represents the introduction of a new domestic installation, but again provides a footprint to a building whose purpose could then be altered and further detract from the simple barn conversion
- submission of several planning applications, unpermitted works, unfulfilled conditions and unclear drawings appear to be a deliberate attempt to confuse the situation and obstruct the clarity required when considering what should be permitted
- proposed works would be detrimental to the surrounding landscape
- would affect amenity with further loss of privacy and considerable disturbance.

## **7. OFFICER APPRAISAL**

### Principle of the Development

7.1 Policy HC8 is the principal policy in the Adopted Derbyshire Dales Local Plan (2017) that sets out the parameters for making a barn conversion acceptable. This advises that such a conversion will be permitted where the following criteria are met:

- a) the building is of permanent and substantial construction;
- b) the form, bulk and general design of the existing building makes a positive contribution to the character and appearance of its surroundings;
- c) the building can be converted without extensive alteration, rebuilding or extension;  
and

- d) the conversion does not have a detrimental impact upon the character and appearance of the building and its surroundings.
- 7.2 The District Council produced a supplementary planning document, entitled 'The Conversion of Farm Buildings,' in 2005. This has now been updated earlier this year but the content of the revised guidance is similar to the previous guidance. This advises that farm buildings, by their very nature, are simple functional structures generally built for specific uses. This is an important and significant element of their character and appearance. The independence of farm buildings is also considered to be a vital attribute of their character and should be respected in their conversion.
- 7.3 The aim of the above Policy and guidance is to prevent buildings worthy of conversion from falling into disrepair but also to ensure that their original character and appearance, and the contribution they make in the rural surroundings, can be preserved. To this end, planning permission for conversion is usually granted subject to strict conditions that include the removal of permitted development rights for further extensions, alterations and outbuildings. Proposals for further domestication of former agricultural buildings are usually resisted because, cumulatively, they can dilute the original character and appearance of the rural building, thereby defeating the main reason for preserving the building.
- 7.4 The Policies S1, S4, S9, PD1 and PD5 of the Local Plan, as referred to above, also seek to achieve the aims for quality design which seeks to at least preserve the character and appearance of the District, albeit there is an expectation that development proposals should be an enhancement.

#### Impact on the Character, Appearance and Setting of the Barn Conversion

- 7.5 Planning permission (ref: 15/00779/FUL) was granted to convert the building in 2016 and this was purchased by the applicant. However, in undertaking the development the applicant, without permission, raised the roof of the barn to facilitate for improved first floor accommodation and inserted a normal staircase rather than the approved spiral staircase (the applicant did not submitted details of the first floor accommodation and has still not done this with this current application).
- 7.6 To this end, modifications to the building, and the retention of a shed which had been provided, were assessed and, on balance, were approved with planning permission 17/00191/FUL. However, when considering that planning application, it was considered that there should not be an over proliferation of openings and the application was approved, with amendment, to reflect more closely on planning permission 15/00779/FUL. To this end, the scheme was amended as follows:
- the windows and doors that had been formed on the rear/east elevation (which were subsequently blocked up) were removed and the brickwork conditioned to be reinstated in order that the openings, in their blocked up form, were no longer apparent i.e. tied into and flush with the original brickwork – these works were undertaken by the applicant;
  - the door on the north elevation was removed from the proposal and this was to be blocked up with the brickwork tied into and flush with the original wall;
  - the first floor window opening on the north elevation needed to be reduced to that which was originally approved with the reinstated brickwork tied into and flush into the wall with no provision of a railing; and
  - the timber doors shown pinned back on the front/west elevation drawing are functional doors and not fake bolt-on features to the elevation.

On the basis of the above, it was considered that the amendments would reinstate much of the character and appearance of the barn which has been harmed by the unauthorised works during the conversion.

- 7.7 Notwithstanding the above, the applicant has incrementally changed the character and appearance of the barn and its setting. The planning permission 17/00191/FUL required significant input from Officers to seek to secure the reinstatement of parts of the fabric of the building which had been altered/removed. To this end, it was considered that the introduction of the door on the rear (east) elevation, as considered with planning applications 17/00191/FUL and 18/00386/FUL, was unnecessary to allow the building to be converted and utilised, and this was removed from that scheme. This element of the current proposals is again considered unnecessary and an unacceptable alteration to the building which will harm its character and appearance. The internal space of the building could have been reconfigured if an external door was required to serve the kitchen, rather than the building being reconfigured to suit the internal arrangements.
- 7.8 The modest shed was retrospectively approved to be retained on the site. It was noted in the Officer's report that such domestic features as sheds would not normally be acceptable in the context of a barn conversion. However, as the 'barn' was not considered to be an isolated field barn, as the extent of accommodation was rather modest and, as the shed was sited in context with Stone Hall Cottage, it was considered that this could be retained without causing significant harm to the setting of the barn conversion.
- 7.9 However, it is now proposed to also erect a significantly larger, additional building to create a garage and workshop. The applicant advises that he has an old car as a restoration project. However, it is difficult to understand how a car will be placed in the building when the two internal spaces are provided for the workshop and the mower store, which is also proposed to contain a generator and logs. It raises the question, as the building is just over the length and width of a standard parking space, whether the building will have its subdividing wall removed to allow the car to be parked. It is unclear whether this will displace the workshop and storage to which the applicant alludes and will then be housed in such a building. It is also proposed to place this building to the south side of the barn where it is read more in its context from public vantage points and, in this regard, serves to domesticate the setting of the barn to a greater degree.
- 7.10 The applicant advises that the building was part of a small holding at Stone Hall Cottage. However, this interrelationship has long since disappeared and the barn appears now as a stand-alone building in a field given that whatever vestiges of a farm complex that may have existed in the past have now clearly disappeared. To this end the District Council's supplementary planning document 'The Conversion of Farm Buildings,' (2019) must be given consideration. This advises on pages 22-23 that:

*Following an approved & implemented conversion scheme, it is unlikely that the Local Planning Authority would support further alterations to the building(s), or support development within the curtilage, that are likely to erode or diminish its agricultural character, appearance and setting. This would include inappropriate additions and extensions (as set out previously in this document) as well as, for example, the insertion of new/additional window/door openings (including rooflights), the enlargement of existing window/door openings and alterations/additions within its curtilage (structures, fences, etc.).*

To this end, the elements of the proposal referred to above are contrary to the supplementary planning guidance and the requirements of Policy HC8 of the Adopted Local Plan (2017) which sets out the principles that will allow for the conversion of farm buildings.

- 7.11 The proposed stables would be set in a separate field. Such structures are found in the open countryside and serve a rural based activity. It is sited in a location where it is screened by the hedge and this element of the scheme is considered acceptable given its design, scale, appearance and purpose.

### Impact on Residential Amenity

- 7.12 Concern has been raised by the neighbours with regard to the impact of the proposals on their amenity. However, the garage/workshop building would be 2m in height and situated 12m to the northwest of the boundary with the neighbouring property. To this end, it is not considered reasonable to refuse planning permission on the grounds of the impact on the amenity of the neighbours in terms of loss of light or outlook. It is appreciated that the applicant intends to house a generator in the building. This may be acceptable if it can be demonstrated that noise levels would not be a nuisance but any complaints would be likely to be a matter addressed by the District Council's Environmental Health Section.

### Highway Matters

- 7.13 The Local Highway Authority has advised of no objection to the proposals subject to previously approved levels of parking and stables and garage/store use remaining private and ancillary to the Old Barn.

### Conclusion

- 7.14 Given the above, whilst the stables are considered a reasonable development in the countryside, and the relocation of the flue is acceptable, it is considered that the other proposals will harm the setting of this former field barn, in the case of the garage/workshop, and will harm the character and appearance of the building, in the case of the doorway, and, as such, it is recommended that planning permission be refused for the insertion of the doorway and the garage/workshop.

## **8. RECOMMENDATION**

That planning permission be refused for the following reason:

1. The proposed garage/workshop, and the insertion of the door into the rear elevation of The Barn, will respectively harm the setting of this former agricultural building and its character and appearance and, as such, would fail to comply with the aims of Policies S1, S4, S9, PD1, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).

### **NOTES TO APPLICANT:**

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

2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on

Layout Plan 1:200 received on 17<sup>th</sup> June 2019

Elevation and Layout Drawings of the Dwellinghouse 1:50 received on 17<sup>th</sup> June 2019

Stables Drawing 1:100 received on received on 17<sup>th</sup> June 2019

Amended Drawing of Existing Shed and Proposed Garage/Workshop received on 1<sup>st</sup> August 2019

Additional Information received on 1<sup>st</sup> August 2019.

## 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

ENF/19/00125	Breach of conditions of original planning permissions (Outline Planning Ref. WED/1191/0894, Reserved Matters Ref. WED/0195/0049/C) - Removal of boundary hedge to be kept in perpetuity	2 Catherine Court Ashbourne Derbyshire DE6 1ET	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
ENF/19/00114	Provision of traffic regulation order and markings to restrict parking secured via section 106 agreement not yet in place, landscaping/ damaged fencing on site and unauthorised signage (banner sign and advanced sign) for local housing site being displayed. Related planning approval 18/00180/FUL	Unit 6 Blenheim Road Airfield Industrial Estate 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	Notice Issued



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/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/19/00066	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
ENF/19/00122	Unauthorised change of use of land (front and side of 8 Greenway, Brassington) for the storage of a large shipping container.	8 Greenway Brassington Derbyshire DE4 4HD	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 Jaggers 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	Unauthorized 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 Hulland Grange, Upper Lane, Hulland Ward.	Land Opposite Hulland Grange Upper Lane Hulland Ward Derbyshire DE6 3EH	Pending Consideration
ENF/19/00117	Removal of chimney stack and breach of condition 12 (vegetation clearance) of planning permission 19/00287/FUL	Birches Cottage Hoon Well Lane Biggin Ashbourne Derbyshire DE6 3FJ	Pending Consideration
ENF/19/00124	Development not being built in accordance with approved elevation plans of planning permission 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	Pending Consideration
ENF/19/00126	Widening/ alterations to access onto a classified road (Intakes Lane)	Halter Devil Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration

## Masson

ENF/15/00054	Unauthorized alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/16/00097	Unauthorized 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/18/00071	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	Notice Issued
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/19/00098	Demolition of wall	15 Alabaster Lane Cromford Derbyshire DE4 3QJ	Pending Consideration
ENF/19/00112	Unauthorised internal works to listed building	19 North Street Cromford Derbyshire DE4 3RG	Pending Consideration

## Matlock All Saints

ENF/16/00101	Unauthorised erection of sheds, chicken enclosures and a "shepherds hut".	High Croft Salters Lane Matlock Derbyshire DE4 2PA	Pending Consideration
ENF/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 verandah 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
ENF/19/00109	Loft conversion	242 Smedley Street Matlock Derbyshire DE4 3JD	Pending Consideration

ENF/19/00113	Potential breach of conditions 9 (approved and retained landscaping scheme), 10 (soft landscaping replacement within 5 year period), 11 (replacement of retained trees and tree protection) and 12 (landscape management plan) of approved planning permission 14/00847/FUL	Buckley Drive Matlock Derbyshire	Pending Consideration
--------------	---	----------------------------------	-----------------------

## Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/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

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airports 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
--------------	---	--	-----------------------

## 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/18/00023	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/19/00029	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/19/00104	Internal works to Grade II Listed Building	16 North End Wirksworth Derbyshire DE4 4FG	Pending Consideration

**Total Open Cases**

**219**



# Enforcement Investigations Closed

In the 6 Months Prior to 01/08/2019



## 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
ENF/19/00118	Removal of tree and fence	29 Brookside Meadows Ashbourne Derbyshire DE6 1RQ	Justification from Officer	25/07/2019

## Brailsford

ENF/18/00185	Erection of sign and car park barrier	Ednaston Park Painters Lane Ednaston Derbyshire DE6 3FA	Planning Application Received	08/05/2019
ENF/19/00108	Removal of section of hedge/ possible further access point to Avant Homes development site	Land Adjacent Springfield Main Road Brailsford Derbyshire DE6 3DA	Complaint Unfounded	23/07/2019

## 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
ENF/17/00095	Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.	Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW	Not in the Public interest to pursue	23/07/2019
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
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	Complied Voluntarily	05/07/2019

## 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
ENF/19/00120	Creation of flat above commercial premises	Woolliscroft Garage Services Virginsalley Lane Snelston Derbyshire DE6 2DN	Complaint Unfounded	31/07/2019

## 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
ENF/19/00121	Summerhouse in rear garden 3.5m high and within 2m of the boundary	10 Hall Dale View Darley Dale Derbyshire DE4 2FP	Complaint Unfounded	29/07/2019

## 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
ENF/19/00111	Alleged unauthorised side gate and hanging sign.	Mandene Cottage Main Street Kirk Ireton Derbyshire DE6 3JP	Complaint Unfounded	17/07/2019

## Masson

ENF/13/00108	Unauthorised works to Grade II Listed Building	Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH	Not in the Public interest to pursue	23/07/2019
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/18/00069	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	Complied Voluntarily	23/07/2019
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/18/00211	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
ENF/19/00087	Installation of new fascia signage	16A North Parade Matlock Bath Derbyshire DE4 3NS	Complaint Unfounded	24/07/2019
ENF/19/00110	Single storey rear extension not being built in accordance with planning approval 18/00870/FUL	Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN	Complaint Unfounded	17/07/2019

## Matlock All Saints

ENF/18/00223	Boundary Dispute	Wellfield Cottage Rutland Street Matlock Derbyshire DE4 3GN	Justification from Officer	15/02/2019
ENF/19/00115	Alleged unauthorised change of windows and render to property within the Matlock conservation area	1 Jackson Road Matlock Derbyshire DE4 3JQ	Not in the Public interest to pursue	19/07/2019

## 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/18/00080	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	Unathorised 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 faciliate 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

## Stanton

ENF/19/00116	Removal of dry stone wall and excavation of bank	106 Northwood Lane Darley Dale Derbyshire DE4 2HS	Complaint Unfounded	23/07/2019
--------------	--	---	---------------------	------------

## 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
ENF/19/00123	Alleged creation of stable block and access	Land South East Of Pumping Station Main Road Darley Bridge Derbyshire	Complaint Unfounded	31/07/2019

## Wirksworth

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/18/00014	New Shop Signage	26 - 27 Market Place Wirksworth Derbyshire DE4 4ET	Complied Voluntarily	01/08/2019
ENF/19/00020	Alterations to balcony	Farthing House Greenhill Wirksworth Derbyshire DE4 4EN	Planning Application Received	03/07/2019
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
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	Complaint Unfounded	08/07/2019

**Total Closed Cases** **62**

**PLANNING APPEAL – PROGRESS REPORT**

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
18/00696/FUL	Norman House, Painters Lane, Brailsford	WR	Appeal being processed
18/00859/FUL	1 Union Street, Ashbourne	WR	Appeal being processed
18/00801/FUL	Round Oak Farm, Slade Lane, Mercaston	WR	Appeal allowed – a copy of the appeal decision is attached
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, Yeaaveley, Ashbourne	HOUSE	Appeal dismissed – a copy of the appeal decision is attached
18/01180/FUL	Waldley Manor Farm, Waldley Lane, Doveridge	WR	Appeal being processed

18/00973/CLEUD	The Knockerdown Inn, Knockerdown, Ashbourne	WR	Appeal being processed
Central			
18/00547/REM	North Park Farm, Whitworth Road, Darley Dale	WR	Appeal being processed
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
19/00318/FUL	Between 12 and 14 Water Lane, Wirksworth	WR	Appeal being processed
18/00687/CLPUD	Building at Back Lane, Two Dales, Matlock, DE4 5LP	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 17 July 2019

**by Mr M Brooker DipTP MRTPI**

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

**Decision date: 23 July 2019**

---

**Appeal Ref: APP/P1045/W/18/3216375**

**Round Oak Farm, Slade Lane, Mercaston DE6 3DZ**

- 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 & Mrs A Hatton against the decision of Derbyshire Dales District Council.
  - The application Ref 18/00801/FUL, dated 20 July 2018, was refused by notice dated 15 October 2018.
  - The development proposed is the retention of a mobile home
- 

### Decision

1. The appeal is allowed and planning permission is granted for the retention of a mobile home at Round Oak Farm, Slade Lane, Mercaston DE6 3DZ, in accordance with the terms of Application Ref: 18/00801/FUL dated 20 July 2018 and subject to the conditions set out in the schedule attached to this Decision.

### Background and Main Issue

2. Planning permission is sought for the retention, for a further two years, of a mobile home that is already in place on the site. I have therefore determined the appeal on that basis.
3. The site has an extensive planning history relating to the establishment of an equestrian business. The Council details that consent<sup>1</sup> for the siting of a mobile home for a period of 3 years, was first granted in March 2010. The consent was subsequently renewed<sup>2</sup>, following a number of applications, in August 2014 for a further period of 3 years. Applications<sup>3</sup> for the erection of stables and agricultural storage buildings were also granted during this time. I have been provided with very little evidence with regards these consents, the policies and circumstances that applied at the time that the applications were determined.
4. The main issue in the appeal is whether or not the retention of the mobile home for a further period of two years is justified by the business operating from the site for the purposes of the development plan.

### Reasons

5. Policies S1, S4 and HC13 of the Derbyshire Dales Local Plan 2017 (LP) relate to the provision of housing, seeking to focus development to existing settlements

---

<sup>1</sup> 09/00687/TEMP 5 March 2010

<sup>2</sup> 14/00031/TEMP 27 August 2014

<sup>3</sup> 10/00532/AGR 22 September 2010; 11/00178/FUL 7 July 2011; and, 12/00099/FUL 4 April 2012.

- and separately, to meet the needs of agricultural, forestry and rural-based workers in the countryside where development would not otherwise be permitted.
6. Policy HC13 (c) relates, in part, to the provision of temporary dwellings to allow time for the business to develop and states, among other matters, that a *temporary dwelling will only be permitted for a maximum period of 3 years*.
  7. As a result of earlier planning consents and periods of time when the mobile home has been retained on site without the appropriate consents, the maximum period of 3 years has already been exceeded to a significant degree.
  8. The appellants have stated that the delay in establishing and growing the business was as a result of an illness suffered by one of the appellants and I give this matter some weight. However, I have been provided with very little information as to how this affected the day to day operation of the business or may affect the business in the future.
  9. With regards other criteria set out by policy HC13, there is a functional need for a rural worker to reside on site to support the needs of the related enterprise and this is not, in principle, at dispute between the parties. The Council has however raised concern that the business is not financially sound and that there is no clear prospect of it becoming so.
  10. The appellant has submitted some limited evidence with regards the financial performance of the business. A single page extract of the accounts of the business shows that a small profit was realised in the financial years ending April 2016 and April 2017. Furthermore, a modest directors' salary is recorded as being taken in 2017.
  11. No substantive details of the most recent trading have been submitted, the appellant has however submitted financial forecasts for the period 2018-2021 showing a steady increase in the profitability of the business. It is not clear what this forecast is based on, consequently the weight given to this evidence is limited.
  12. The enterprise has operated for around ten years and based on the evidence before me, it has achieved a profit in the last two years for which details have been provided and financial forecasts suggest that this will continue and grow. This indicates that the enterprise has been, and will continue to be, viable and profitable.
  13. I have carefully considered all of the evidence before me, taking account of all of the concerns raised with particular regards to the significant length of time that the mobile home has already been on site. This is a very finely balanced decision, but I conclude that the retention of the mobile home for a further period of two years is justified by the business operating from the site for the purposes of the development plan, specifically with regards policies S1, S4 and HC13 of the LP.

### **Other Matters**

14. An objector to the application and the Council have stated that the appellant's have disposed of some grazing land. The appellants state, and the Council acknowledges, that some additional land for grazing is currently rented and I

have no substantive evidence before me to suggest that there is not sufficient grazing land available to meet the current or future needs of the business.

**Conditions**

15. I have had regard to the suggested conditions attached to the Council's Appeal Statement and I have included a condition limiting the retention of the mobile home on the site for a further two years, requiring the removal and reinstatement of the land thereafter in order to protect the character and appearance of the open countryside.

**Conclusion**

16. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

*Mark Brooker*

INSPECTOR

**SCHEDULE OF CONDITIONS**

1. This permission is for a temporary period of two years from the date of this decision immediately after which the mobile home shall be removed and the land reinstated.

**END OF SCHEDULE**



## Appeal Decision

Site visit made on 8 July 2019

**by J Hunter BA (Hons) Msc MRTPI**

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

**Decision date: 31<sup>st</sup> July 2019**

---

### **Appeal Ref: APP/P1045/D/19/3227085**

### **The Firs, Rodsley Lane, Yeaveley DE6 2DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Yeomans against the decision of Derbyshire Dales District Council.
  - The application Ref: 19/00129/FUL, dated 4 February 2019, was refused by notice dated 2 April 2019.
  - The development proposed is a two storey extension to existing dwelling to provide additional accommodation.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling.

### **Reasons**

3. The appeal property is a modest single storey dwelling located in a generous plot, on the periphery of the village of Yeaveley.
4. The proposal is for a substantial two storey side extension that would provide additional living accommodation. The extension would project approximately 8 metres from the eastern gable, effectively doubling the width of the property. To the front and rear there would be modest projections of around 1 metre and 1.7 metres respectively. The ridge of the proposed extension would be approximately 0.7 metres higher than that of the host property.
5. Policy HC10 of the Derbyshire Dales Local Plan 2017 provides direction in relation to extensions to dwellings and sets out three key criteria. I am satisfied that the proposal would meet criteria a) and c) which seek to control over-development, by ensuring plot sizes are large enough to accommodate proposed extensions and necessary parking provision. However, criteria b) seeks to ensure that extensions are in keeping with the scale and character of the original building, its wider setting and location.
6. The proposed extension would effectively double the size of the host property, which in itself, is not a determining factor. However, the design of the extension and in particular the increased ridge height and scale of the side

projection, would introduce a bulky and incongruous addition that would, due to its scale and design, visually and physically dominate the host dwelling thereby resulting in a discordant juxtaposition of the old and new elements of the enlarged dwelling. Consequently, I find conflict with Policy HC10 as described above, and PD1 which relates specifically to design.

7. Whilst I do sympathise with the appellant's desire to improve and extend the family home, such matters do not outweigh the harm I have found.

### **Other Matters**

8. The appellant has referred to the approval of extensions and alterations to the Harleys, Rodsley Lane, Yeaveley. However, no details of that development have been provided, and therefore I am unable to assess the similarities between that case and this.

### **Conclusion**

9. For the reasons outlined above and taking into account all other matters raised, the appeal is dismissed.

*J. Hunter*

INSPECTOR

## **BACKGROUND PAPERS**

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

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

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

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

**BACK TO AGENDA**